Karl-Otto Apel's Ethics of Dialogue and of Planetary Co-Responsibility

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Abstract

Dialogical philosophy, which emerged in the early twentieth century, elaborated on a view of human beings and society based on the principles of communication and dialogue. One of its leading theorists, Mikhail Bakhtin, emphasized the moral underpinning of dialogue and the dialogism of language. These characteristics were later also articulated in Karl-Otto Apel's discourse ethics, which can be called "ethics of dialogue." This essay highlights Apel's contribution to the transformation of philosophy as well as to the theory of dialogue and its practice as a participant in the North-South philosophical dialogue. Apel's planetary ethics of co-responsibility is very relevant to the search for the solution to, or at least mitigation of, global problems. He shows that the transcendental-pragmatic foundation of morality can provide the ultimate basis for the universal conception of law (e.g. human rights). In the current situation of global disorder, Apel's arguments in defence of the rule of law, including international law, are particularly important and challenge a "hegemonic international law" and imperial designs. As an alternative to both the state-centred international system and the hegemon-centred "world state," Apel argues for a cosmopolitan world order of law and peace.

Keywords: Apel, Bakhtin, co-responsibility, cosmopolitanism, dialogue, discourse ethics, international law.

In today's global disorder, as we search for the root causes of world problems and their possible solutions, we can find wisdom and inspiration in Karl-Otto Apel's philosophy. He was prophetic in his in-depth analysis of the world situation, warning even in the early 1970s about a paradox of the predominance of instrumental rationality that has almost obliterated the possibility for the development of ethics. The dangerous consequences of this paradox are reflected in individualistic atomization and the fragmentation of society as well as the man-made global problems of underdevelopment, the ecological crisis, and nuclear proliferation, which threaten the future of humanity. However, Apel's critical assessment did not end in despair; he rather calls for an awakening of the global consciousness and asserts the necessity and possibility of the amelioration and transformation of philosophy and of society. As the only reasonable path toward coexistence in today's diverse and interconnected world, he suggested ethical and dialogic relationships, offering the theory of discourse ethics, which can also function as the basis for a "planetary macroethics of co-responsibility," which is so needed when facing social and global problems. He envisioned a viable alternative for humanity: a transition from an international to a cosmopolitan order of law, justice, and peace.

1. It's a small world!

I have been interested in Karl-Otto Apel's philosophy for a long time and have met him in person at several conferences. The first time I met him was at the XX World Congress of Philosophy in August 1998 in Boston. He gave a presentation on "Global Responsibility" at the round table on the theme of "Philosophical Dialogue North-South," and Enrique Dussel, Eduardo Mendieta, Yolanda Angulo, James Marsh, and I participated at the same panel. In 2002, I saw him at the Ninth International Seminar of the Program of North-South Dialogue in Mexico City. In 2005, we attended a conference in Helsinki, Finland, at which he gave a keynote presentation titled "Discourse Ethics, Democracy, and International Law: Toward a Globalization of Practical Reason." During that conference, we traveled to a beautiful lake, where there was a traditional wooden Finnish sauna. Apel said that his dream had always been to have such a sauna on a lake. He took a long look at the blue sky mirrored in the still water and said: "Serenity…," enjoying the transcendent moment of eternity

We have also had opportunities for personal conversations in informal settings. During one such conversation, he asked me about my birthplace, and I told him that I was born during World War II in the winter of 1942 in the then-occupied city of Vitebsk, Belorussia. Apel responded that at that time he was also in Vitebsk as a twenty-year-old soldier in the German army. Thus, although we were on opposite sides of the war, both of us survived it, and this sparked a kind of solidarity and friendship.

Apel's mention of his war experience helped me to better understand his deeply motivated philosophy, because witnessing the horrors of war and being in the existential *Grenzsituation* ("borderline situation") between life and death always remains with one and is conducive to a deeper and more meaningful understanding of life, to developing an opposition to war and violence, to intense soul-searching and an inner awakening, to a sharpened sensitivity and an interest in philosophical questions, and to the transcendent "beyond." Apel's philosophy is personally motivated – it is not just "cerebral," but comes from the heart, with a sensitivity and spirituality that gives an especially convincing power to the thought, and the currency of his words is backed by gold of his life experiences.

