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Review essay

The intersubjective basis of morality

William Rehg, *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas* (Berkeley: University of California Press, 1994)

William Rehg's *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas*[1] compellingly explicates and defends one of the more promising neo-Kantian approaches to moral theory. If it had achieved only this, it would have done a great service to English-language philosophers. For Habermas's work in moral theory is not only scattered among various articles and books only recently translated,[2] but it is also written in a somewhat impenetrable idiom due to its engagement with disparate interdisciplinary debates in Germany. Happily, Rehg's book goes beyond a clear exploration of Habermas's moral theory both by putting it to the test of recalcitrant challenges to universalist normative theories and by critically extending Habermas's program towards more resolutely intersubjectivist notions of moral conviction and rational solidarity. Rehg addresses three main challenges, all of which are forms of the claim that universalist moral theory is overly abstract: that it abstracts from substantive conceptions of the good life, from concrete claims for partial behavior, and from real contexts of collective decision-making. In meeting these challenges with aplomb, *Insight and Solidarity* provides us with a systematic and persuasive statement of the central

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principles of discourse ethics that earnestly acknowledges and answers competing theories.

Deriving a justificatory principle

In the first section of *Insight and Solidarity* Rehg offers his explication and clarification of discourse ethics by means of a 'derivation' of the central normative principle of Habermas's moral theory: the principle of universalizability (hereafter referred to as (U)). According to (U), a rational consensus on a proposed norm is reached, and thus the norm is valid (morally binding), if and only if

> *All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities for regulation).[3]

Like Kant's Categorical Imperative or Rawls's Original Position, Habermas's (U) offers a procedure for testing the moral rightness or validity of proposed norms which meets four demands. It explicates the binding character of moral 'ought' claims, remains at the level of formal procedures, depends on the cognitivist practice of giving reasons, and provides a universalist moral theory that transcends concrete forms of life. Unlike Kant's and Rawls's principles, however, (U) insists that the interests of those actually affected are morally relevant and thus that moral validity depends upon the real consensus of participants in actual discourses. It is this latter element of *intersubjectivity* at the heart of Habermas's theory that sets it apart from other impartialist moral theories. (U) shows how the impartiality of the moral point of view can only be secured through actual reasoned dialogue, concerning concrete interests, amongst all those affected.

As Habermas's own 'program for a philosophical justification' of (U) is incomplete and somewhat byzantine, one of Rehg's most significant contributions to discourse ethics is to provide a clear and concise argument for (U).[4] The basic structure of the argument consists of three premises which lead by 'material implication' (58) to (U) as the proper principle for justifying moral norms. Beginning with (1) the assumption of a pluralistic context involving potential conflicts of interest where participants cannot appeal to an overarching, pre-given ethical system but rather attempt to give reasons for the moral worthiness of proposed norms, the derivation reconstructs the tacitly presupposed structures of this conflict situation: elucidating (2) the semantic implications of the notion of a moral norm and (3) the

pragmatic implications of the notions of reasoned argumentation and agreement.

The first premise of the derivation – the context premise – highlights a rather common situation where actors attempt to give reasons for their claims that they and others ought to act in a certain way. The second premise – the content premise – draws out the semantic implications of the notion of a *moral* norm as that which legitimately regulates interpersonal expectations by constraining our pursuit of interests within the bounds of that norm. It is here in the content premise that the concerns of utilitarians and neo-Hegelians for the concrete consequences of a proposed norm are acknowledged as morally relevant. The third premise – the rules premise – draws out the pragmatic implications of agreement through rational argumentation. Habermas's well-known argument here is that, insofar as we make validity claims and thereby commit ourselves to backing these claims with reasons, we already commit ourselves to certain presuppositions which both structure our discourse and function as regulative ideals for our linguistic practices. Because these rules of universal access, equal participation and non-coercion are embedded in reason-giving practices, we can only assume that an agreement on the validity of a particular claim is *rational* when that claim has been endorsed by all participants solely on the basis of the force of the better argument. It is here in the rules premise that the inviolable autonomy of each rational agent, characteristic of justice-based moralities, is most forcefully articulated.

