

## SETTING UP THE DEBATE IN THE PRESENT ETHICS\*

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There is no doubt that the past decade has been one of the most fruitful periods in the history of contemporary western thought in regard to ethics and, in particular, public ethics and political philosophy. Such major works as Charles Taylor's *Sources of the Self*, John Rawls' *Political Liberalism* and Jürgen Habermas' *Faktizität und Geltung* have been published during this period, which fueled a controversy that goes beyond the limits of the English or German speaking world. The Spanish speaking philosophical community is perhaps the one that comes next as the most interested in macroethical problems, as testified by important works such as Carlos Nino's *Ética y derechos humanos*, Javier Muguerza's *Desde la perplejidad* and Ernesto Garzón Valdés' *Derecho, ética y política*. By no means is it possible to review the main issues all these complex books cover and discuss, but it would not be unreasonable to expound my personal balance of the discussion, particularly with a view to synthesize those problems that remain open.

I must acknowledge that I consider the opposition between *universalist* and *particularist* visions of ethics the central one around which the main problems of the discipline order themselves. This central opposition has different versions, the best known being, of course, the one held between *liberals* and *communitarians*; but this controversy is not the only one, since there is, for instance, in Latin America a competition between the defenders of universalistic ethics, like Nino and

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myself, and the proponents of Latin-American ethics, the so-called *philosophy of liberation*. I do not intend to make a summary of all these oppositions, but instead to propose three great contradictions in three different levels from which the more basic disagreements between both tendencies flow.

The first one I will try to explain takes place at the methodological level; I am referring to the traditional distinction between the *right* and the *good*. As it is well known, the orientation to the right defines the deontological ethics, that is, an ethics which has, among its proprieties, a procedural method of deciding the correctness of the moral actions through its subsumption under one, or a set of, universal valid principles. Therefore, the limits of such an ethics are very broad, and, as a consequence of this, it restricts itself within the boundaries of the interpersonal relations in order to regulate them and to prohibit various kinds of coercion. On the other hand, the ethics of the good are prone to sustain the existence of one or a few positive ends for the lives of individuals and at the same time of society, ends which mobilize the passions, the interests and the wits of the members of a group in the achievement of those goals. In contrast with the former, such an ethics is necessarily thickly interwoven with the social stuff of a given society and has an answer not only for conflicts of interests between its members, but also for their need of guidance of the choices of his or her lives.

The question about these two different visions of ethics, that is to say, the great methodological question of our business as moral philosophers, is about the unity or diversity of our inquiry. In other words, is its object one and the same, observed from two different perspectives, or are there rather two different objects for two diverse disciplines, which only by chance are named by the same word, namely, "ethics"? I leave here this question open, but I would like to state an observation concerning the methodological work we as philosophers do in the case of one type of ethics or another: the one which theorizes about right, aims at constructing or reconstructing the underlying rules by which we all argue in our moral arguments, so that the normative content of these rules is brought by itself to light. On the other hand, the task of those who speculate about the good, is more like the activity of the anthropologist describing the customs of other people, with one important difference: his or her aim is not only to inform about the real behavior of the observed natives, but also to encourage others to imitate them. Above

all, it is this last feature the one which gives the theorizer of the good his unavoidable ambiguity.

The second great opposition regards the main idea of the identity of the modern subject: on one side, *autonomy* as an ideal which unifies self-determination, responsibility and freedom; on the other, *authenticity*, that is, a peculiar way of living that gives priority to the allegiance to a particular choice, individual or collective, for the very reason of being the choice *of one's own*. Of course, this opposition has different forms and brings with it a large spectrum of diverse consequences. Autonomy is associated with an universalistic ethics that guarantees to every one, through its principles or its procedure, an equal opportunity of developing his or her capabilities in order to select and to enforce his or her own conception of a good life. So the *Self* of autonomy is conceived as an impersonal, not engaged or "unencumbered" Self, that only reasons with itself about its duties and its rights. This is, of course, an abstraction that needs to be filled with the real stuff of daily life, but it is nonetheless true that an universalistic vision of moral life restricts itself to laying the foundations and the pillars of the modern Self and leaves the rest of the building in the hands of the owner, who is completely free to finish it as he or she likes. In other words, the ways through which each one of us as modern subjects finds his or her self-fulfillment in modern society is a matter of individual free choice. An universalistic ethics has nothing to say about this, provided that we respect and contribute to the end that others also respect the basic scheme of equal rights and opportunities for all, or, in short, provided we live and contribute to live in democracy.