As philosophers, we came together at conferences, united by a "love of wisdom" and by sharing similar concerns about the situation of human beings in today's world and about problems that concern all human beings on our globe. While sharing conference panels and publications, together with other like-minded philosophers, we discussed philosophical topics and world problems, striving for intellectual and spiritual resources in search of possible solutions to these problems, and hoping for peace and justice.

The city of Vitebsk is also associated with the philosopher Mikhail Bakhtin. A century ago, it was one of the places of the emergence of the Russian avant-garde (Marc Chagall and Kazimir Malevich). Bakhtin worked there in 1919-1924 with "Bakhtin's Circle," and in around 1920 he wrote his seminal philosophical work *Toward a Philosophy of the Act*, which was the underpinning of his dialogical philosophy.

In my opinion, Bakhtin's dialogical philosophy resonates with Apel's discourse ethics, although it is not the aim of this short essay to explore the similarities and differences between them. The two philosophers were of different generations, were not familiar with each other, and worked in different intellectual milieus. Nevertheless, I would like to briefly outline some of the main aspects

of Bakhtin's dialogical philosophy, sketched mainly in the first half of the twentieth century, which found their further creative development in the second half of the twentieth century by a new generation, including Apel in his discourse ethics.

2. Moral responsibility, a double-voiced word, and dialogue: Mikhail Bakhtin's dialogical philosophy

Bakhtin, in his work *Toward a Philosophy of the Act* (1993), provided an original response to the philosophical problems faced by neo-Kantianism, Wilhelm Dilthey's historical knowledge, and Georg Simmel's philosophy of life in their efforts to find a firm basis for the human sciences. He pointed out the main, *ethical* deficiency of the "philosophy of life," writing that life can be consciously comprehended only as an ongoing event within the context of concrete responsibility: "A philosophy of life can be only a moral philosophy" (Bakhtin 1993, 56). He was primarily interested in philosophical personology, which is based on the metaphysics of freedom and responsibility (or answerability). This work on the philosophy of the act is focused on the metaphysics of morality and personological ontology.

Bakhtin's ideas were similar to those of Martin Heidegger, although they were elaborated about five years earlier than Heidegger's *Sein und Zeit* (*Being and Time*; 1927). Both thinkers, without knowing each other, were working in the same philosophical area. Both focused on the question of "being-in-the-world," on human individuality, defending it from depersonalizing ideology and power in "mass society."

Bakhtin's work was at the same time a philosophical reflection on the crisis of Europe, which had been devastated by World War I, social revolutions, and civil wars – it was an effort to articulate the rational and moral ground for people's dialogical communication as a means for mutual understanding and collaborative solutions to problems. Two interrelated themes – morality and dialogue, i.e. dialogue and its moral underpinnings – were the leitmotifs of Bakhtin's (dialogical) philosophy.

Bakhtin saw the shift from the monologic framework of idealistic classical philosophy to contemporary *dialogical* philosophy as the main event in twentieth-century thought. According to him, "Dialogic relationships … are an almost universal phenomenon, permeating all human speech and all relationships and manifestations of human life—in general, everything that has meaning and significance" (Bakhtin 1984, 40). Dialogical relationships form the very foundation of all human activities. Dialogue is the main category for describing intersubjective relations. This view is supported by conceptual pairs such as self-other, dialogic-monologic, and border zone-outsideness.

The distinctive characteristic of Bakhtin's dialogism is its ethical dimension. He elaborated on the conception of an individual who actively participates in "Being-as-event" and in self-realization, and who has a moral obligation to assume a responsibility (answerability) for personal uniqueness in being. A position of a responsibly acting person is defined within the moral realm. The imperativeness of choice and responsibility for deed are rooted in the "fact of *my non-alibi in Being*" (Bakhtin 1993, 40).[1]

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[1] In this and other quotations all emphases are from the original authors.