The right and the good

The above justification for the central principle of discourse ethics gains a great deal of the plausibility from the context premise. In effect, this premise narrows the scope of phenomena to be explored by moral theory by assuming a commitment to the rational resolution of conflicts of interest on the part of the participants to discourse. The import of this premise can best be seen in light of the various challenges communitarians and neo-Aristotelians have brought to impartialist and universalist theories. On the one hand, the line between *moral* claims about the justice of actions and norms and *ethical* questions about who we are and what we desire seems to be blurred as soon as interests and needs are brought into the heart of a universalist morality. For needs and interests appear inextricably bound up with the descriptive and interpretive languages typically associated with particularistic conceptions of the good. On the other hand, the

assumed commitment to rational conflict resolution *itself* seems to presuppose a commitment to one specific, but unthematized, notion of the good life. A primary strength of Rehg's presentation of discourse ethics is the careful and thoughtful consideration given to these two charges, which together challenge the priority of the right over the good.

On the first charge – how to secure the priority of the right once interests, and their value-laden descriptive languages, are allowed into debates concerning the justification of moral norms – Rehg's strategy is to make a principled distinction between moral and ethical claims based upon semantic and pragmatic considerations. The distinction hinges crucially upon how one might go about backing up a claim upon others that they ought to act in a certain way. While in an ethical discourse, one justifies one's 'ought' claim to another with reference to a shared background of conceptions about who we are, our history and traditions, and what we ought to desire, in a moral discourse one's 'ought' claims are justified with reference to what each can legitimately expect of others, given that one does not necessarily share the historical traditions and value hierarchies of others. Because moral discourses demand an impartiality with respect to distinct conceptions of the good life, while calling for some kind of normative consensus, they push participants towards the consideration of those interests which they can present to others as legitimately in the equal interests of all affected. Thus, while moral discourse is concerned with interests and the values they embody, a moral consensus would have to refer to generalizable interests based upon abstract values that all could endorse.[5] Of course, in particular cases, the work of distinguishing which kinds of claims are being made devolves upon the interlocutors. Rehg's argument for the priority of impartialist moral norms rests upon the contention that, given the persistence of conflicts of interest across different substantive conceptions of the good life, *only* by referring to generalizable moral interests can we come to a rational consensus about the legitimate constraints upon our interactions.

But here, a natural question arises: why *can't* we have a convergence upon a single, substantive conception of the good life which would lead to the type of consensus required for intersubjective justification? One answer might simply assume that a plurality of incommensurable ethical world-views is one of the ineradicable features of contemporary democratic societies.[6] Habermas's approach to this answer draws on his broader theories of history, sociology and psychology. He argues that the distinction between the moral and ethical domains is a result of historical rationalizations of the life-world and

ontogenetic rationalizations of forms of identity such that we are rationally compelled to make this postconventional domain separation. Because Rehg prudently restricts his treatment of these issues to the theory of practical reason outlined by the semantics and linguistic pragmatics of moral argumentation, he can only note and outline this response. Granting this, I think there may still be questions about this non-convergence thesis, particularly if one takes seriously alternative accounts of the linguistic pragmatics of practical reason.[7] However, the evaluation of any such responses would require a full-scale debate between radically different research programs, and would seem again to burst the bounds of a straightforward semantic and pragmatic analysis.

The second charge against the priority of the right lies at a deeper level than the previous, which centered upon how to secure the abstract and thus generalizable character of any goods or values defended in a moral discourse. Here again, the challenge focuses on the first, context premise of the derivation of (U), this time on the issue of what secures the interlocutors' assumed *commitment* to the *rational* adjudication of conflicts? For, if discourse ethics assumes this commitment, and this commitment is itself dependent upon a contextually particular, substantive conception of the good, then the purported priority of moral rightness rests upon an illegitimately unthematized and culturally specific conception of the good. Rehg takes up Charles Taylor's forceful argument that procedural moral theories tacitly assume the 'constitutive' good of rational social cooperation without acknowledging that it is but one constitutive good among the many available to our society given its history. *Insight and Solidarity* not only carefully considers and articulately responds to this challenge, but also shows how other neo-Kantian approaches – specifically Rawls's – do not have the resources to rebut it. The response further refines the analysis of the internal connection between one agent's rational conviction that a moral claim is valid and the solidaristic duty enjoined upon that agent to submit that claim to others for scrutiny and possible endorsement.

Rehg's response to Taylor consists of three basic steps. The first is to concede the terminological point that the value of rational cooperation is indeed a constitutive good for discourse ethics. As the fundamental good, the value of rational cooperation embodied in the aim of discourse participants towards reaching a mutual understanding through argument indeed assumes a position of priority over other possible goods and values.