Authenticity, on the contrary, is a rather elusive notion that has many sides and different meanings according to the particular features each way of life has. Originally born out of modern individualism, it has evolved in such a way that it comprehends also those characteristics that define certain people through their basic marks of identity, such as language, religion, gender, sexual orientation, etc. In the words of a well known theorizer, Charles Taylor, "[b]riefly, we can say that authenticity (A) involves (i) creation and construction as well as discovery, (ii) originality, and frequently (iii) opposition to the rules of society and even potentially to what we recognize as morality. But it is also true [...] that it (B) requires (i) openness to horizons of significance [...] and (ii) a self-definition in dialogue. That these demands may be in tension has to be allowed" (Taylor, 1991, p. 66). As Taylor himself admits, the tension becomes unavoidable because the *recognition* of the difference by the

other members of the society is a part of an ideal of self-fulfillment, such as authenticity. But this recognition can collide with different ideas of the good which any multicultural society, as almost all contemporary societies are, in fact holds. So the tension becomes really a contradiction between the very conditions under which an ideal of authenticity can grow up and flourish, and the consequences of its most extreme features.

I wonder whether both ideals, autonomy and authenticity, stand on the same level; my personal answer would be that they do not, but I leave here this second question open and go on to the third main opposition, the one between a *liberal* and a *republican* conception of *citizenship*.

Liberalism emphasizes the enjoyment of those rights which allow citizens to choose and to pursue permissible conceptions of the good life. In so doing, citizens make claims to the State which in turn must be acknowledged as legitimate within a just and democratic society. This gives place to the following idea: there is a list of the same primary goods that is required by the citizens' conceptions of the good, however distinct their content and their related religious and philosophical doctrines may be. These primary goods include "the same basic rights, liberties and opportunities, and the same all-purpose means such as income and wealth, with all of these supported by the same social bases of self-respect. These goods [...] are things citizens need as free and equal persons, and claims to these goods are counted as appropriate claims" (Rawls, 1993, p. 180).

Against this picture of the citizen of a democratic society, some objections directed toward its background conception of the citizen as a private person have been raised. The neo-classical, traditional view of the citizen, emphasized, in contrast, the participatory virtues in a common rule of the State. The ideal of "ruling and being ruled in turn" (Aristotle) is in this view an essential part of a life of dignity, and a society organized around this ideal "would share and endorse, qua society, at least that notion of the good life" (Taylor, 1995, p. 199). So this new version of "republicanism", specially of *North American* republicanism, restates the traditional vision of the classical citizen as taking part actively in the government of the city, running for the assemblies, and understanding "freedom" as political freedom to seize and to use power (cf. Walzer, 1994, p. 55).

At first sight, we again have here Benjamin Constant's opposition between the "liberties of the moderns" and the "liberties of the ancients", that is to say, a contradiction that such classical political thinkers as Rousseau and Kant strove to overcome, which was deeply inserted, from the very beginning, in the structures of the modern societies. As I asserted regarding the first opposition between an ethics of right and an ethics of the good, here again we encounter two possible ways of looking at this complex matter: *either* there are two different and possible complementary conceptions of *one* and the *same* social and political reality *or* there are indeed two completely different and *incommensurable* realities into which the modern Self is chronically divided. Solutions to the problem have been proposed from both directions, but they are hardly satisfying.