Although Bakhtin's ideas of dialogue were initially interpreted mainly in terms of communication theory, more recently, in his philosophy, dialogue is better understood as a metaphysics of human Being as "co-being." His dialogical philosophy addresses the conception of the other and I-other relationships. Dialogical relationships between I and the other (and ultimately between I and the Absolute Other) constitute the structure of Being understood as an event, "the unitary and once-occurrent event of Being" (ibid., 12). This ontological structure determines the forms of existence and cultural meaning as such. Characterizing existence as the unique and unified event of Being, Bakhtin also emphasizes the plurality of perspectives of the participants of dialogue. He views "I" and "the other" in opposition within the unity of the event of Being, yet each retains its uniqueness and equality of value. At the same time, he underscores the dialogical co-existence of I-and-other as co-participants in the event of Being: "I-for-myself, the other-for-me, and I-for-the-other" (ibid., 54).

Bakhtin held that true understanding requires two or more consciousnesses to participate, and that the process is dialogical: it can never be achieved only from the point of view of the self, and it requires the outside perspective of the other. I see myself mirrored in the other, for whom I am also a mirror. Dialogue should respect differences, and interactions with others should be conducted in an ethical manner. Unlike ethical systems in which "I" is considered more important than "other," Bakhtin suggests the primary orientation of moral consciousness and deed should be toward the other rather than toward the self. He cites Christianity as an example of an altruistic relationship:

> In Christ we find a synthesis of unique depth, the synthesis of *ethical solipsism* (man's infinite severity toward himself, i.e., an immaculately pure relationship to oneself) with *ethical-aesthetic kindness* toward the other. For the first time, there appeared an infinitely deepened *I-for-myself* … that renders full justice to the other as such… Hence, in all of Christ's norms the *I* and the *other* are contraposed: for myself—absolute sacrifice, for the other—loving mercy. But *I-for-myself* is the *other* for God. … What I must be for the other, God is for me. (Bakhtin 1990a, 56)

Dialogue lies at the heart of Bakhtin's philosophy of language. As a mode of human communication using natural language, dialogism refers to relationships among persons engaged in that communication. Dialogic relationships are expressed in many ways, ranging from a real dialogue between individuals to its artistic use in literary works, especially in the polyphonic novel. A dialogic orientation is a property of any word, and it is the natural orientation of any living word: "On all its various routes toward the object, in all its directions, the word encounters an alien word" and inevitably enters in a living interaction with it. "The word is born in a dialogue as a living rejoinder within it; the word is shaped in dialogic interaction with an alien word that is already in the object. A word forms a concept on its own object in a dialogic way" (Bakhtin 1990b, 279).

Bakhtin developed his innovative approach to the philosophy of language in contrast to formalism and structuralism.[2] He focused on the speech acts of individuals in which interactive

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[2] Unlike the semiology rooted in F. de Saussure's structuralism and the semiotics related to C. Peirce's pragmatism, one of the sources that influenced Bakhtin's ideas was a theory of the sign system called "deep semiotics," based on the presumption of the fundamental role of an individual as a source of meaning, in giving a meaning and in understanding. That theory was related to the tradition represented, for example, by W. von Humboldt, W. Wundt, and A. Marty,

communication occurs. Here, within the individual consciousness of speakers and their communication with listeners (others), dialogical relationships emerge.

He argued that multifaceted dialogic relations cannot be the subject only of linguistics and its methods, but rather need a multidisciplinary approach. He conceived language as living dialogue, which is the realm of metalinguistics, or the study of language in its relationship to other aspects of culture. For Bakhtin, "dialogical relations among utterances that also pervade individual utterances from within fall into the realm of metalinguistics" (1986, 114). This expresses the trans-linguistic or meta-linguistic character of the understanding of a word (or an utterance). Dialogic relations need to be studied as semantic relations among utterances, as the relations of utterances to reality and to the speaking author in the larger dialogue of speech communication (ibid., 118).

Bakhtin viewed dialogic relations as the interplay among the *voices* of its participants as integral personalities. He was interested in the dialogic life of words as expressed in novels as a window to understanding the inner world of consciousnesses, motives, and the actions of individuals in their relationships with themselves and with others. The word can have a dialogic meaning only if it expresses the position of the person behind it, to which it is possible to react dialogically. Dialogic relationships can permeate utterances and even an individual word, if it expresses another person's position, and if within it two voices clash and interact dialogically (Bakhtin 1984, 184).