The second step, however, takes back some of what the communitarian gains in this concession by arguing that, in at least some

interaction contexts, there are no viable alternatives to the good of rational cooperation through argumentative discourse concerning moral norms. Because forms of social coordination depend at least in part on processes of communication in which participants must raise normative validity claims, and since some of these claims can only be redeemed in impartialist terms, rational forms of coordination are forced on social actors in at least some conflict situations. Even the radical skeptic who consistently attempts to withdraw from linguistic interaction – and thus from rational argument over social forms of cooperation – risks pathological consequences for her or his identity. If there are no consistently viable alternatives to rational cooperation, then it is not merely one particular good among many, but enjoys a special status – exactly the kind of special status claimed for the right as prior to the good.

But doesn't this 'no-alternatives thesis' apply only to those who already share an historically particular – i.e. post-Enlightenment – form of life? The third step answers this by asserting that, although rational cooperation may be seen as a constitutive good, it is nevertheless a formal and universal good implicit in all communicative interaction: it neither requires a defense from within, nor implies any specific substantive view of the good life because it is a good implicit in the formal and abstract pragmatic structures of language use itself. That such a good has assumed a special status in certain societies is a contingent fact of history, but its superiority and unavoidability result from the fact that, as a result of social learning processes that can be shown to be developmentally progressive, the good of rational cooperation has emerged as rationally or epistemically preferable. If these various lines of argument can be sustained, one can see the advantages Habermas's program promises over other impartialist strategies – such as Rawls's – which can only assume the prior existence of liberal-democratic values *within* Western societies. It can both respond to the skeptic within one's tradition who attempts to withdraw from processes of mutual understanding and explain why one ought adopt the moral point of view and accept its constitutive good of social cooperation to those who do not share this 'modern' commitment.[8]

Indeed, as Rehg notes, 'the kind of arguments one has to make to establish the above point number among the most ambitious and difficult of Habermas' projects' (145). To fully support the arguments, one would need to defend against other research programs not only a theory of practical argumentation, but also theories of communicative interaction generally, society and social interaction, history, personality, and developmental learning processes. Given the magnitude of this project, Rehg attempts to reformulate his arguments

against Taylor's charge on narrower grounds, focusing on (1) a prag-
matics of language intended to support the formalism/universalism
thesis and (2) a thought experiment demonstrating the untenability of
two alternatives to the moral point of view.

Unfortunately, while this reformulation increases the plausibility
of Habermas's answer to Taylor, I believe that it reduces the advan-
tages of Habermas's broader project by only looking at two rather
uncooperative approaches to conflict resolution: one from the per-
spective of resolute self-interest and the other from that of dogmatic
traditionalism. Undoubtedly Rehg's analysis of the attitudes of his
two hypothetical actors reveals the extent to which they are irration-
ally closed to the appeals of others affected by their actions. Yet to
show the no-alternatives thesis in this pluralistic context would seem
to require the consideration of more alternatives. Although communi-
tarians have certainly stressed the obdurate plurality of conceptions
of the good, one way to read their projects is as historical-hermeneu-
tic *arguments*, based upon narrative or evaluative *reasons*, for the
force of one particular ethical consensus able to incorporate and
structure the multifarious values that lay claim upon our allegiances.
It seems that discourse ethics cannot respond to Taylor's deep chal-
lenge to the priority of the right independently of a full-blown defense
of impartialist moral rationality as the irrefutable result of societal
and individual rationalization and learning processes.

Partiality and application

The final section of *Insight and Solidarity* attempts to show how dis-
course ethics, once it has reconstructed the semantic and pragmatic
features of everyday practical reason in an abstract and formal testing
procedure for the impartial justification of moral norms, can be
reconnected with the everyday world. In order to show how discourse
ethics is viable in our less than ideal world, Rehg argues that an
account of the application of impartial norms in concrete situations
can answer some of the challenges raised by proponents of a contex-
tualist ethics of care. In addition, a demonstration of the operations
of moral discourses in the domains of law and politics can allay con-
cerns that the counterfactual character of discourse ethical idealiza-
tions renders it hopelessly utopian.