I would like now to return to the open questions I have left unanswered, and I will make a few comments on the points at stake. At the methodological level, I have asserted that the question about the two different visions of ethics, that is, the ethics of the right and the ethics of the good, is one about the unity or diversity of our inquiry. In other words: is the object of ethics one and the same, observed from two different perspectives, or are there rather two different objects for two diverse disciplines, which only by chance are named by the same word, namely "ethics"? Some communitarian philosophers, such as Michael Walzer, seem to believe in the possibility of two somehow convergent visions, one thick and maximal and another thin and minimalist, of ethics, which overlap in some crucial issues or at particular dramatic moments, as during the fall of the communist regime in Eastern Europe, etc. But such a convergent vision would be only about the judgements and not about the reasons which bring those moments about, because these have their roots in the narrative of history proper and are therefore untranslatable (cf. Walzer, 1994, p. 1 - 19). I really doubt whether such an operation is possible. I admire the powerful and in many aspects enlightening narrative of Walzer or Taylor, but I find no easy connection between the themes involved in it and the sober system of principles and rights we aim to reconstruct in a universalistic ethics. Such a system has no need of a narrative, but only of a coherent and clear statement, as the *Declaration of the Human Rights of the UN*. For many cultures it was impossible to create a system of rights protecting liberty, integrity and the set of freedoms that the *Declaration* guarantees from within their own thick moral life; for others, as for the Latin American countries that

have had a similar system of rights and principles in their constitutions since the middle of the nineteenth century, the return to the unlimited validity of human rights was a democratic revolution after half a century of demagogic regimes and military dictatorships. This democratic revolution was enforced by world public opinion and not by civil society's self-criticism. Summing up, the "good" is meant in many ways, as Aristotle pointed out several centuries before, and it is not easy to see how the particular meanings of the good assumed in each society can merge in a comprehensive but neutral conception of it, equally embracing of its broad gamut of different meanings.

The second question I have left open, is the following: do the ideals of autonomy and of authenticity stand on the same level or not? As I have said before, my personal answer would be that they do not, and I would like to explain why I think so. "Autonomy" isn't and doesn't need to be an actual property, but requires only to be a postulate of the moral person that must be secured by a set of universal principles and/or norms. There is no need for the actual presence of autonomy in a human being in order to demand respect for it, as the cases of little children or gravely sick persons that are unable to express their will clearly show. "Authenticity", on the other hand, if not as an actual achievement of an individual or a group of human beings who have decided to live their lives according to a self-imposed style or ideal, has no existence. Authenticity presupposes the being in force of autonomy as a clear feature of the system of principles and rights acknowledged by a given society, but the reverse is not true. This asymmetry is a clear proof that they are not at the same level; instead, authenticity is a certain way to enjoy the normative resources offered for the fulfillment of our autonomy, and perhaps not the highest. Maybe the perfectly prudent human being of the aristotelian or stoic tradition, or the practical wise man of the kantian tradition are better ideals to accomplish.

The last problem I have posed regarding the two distinct visions of the citizen –the one, which views a citizen as a private person enjoying the advantages guaranteed by the civil rights, and the other, which views him as an active member of government, running for the assemblies, and understanding "freedom" as political freedom to seize and to use power– is a very difficult one to tackle and even more difficult to solve. I would like to discuss it at some length.

I will consider first an extreme version of republicanism which some scholars, such as Jonathan Barnes, have read in a passage of Aristotle's