The relationships within a real dialogue are fairly obvious as an exchange of syntactically independent remarks between at least two participants, the rejoinders of which are syntactically independent. Much more difficult to grasp and explain linguistically is the dialogic relationship between two voices within the same utterance, a double-voiced word in Bakhtin's terminology, which is a single syntactic unit. Within the double-voiced construction, both voices must, by definition, be syntactically interrelated, while at the same time remaining two distinctly different voices.

He extended the theory of the double-voicedness of the word, which had been shown to be present in novels, into the entire sphere of language. Bakhtin used the term "indirect speech" (*nepriamoe govorenie*): utterances expressing indirect (not literal) meaning. This implies that there is a certain meaning that is expressed indirectly, while it is expressed through speaking as a linguistic process. Attention is focused on the conscious processes of creating and understanding speech, on the speech "acts" of consciousness. In the Bakhtinian approach, language is always a hybrid noematic-noetic phenomenon, which makes it possible to express indirect meanings.

In *Problems of Dostoyevski's Poetics* (1984), Bakhtin showed that in the double-voiced word, there are two subjects – "author's voice" and "another's speech" – and two predicates, coming from different speakers. The other's voice has its own direct referent. The author's voice, which is directed to this referent, also has an additional referent, namely the "another" word itself, which is the "subject" of the author's speech and its additional "referent," and is different in its nature. He wrote about the element of *address*, inherent in any word in Dostoevsky, as being directed to and connected with another word: "there is only the word as address, the word dialogically contacting another word, a word about a word addressed to a word" (1984, 237). Everything is said in response to other statements and in anticipation of future statements, and everything has a meaning as a part

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which, in Russia, was further developed by A. A. Potebnya and L. S. Vygotsky. To this tradition also belong such Russian philosophers as G. G. Shpet, P. A. Florensky, S.I. Bulgakov, and A. F. Losev, and the poet O. E. Mandelshtam (Tulchinsky 2011, 143).

of a greater whole within a constant interaction between meanings. The roots of novelistic dialogues "always reach deep down into the internal dialogic essence of language itself" (Bakhtin 1990c, 405). Bakhtin holds that dialogism, and all linguistic phenomena related to it, is a constitutive characteristic of language.

One of the key Bakhtinian categories is "outsideness" (*vnenakhodimost*), which means an ability to distance oneself from any object of reflection and to see it from the outside and from a different perspective. "For one cannot even really see one's own exterior…; our real exterior can be seen and understood only by other people, because they are located outside us in space and because they are *others*" (Bakhtin 1986, 7).

Similarly, in the realm of culture, "It is only in the eyes of another culture that foreign culture reveals itself fully and profoundly" (ibid., 7). The dialogical relations of cultures can create a deeper understanding: "A meaning only reveals its depth once it has encountered and come into contact with another, foreign meaning: they engage in a kind of dialogue, which surmounts the closedness and one-sidedness of these particular meanings, these cultures" (ibid., 7). Of note is that the expression "dialogue of cultures" is a metaphor, although one which is heuristically rich as a concept, describing the mutual influence of cultures. The actual dialogue takes place among individuals or groups, as representatives of different cultures.

Bakhtin stresses that a dialogic encounter of two cultures does not result in merging or mixing: "Each retains its own unity and *open* totality, but they are mutually enriched" (ibid., 7). He dialectically grasps both the diversity of unique cultures and their common aspects as "the differentiated unity of the culture of the epoch in which it was created," and "its fullness is revealed only in *great time*" (ibid., 5).

Dialogic philosophy contributes to elaborating a view of human beings and society based on the principles of dialogue and communication on all their levels: individual, intersubjective, social, and intercultural. It offers an alternative to a conflicted world of individualism, monologic authoritarianism, and hegemonic globalization. The principles of dialogic philosophy can be considered as a kind of theoretical basis for a new, dialogical civilization (Horujy 2012, 2).