Proponents of an ethics of care have charged universalist moral-
ities with an insensitivity to the contextual features of concrete moral
decision situations, especially to the *partialist* claims made upon
agents in virtue of their ties to significant others. Rehg notes that the

principled priority of the moral domain over the ethical does not denigrate the probably greater importance of ethical discourse for everyday life. Secondly, he argues that most of the concerns of the ethics of care can be accommodated through a robust and nuanced account of the logic and criteria of applying universal norms to concrete moral decisions. While justification discourses validate abstract norms as applicable to typical situations, application discourses ground the selection of a prima facie valid norm as situationally appropriate. Thus, the two central tasks of an analysis of application discourses are to specify the morally relevant features of a concrete situation so that an abstract norm can be applied and then to show how the selection of those features can be justified to all those specifically affected. To rebut the contention that the perspectives of an impartial, abstract morality and of concrete concern for significant others cannot be integrated, Rehg shows how, in a hypothetical hiring decision involving the warring demands of equal treatment and care for the concrete good of others, the universal validity of norms need not be compromised even while the particularities of the situation and actors can be acknowledged as morally significant. Because discourse ethics treats validity as attaching to the general *acceptability* of a norm to all those affected rather than to impartialist *criteria* for its definition, it is able to answer the ethics of care challenge by attending to the concrete needs of those affected through the situationally appropriate application of a *moral* norm. Although I believe that Rehg shows how an account of application can meet the challenges of an ethics of care, this chapter is too short to develop an account of application discourses fully treating the manifold complications therein.

Idealizations and feasibility

Turning to everyday legal and political discourse, Rehg suggests that Habermas's concepts of rational insight and moral solidarity will have to be rendered more thoroughly intersubjective. Rehg's contention is that, unless (U) is sufficiently modified to account for the social dimensions of conviction that a norm is acceptable and of collective will-formation amongst various social groups, Habermas's moral theory will fall into necessary aporias whenever a theorist tries to locate the idealizations of (U) in concrete decision situations. This is perhaps the most radical reformulation of Habermas's project that Rehg undertakes; unfortunately it is also the least developed aspect of the book, leading to a certain unclarity about exactly what the implications of such an approach would be for the rest of discourse ethics.

In order to bring the demanding idealizations of (U) concerning the legitimacy of rational consensus down to the actual practices of ordinary practical reasoning, Rehg suggests that one needs to get rid of 'the vestiges of subject-centered reason in (U)' (231). Recall that the validity of a norm depends upon the conviction of each affected that the norm and its consequences be acceptable to each participant. Rehg argues that, on Habermas's theory, this conviction, or insight, is located in the head of each individual, each of whom must not only be convinced by everyone else, but also be satisfied that every other participant is likewise convinced – thus the lingering aspects of subject-centered reason are revealed by the 'reversibility paradox' (233) of insight. However, in real discourses, participants face not only this theoretical problem of reversibility, but also a host of empirical constraints including the difficulty of consulting everyone possibly affected, limitations on knowledge concerning probable consequences and impacts, temporal imperatives for resolution, mitigating power differentials, finding appropriate need interpretations, and the inherently provisional character of all prima facie justified norms.

Rehg contends that we can see legal and political procedures as adaptations of the spirit of (U) designed to make normative decisions in real spheres both possible and moral, insofar as they specify closure criteria while remaining impartial. Legal and political procedures are designed to close the gap between (U)'s demand for the complete participation of all affected parties and the empirical constraints on such participation. However, while the reliance on institutionalized procedures may increase the material feasibility of moral discourses, such a move poses justificatory problems since these procedures are designed precisely to sidestep the demanding counterfactual standards for moral validity articulated in (U), and thus cannot be supported on moral grounds. Given this validity deficit inherent in legal and political procedures, Rehg suggests that we need to conceive of individual insight into the validity of a norm as bound up with a rational trust – a trust which has its own criteria of rationality apart from (U) and thus its own moral weight – in experts, public decision processes, and the sincerity and capabilities of representatives and other citizens. 'On this view, the individual's confidence in the validity of a decision is based not so much on his or her overview of the relevant arguments as on the procedures for processing various arguments and how faithfully their administrators carry them out' (237).[9]

Yet real world discourses are not only subject to problems of incomplete participation. Given that discourse ethics does not rely on a deductivist conception of moral argument, they are also open to the

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problem that consensus on a norm may not be forthcoming as a single result of one final or conclusive argument. In the absence of such a single argument, and faced with the manifold burdens of detailed application, specification of generalizable values and assessment of foreseeable consequences, the prospects for reasonable disagreement seem more likely than reasoned consensus. Rehg's suggestion here is that we conceive of universal consensus on a norm, not as the assumed conclusion of one single argument with one right answer, but rather as the outcome of a number of distinct arguments tailored to particular audiences and relying on the shared histories, self-understandings and need-interpretations of those various audiences for their persuasiveness.[10]