*Politics*, VIII 1, 1337 a 26 - 32, putting aside the question about the issue, whether this is a fair interpretation of the aristotelian text: “of things common the supervision must be common. And at the same time we should not think that any of the citizens is of himself but that all are of the State –for each is a part of the State, and it is natural that the care of each part should look to the care of the whole”. A strict interpretation of the passage’s meaning would be the following, according to Barnes: “if F’s are parts of G’s, then F’s can only be defined in terms of G; hence F’s are of G’s *simpliciter* in the sense that to be a citizen is to stand in a certain relation to a State. [...] But men are essentially political animals, i.e., they are essentially citizens. Citizens are logically dependent on States. Hence men are logically dependent on States. To be a man is, *inter alia*, to be of a State. Hence [...] any care for the man must look to the good of the State” (Barnes, 1990, p. 263). Reasonably enough, Barnes speaks of “totalitarianism” in regard to this view, and I think we would agree with him. In other words, this vision of the relationship between citizens and the State represents an extreme comprehensive conception of political life as the only possible good life, and as such, this vision is incompatible with any modern conception of the citizen also as private person. Moreover, fundamentalisms of various kinds, including leninism and fascism, can be looked at as present versions of this ancient political thinking.

But there is another conception of “classical republicanism”, with which a liberal universalist point of view has no fundamental opposition. Such a conception would endorse the view that “if the citizens of a democratic society are to preserve their basic rights and liberties, including the civil liberties which secure the freedoms of private life, they must also have to a sufficient degree the “political virtues” and be willing to take part in public life. [...] The safety of democratic liberties requires the active participation of citizens who possess the political virtues needed to maintain a constitutional regime” (Rawls, 1993, p. 205). So far so good; the question, however, would be: how is it possible? It is, indeed, by no means evident what reasons would move citizens who find themselves comfortably settled in the institutions of democracy to take over the pains of the public life. Recently Habermas has put his finger on this wound observing that “[f]rom the perspective of the theory of justice, the act of founding the democratic constitution cannot be repeated under the institutional conditions of an already constituted just society, and the process of realizing the system of basic rights cannot be

assured on an ongoing basis. It is not possible for the citizens to experience this process as open and incomplete, as the shifting historical circumstances nonetheless demand" (Habermas, 1995, p. 128).

I believe that part of the solution we can find out, lies in rethinking the relation between the private and the public sphere of modern citizenship. No doubt, there is, as Habermas pointed out, "a dialectical relation" between private and public autonomy, because a public law that makes possible the existence of political institutions is directed to persons "who could not even assume the status of legal subjects without subjective private rights", so that "the private and public autonomy of citizens *mutually* presuppose each other" (Habermas, 1995, p. 130). But it is not so easy to see in what ways both spheres are procedurally correlated, and to what extent this procedure requires a severe restriction of the issues and themes proposed for public discussion, as Thomas McCarthy has recently pointed out (cf. McCarthy, 1994, pp. 44 - 63). It is impossible to go further here on this issue. I would like only to make the following observation: the long experience of the troubled democracies in the countries of southern South America has taught its citizens that the struggle for the enforcement of human rights is never solely an instrument for the defense of their own civil rights but is also at the same time a political goal, that by itself changes the social and political structures of society. In this sense, it is possible that universalist liberalism and classical republicanism are only two distinct ways of looking at the same reality. For if we consider this reality as an institutionalized system of rights and duties backed up by universal principles of justice, we assume the perspective of the individual citizen; if, by contrast, we look at it as an imperfect model of democracy that we have to keep alive and improve, then we take over the perspective of the active citizen who proposes him or herself as a general good the achievement of the continuation and improvement of democracy itself. In the first case, we view the state of affairs from the perspective of normative reason; in the second, from the perspective of *prudence*, even as the faculty of the reasonable which mediates between the given restrictions of the situation and the norms, on one hand, and the broader ends we can aspire for ourselves and inspire others to choose and to pursue, on the other. Both are uses of the same faculty, *practical reason in the broad sense*, which as such is able to bridge the gap between the two aforementioned autonomies of the modern citizen.



To conclude, I would like to emphasize what I have said at the outset, namely that I consider the opposition between *universalist* and *particularist* visions of ethics the central discussion, around which the main problems of the discipline order themselves. In spite of the national and cultural differences, the three great oppositions I have dealt with, are present in every discussion about ethics anywhere we can find a philosophical tradition standing apart from religious, metaphysical or ideological thinking. This, I think, is at least a clear sign of the universalism of the problems we face, however divergent the answers to them may be.

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