3. Toward a Transformation of Philosophy

After World War II, the breakdown of civilization led Theodor Adorno to proclaim that "To write poetry after Auschwitz is barbaric" (Adorno 1983, 34). He criticized philosophy as the "Western legacy of positivity," and called on philosophy to reflect on its own failure and its own complicity in such events (Adorno 1973, 380). Adorno's statements reflected the concerns of many intellectuals about the role of philosophy, its failures in the past, and the need for its transformation in order that it could fulfill its potential for humanity in the wake of the Holocaust and the atomic bombings of Hiroshima and Nagasaki.

Karl-Otto Apel was one of those philosophers who boldly responded to this call with his systematic project to transform philosophy. His manifold philosophical works are intrinsically united as aspects, interwoven in polyphony, of this project. Among the developments made in European philosophical currents in response to the postwar quest for change, Apel's project stood out, and his *Transformation der Philosophie* (1973, 1976) "has registered the seismic transformations across the whole span of these philosophical currents, on many occasions already

mapping the new horizons and tasks for a newly awakened philosophical consciousness and responsibility" (Mendieta 2002, xxii).

The answer to philosophy's challenges to itself also implies a response to the existing moral crisis, and, accordingly, the need for a normative and binding morality requires a clarification of rationality's own status. Thus, Apel elaborates simultaneously on the theory of the types of rationality and on discourse ethics. The intensification of social and global problems in the current climate makes the quest for a planetary ethics of co-responsibility extremely urgent.

Apel was a thinker who was sensitive to the problems of the contemporary world. In his paper titled "The *a priori* of the Communication Community and the Foundations of Ethics: The Problem of a Rational Foundation of Ethics in the Scientific Age," first presented in 1971, he expressed these problems in the form of a paradox: "On the one hand, the need for a universal ethics, i.e., one that is binding for human society as a whole, was never so urgent as now – a time which is characterized by a globally uniform civilization produced by the technological consequences of science. On the other hand, the philosophical task of rationally grounding a general ethics never seems to have been so difficult as it is in the scientific age" (Apel 1996, 1). Contrary to the narrow "scientistic" and positivist outlook, Apel argues for the importance of ethics and normative principles as criteria or yardsticks for judging the consequences of human activities in the age of globalization, and the discourse ethics offers the comprehensive and rationally grounded foundation for establishing such normative criteria.

Apel's statement was prophetic: now, almost a half a century on, this paradoxical gap between the urgent need for a public, normative, and binding ethics for our globally interrelated world and its absence is even more glaring, because the emergence of such ethics is not only obstructed by the conditions of the predominance of instrumental rationality but also by the unfettered power of corporate money and hegemonic globalization, which are dehumanizing and polarizing the world's societies.

Apel's project to transform philosophy was focused on a semiotical-pragmatic-hermeneutical transformation of Kantian transcendental philosophy, and in light of such a transformation, he elaborated a practical philosophy in terms of a theory of discourse ethics. In contrast to the tendency toward "detranscendentalization," he maintained the relevance of Kant's ethics while avoiding his metaphysical suppositions through a transformation of classical transcendentalism. As his innovation, instead of the Cartesian *ego cogito* in the sense of "transcendental solipsism," he used the transcendental presupposition of "I argue" as a member of a communication community, which implies the use of language and intersubjective discourse. Apel was the first since the early 1970s to articulate the main arguments of a theory of ethics, in terms of an ethics of the ideal communication community, as discourse ethics. The strict transcendental-pragmatic reflection on the presuppositions of arguing reveals the structure and functions of the arguer's membership in a real (historically determined) argumentation community, "and simultaneously in a counter-factually anticipated unlimited *ideal argumentation community*, which alone can assume the role of a transcendental subject of a possible redemption of universal validity claims" (Apel 1996, viii). This implicitly postulates universal acceptability. "The regulative principle of consensus formation in practical discourse is a *universalization principle* that – on the level of discourse ethics – can be considered as [an] equivalent of Kant's 'categorical imperative'" (Apel 2001, 49).