> On this view, a norm that can be successfully argued before enough particular audiences enjoys the rebuttable presumption of validity or rightness – i.e., one may suppose that adoption of the norm is justified for the time being. By dispersing consensus throughout various particular audiences one can perhaps obtain a notion of universal agreement that does not rely on the deductive argumentation required to convince a universal audience. (241)

If I understand Rehg's suggestions about developing accounts of rational trust and dispersed but universal consensus correctly, then it appears that, on his view, (U) itself will require significant modifications, at least in those contexts in which we wish to analyze the normative validity involved in everyday decision-making processes. Referring to Rehg's reformulation of (U),[11] I believe that the following modifications would be called for by his resolutely intersubjective reconceptions of insight and solidarity (my modifications appear in italics):

> (U): *Within the constraints of real discourses under non-ideal circumstances*, a consensus on a norm is rational (and the norm is valid), *or at least enjoys a rebuttable presumption of validity*, if and only if
> (Ua) each of those affected can convince the others, in terms they hold appropriate for the perception of both their own and others' interests *– or at least each has good reasons for believing that members of other groups have been convinced by arguments specifically tailored to those groups –* that the constraints and impacts of the norm's general observance are acceptable for all; and
> (Ub) each can be convinced by all, in terms she or he considers appropriate *– or at least each has grounds for rational trust in the acceptability of any procedural shortcuts adopted in arriving at the norm –*

that the constraints and impacts of the norm's general observance are acceptable for all.

The burdens on Rehg's argument here are heavy, as can be seen by asking what sort of theoretical backings such moves would require. In the case of rational trust, Rehg would need to demonstrate how and under what conditions trust in procedures could be considered *rational* if he is to dispel the thought that such an appeal is simply covering up an ineradicable decisionistic moment in real discourses when deciding between proposed procedural shortcuts. In the account of audience-tailored argumentation, Rehg would need to explain how a putatively *moral* consensus on a norm – a norm claiming the context-transcendent status of an 'ought' claim – could be had through arguments particularized to the narratives, life histories, and conceptions of the good life of specific audiences.[12] The burden shifts to Rehg's account to show that a consensus reached on the basis of dispersed arguments tailored to particularistic world-views is not merely endorsed by the various groups as an unfortunate necessity of social life, but rather seen by all groups as formed around a generalized, moral value positively accepted as legitimately binding.[13]

Conclusion

The reservations I have expressed concerning Rehg's proposed extension of discourse ethics are indicative of the breadth of issues broached in *Insight and Solidarity* and the seriousness with which they are addressed. Its restriction to the theory of practical argumentation is both a liability and an asset. On the one hand, such an approach to Habermas's moral project cannot conclusively defend it against some challenges and it cannot follow all of the suggestive leads opened up within that domain to broader theories of society, politics, law, and individual identity. On the other hand, Rehg's restriction allows for his systematic presentation of discourse ethics and of his own modifications to that project to be that much more clearly articulated and argued for. This book will be an invaluable resource for many: those who wish a lucid presentation of Habermas's moral theory, those who have reservations about neo-Kantian approaches in general, and those furthering the discourse-ethical project.

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Notes

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1 Berkeley: University of California Press, 1994. All references to this will appear parenthetically in the text.
2 The most important of these for moral theory are to be found in the last three chapters of Habermas's *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge, MA: MIT Press, 1990), and in the first three chapters of his *Justification and Application: Remarks on Discourse Ethics*, trans. Ciaran P. Cronin (Cambridge, MA: MIT Press, 1993). Other relevant writings include 'Warheitstheorien', in *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns* (Frankfurt: Suhrkamp, 1986), 'Law and Morality', trans. Kenneth Baynes in *The Tanner Lectures on Human Values*, ed. Sterling M. McMurrin (Salt Lake City: University of Utah Press, 1988), 'Justice and Solidarity: On the Discussion Concerning Stage 6', trans. S. W. Nicholsen in *The Moral Domain: Essays in the Ongoing Discussion between Philosophy and the Social Sciences*, ed. Thomas E. Wren (Cambridge, MA: MIT Press, 1990), and Chapters 3 and 4 of *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, MA: MIT Press, 1996).
3 Habermas, 'Discourse Ethics: Notes on a Program of Philosophical Justification', in *Moral Consciousness and Communicative Action*, p. 65.
4 As Rehg notes, 'Habermas himself did not actually carry out this derivation' (40). Habermas has acknowledged Rehg's contribution here. See footnote 18 in 'Remarks on Discourse Ethics', in *Justification and Application* and footnote 38 of Chapter 3 of *Between Facts and Norms*.
5 'One might say moral discourse refers to and even issues in something like a "common good." ... A more accurate description, however, would be something like "interest-regulating value," i.e., a value in connection with which each one's pursuit of his or her happiness or good can be endorsed by others.... Habermas refers to such values as "generalized values" or "abstract basic values." We might also call them "moral values," to distinguish them from more particularistic cultural values.' Rehg, pp. 104–5.
6 This is the approach taken by John Rawls in his *Political Liberalism* (New York: Columbia University Press, 1993), p. 36: 'The political culture of a democratic society is characterized (I assume) by three