Discourse ethics is characterized as post-metaphysical, formal, cognitivistic, deontological, and universalistic. Its most obvious feature is its antipositivist or postempiricist stance. This ethics is

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also post-individualistic by pointing to the linguistic-communicative constitution of intersubjectivity, and to the historical character of communication as real practical discourses. Apel affirms the primacy of intersubjectivity that is prior and more primordial than the "I." In contrast to Kantian ethics, discourse ethics is focused on discourse, thus transforming moral theory into a theory of practical argumentation. As Apel explains, philosophically relevant thought always has the structure of public argumentation, and as such, "it *transcendentally* presupposes a *public language* and, together with this, a *communication or discourse community*" (2001, 46). The categorical imperative is reformulated into a principle of argumentative universalization (U) (ibid., 49). Apel distinguishes between level A of ethics, which refers to the transcendental pragmatic justification of the principles of universalization (U), and level B, which refers to the justification of situational norms of practical discourse (ibid., 90-93). Mediating between them is a complementary principle of application and action.

As he states, we cannot dispute, without committing a performative self-contradiction, that in serious argumentation we have already necessarily acknowledged certain fundamental norms of discourse ethics. Since argumentation presupposes the unrestricted cooperation of co-subjects of thought, it also presupposes fundamental ethical norms, and among the normative conditions of argumentative discourse "there are *formal and procedural principles of discourse ethics* that can be uncovered through *transcendental-pragmatic reflection*" (ibid., 46-47). He outlined the noncontingent presuppositions of argumentative discourse that aimed at reaching toward a consensus: the claims to sharing an intersubjectively valid *meaning* with partners, to *truth*, to the *truthfulness* and *sincerity* of speech acts, and to the *morally relevant rightness* of speech acts (Apel 1993, 509). As he states, "All possible discourse partners must acknowledge each other as having *equal rights* in representing their interests by arguments. All possible discourse partners are supposed to bear *equal co-responsibility* for identifying and solving problems of the life world through argumentative discourse" (Apel 2001, 48). In this way, the fundamental norms require us to seek solutions for moral problems as well, but only by arguments and not by open or concealed violence.

4. Apel's contribution to the North-South philosophical dialogue

Apel not only developed the theory of discourse ethics, he also contributed to the practice of intercultural North-South philosophical dialogue. He and Enrique Dussel initiated this dialogue in a series of seminars coordinated by Raúl Fornet-Betancourt. Two main philosophical currents came to the forefront of the dialogue: discourse ethics and the liberation philosophy. The first seminar, entitled "Philosophy of Liberation: Foundations of Ethics in Germany and Latin America," took place in 1989 at the Catholic Academy of the Archdiocese of Freiburg. The second seminar on the theme of "Discourse Ethics and Ethics of Liberation" took place in Mexico City in 1991 at the Metropolitan Autonomous University (Iztapalapa) and the National Autonomous University of Mexico. This was the beginning of a series of seminars in response to the need for intercultural dialogue in philosophy, which would help to overcome the traditional dominance of Eurocentric discourse and to show the achievements of Latin American philosophy. These seminars were beneficial for the theoretical development of both discourse ethics and liberation philosophy. They were novel in that they were organized with the clear intention of comparing and confronting these

two currents, which represent two philosophical models and are culturally different due to their origins. They were important for the clarification of the strategy and the realization of the project of intercultural philosophical dialogue. The seminars soon evolved into the International Congresses of Intercultural Philosophy, which are still held on a regular basis.

I myself was a participant at the Ninth International Seminar of the Program of the North-South Dialogue, which took place from March 12-15, 2002 in Mexico City. Its general theme was "Theory and Praxis of Democracy in Cultures," and I presented a paper titled "Democracy and Culture in Russia" (Demenchonok 2003). Karl-Otto Apel, Raúl Fornet-Betancourt, Enrique Dussel, Luis Villoro, Franz J. Hinkelammert, Hans Schelkshorn, George Labica, Carlos Cullen, Fidel Tubino, Jean-Adalbert Nyeme Tese, and Sang-Bong Kim, among others, also participated at the seminar. Apel gave a presentation titled "Is a political conception of 'overlapping consensus' an adequate basis for global justice?" (Apel 2003). On March 15, coinciding with the closing of the seminar, Karl-Otto Apel turned 80, and we celebrated his jubilee. At that time, he was officially presented with a gift of a special monographic issue prepared in his honour of *Concordia: International Journal of Philosophy*.[3]

The dialogue between the intellectuals of the developed and developing countries provided an excellent opportunity for both sides to express their viewpoints, as well as to listen to the opinions and arguments of the others. Face-to-face dialogue is also a mirror in which the participants were able to see their own image. Apel demonstrated a remarkable openness and ability to listen to others. He recognized that, from these dialogues, he could enrich himself with new information from the Latin American perspective. At the same time, for the Latin Americans, it was valuable to learn the opinions of this prominent representative of European critical thought.

Another important aspect of this North-South dialogue was that it addressed the global theme of the interrelations between the industrially developed "center" and the developing nations of global "periphery." It drew attention to the problem of the socio-economic underdevelopment of Latin America, as well as of the other regions of the so-called "Third World." This global problem of underdevelopment was one of the themes that was precisely addressed by Apel's "planetary ethics of co-responsibility." This made him an important figure for the debate with Latin American philosophers about global issues, especially about underdevelopment in countries that are burdened by poverty.

Regarding Apel's discourse ethics, the question arises about whether it is about discourse or dialogue. Both notions mean a conversation, but dialogue conveys more: "a frank exchange of ideas or views on a specific issue in an effort to attain mutual understanding" (The Living Webster Encyclopedic Dictionary of the English Language, Chicago 1973-1974 ed.). "Frank" is a moral criterion of the exchange of ideas, and the goal is "to attain mutual understanding" about problems and their mutually acceptable solutions. Dialogue is a conversation that implies engagement and an interpersonal dimension.

Fornet-Betancourt provides a clarification of the distinction between dialogue and discourse. He criticizes the view that discourse is a much broader concept than dialogue and that dialogue is a

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[3] *Concordia. Internationale Zeitschrift für Philosophie* 41 (2002), special issue: "Karl-Otto Apel y la filosofía en América Latina". For more on the seminar, see Raúl Fornet-Betancourt, "Karl-Otto Apel: Recuerdos de un hombre auténtico," *Topologik* 24, Special Issue Karl-Otto Apel – Leben und Denken, Band I: 40-43.

"special form of discourse" (2012, 41). In contrast to this tendency toward the subordination of dialogue to the dynamic of discourse, Fornet-Betancourt argues for an account that distinguishes between dialogue and discourse "through the question of its relationship with truth or, in other words, through the question of the possibility of universal comprehension in diversity" (ibid., 42). According to him, dialogue has a higher status than discourse: it means a conversation that characterizes "an intermediate space in which both diversity and unity are present: a differentiation and encounter with differences, and *at the same time* a call for a 'gathering' of the expressed diversity"; it also means that "an existential and interpersonal dimension rooted in the life world is always present in dialogue" (ibid., 42).

Apel's discourse ethics includes responsibility, which implies obligations toward others and "planetary co-responsibility" for issues that affect the human race. Obligation implies a far higher level of personal engagement and commitment than that which is merely defined as "discourse," and it requires relations of *dialogue*. Therefore, Apel's theory of discourse ethics is not only about discourse, but in its most developed form is about ethical conditions and the possibility of a dialogical relationship, and thus it can be fairly called the "ethics of dialogue."

5. Philosophy facing global problems: planetary ethics of co-responsibility

Apel's philosophical thought is concerned about global problems that affect all human beings. Since the early 1970s, he has addressed the problems of the ecological crisis and of nuclear proliferation from a philosophical perspective. This resonated with the work of the Club of Rome and the social movements for the protection of the environment and nuclear disarmament. In the 1990s, he warned about the escalation of global problems and addressed them in the broad, civilizational context of "the present crisis situation of humanity and the situation of humankind in general" (Apel 1996, 174). For him, these problems were not just ethical challenges, but also philosophical problems that demand serious attention. Apel's search for the foundation of a universally valid ethics was in keeping with his quest for a rationally grounded universal normative base for the solution to, or at least a mitigation of, contemporary world problems.