general facts. . . . The first is that the diversity of reasonable compre-hensive religious, philosophical, and moral doctrines found in modern democratic societies is not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy. Under the political and social conditions secured by the basic rights and liberties of free institutions, a diversity of conflicting and irreconcilable – and what's more, reasonable – comprehensive doctrines will come about and persist if such diversity does not already obtain.'

7   Three such alternative projects that might hold out the possibility of convergence across substantive conceptions of the good would include MacIntyre's account of the narrative criterion of unity as a basis for rational adjudication, Taylor's account of the potential of epiphanic language for constructing new 'moral sources', and Gadamer's articulation of the fusion of horizons across interpretive languages.

8   Rehg argues that, insofar as Rawls needs to assume that parties to an overlapping consensus will share a commitment to the constitutive goods of social cooperation and stability, his argument remains within the confines of a particular set of historical experiences. But this assumption makes it impossible for Rawls to show that the rational force of these goods is such that they would not be considered merely on a par with other possible goods. I believe that this problem has become more evident in Rawls's *Political Liberalism*, where he stresses that his conception of justice is intended to reflectively model our own pre-given considered convictions: 'We collect such settled convictions as the belief in religious toleration and the rejection of slavery and try to organize the basic ideas and principles implicit in these convictions into a coherent political conception of justice. These convictions are provisional fixed points that it seems any reasonable conception must account for. We start, then, by looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles' (p. 8).

9   Rehg's argument for rational trust as *morally* relevant to empirically limited discourses is different than the somewhat resigned tone Habermas has adopted towards the ineradicable moments of 'factic-ity' – and consequent validity deficits – inherent in legal procedures and political institutions in his most recent book *Between Facts and Norms*. See especially Chapters 1, 4, and 7.

10 Rehg's contention here that discourse ethics requires 'a path that undercuts the tacitly deductivist assumption that there exists some-where "one right answer" or a set of correct arguments' (240) is quite distinct from Habermas's position: the 'fallibilism built into the

theory of discourse is merely the converse side of the postulate that every sufficiently precise question admits of just one right answer. . . . Insofar as what is at issue is in fact a moral matter in the strict sense, we must proceed from the assumption that in the long run it could be decided one way or the other on the basis of good reasons' ('Remarks on Discourse Ethics', p. 59).

11 Rehg's original formulation of (U) appears on page 75, and is intended to highlight the intersubjective focus of discourse ethics, as well as to distinguish analytically the mutually implicative moments of solidarity (Ua) and insight or rational conviction (Ub).

12 It is instructive to compare Rehg's earlier characterization of ethical discourses with this later formulation of particularized arguments for universal moral norms: 'What is good for me, or what is good for a particular group, depends on the specifics of my own life and identity, or on the group's particular traditions and collective self-understanding. As we shall see, such questions have a different structure from moral (i.e., justice) questions, and they are properly the subject, not of moral, but of "ethical-existential" or "ethical-political" discourses' (54). 'As "persuasive," such everyday argumentation "only claims validity for a particular audience," which suggests that such argumentation can take in all the prethematic particularities, narratives, and unspoken shared experiences of the participants' (241, quoting from C. Perelman and L. Obrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. J. Wilkinson and P. Weaver (Notre Dame, IN: University of Notre Dame Press, 1969), p. 28).

13 The question here is similar to that raised by Rawls's contrast of an overlapping consensus based on moral grounds as against a consensus endorsed as a mere *modus vivendi*. See his *Political Liberalism*, especially pp. 145–9, 168–72, and 208–9.