Discourse ethics is an ethics of responsibility for our activities in the increasingly interconnected planet, in which the acts of one (especially invested with power) affect all. This new *conditio humana* demands that individuals assume responsibility for the effects of their actions. Apel wrote that humanity faces new challenges as result of interconnected socio-cultural processes and human activities: for example, there is the constant growth of the range and efficacy of human scientific-technological power, which is out of control; its use is regulated neither by moral nor legal means, and thus it is abused by profit-seeking corporations and the military-industrial complex, causing damage to human beings and to the environment. As examples, he mentions the dropping of atomic bombs on Hiroshima and Nagasaki, the ecological effects of industrial pollution, and the unfair global system of trade between the West and the "Third World," which results in unjust exploitation and the impoverishment of millions of people. This situation in which humankind finds itself, with the danger of a catastrophic nuclear war or climate change, poses novel challenges to ethical responsibility, "for both the danger of nuclear war and of an ecological crisis concern *humankind as a whole*: here, for the first time in world history, a situation is visible in which, in the face of a

common danger, men and women are called upon to assume a common moral responsibility" (ibid., 174).

The novel problems of bearing co-responsibility for the effects of collective actions pose an ethical problem that cannot be solved by traditional types of ethics, such as theories of the social contract, which are limited by the strategic rationality of self-interest. These problems require a common, universally valid foundation of an ethics of co-responsibility. Apel approaches this issue through a post-metaphysical transformation of Kantian transcendental universalism and adjusting it for "*discourse ethics in a transcendental-pragmatic key*" (1993, 506). He elaborates on "the transcendental-pragmatic foundation of discourse ethics as a response to the global problems of justice and co-responsibility" (ibid., 506).

The transcendental-pragmatic conception of co-responsibility is the novel feature of discourse ethics. Apel shows how discourse ethics fulfils three interrelated tasks. First, it gives a rational foundation of its claim to universal validity without recoursing to the traditional type of grounding, but through the use of a transcendental-reflexive and communicative type of rationality. Second, discourse ethics provides "a foundation not only for an ethics of global justice and solidarity but also for an ethics of co-responsibility beyond the individually accountable responsibility we suppose within functional contexts of institutions or social systems" (ibid., 507). It also provides a foundation for "everybody's co-responsibility on the level of those discourses of a communication-community that functions as a meta-institution with regard to all human institutions and functional-structural systems" (ibid., 507). Third, the transcendental-pragmatic foundation of discourse ethics provides "a regulative principle for acting or decision-making in such situations where we have to mediate between ethical and strategical rationality," which refers to "part B" of ethics (ibid., 507).

Apel noticed that the norm of co-responsibility may generate the feeling of powerlessness that may overcome and paralyze an individual "who tries to take over, in a personally accountable way, responsibility for what we have to collectively initiate and organize in order to cope with the phenomena of global crises" (ibid., 511). He explains this from the point of view of discourse ethics: "On the level of argumentative discourse, which is indeed the metainstitutional level with regard to all institutions," every member of the argumentation community "has acknowledged a kind of responsibility – or, rather, co-responsibility – that a priori joins us together through grounding in an original solidarity with all the other possible members of the argumentation community. This original solidarity of co-responsibility relieves single persons from being overburdened without allowing to shirk their part of responsibility by way of escapism or parasitism" (ibid., 511).

But one may still wonder how we should conceive the transfer of the original co-responsibility by means of practical discourses toward the solution of the concrete problems, such as the underdevelopment and the ecological crisis. According to Apel, "the characteristic novel task of discursively organizing and practicing co-responsibility for complex actions or activities has rather to be fulfilled in our day by the growing worldwide network of formal or informal dialogues and conferences, commissions, and boards on all levels of national and especially international politics, including of course economical, cultural, and educational politics" (ibid., 511). As he further explains, "the function of these means and media of discursively organizing humankind 's collective responsibility is nothing else than a generalization and projection of the function of *democracy* – insofar as democracy in its essence can be grounded by discourse ethics" (ibid., 511).

The discourse ethics of co-responsibility is supported by an emerging public sphere, which is partially actualized in the form of the United Nations, non-governmental organizations, and transnational social movements, which are the platforms of discussions conducive to the implementation of a planetary ethics of co-responsibility for the effects of our activities in the world. At the same time, Apel critically remarks on politicians today: "because the ethics of responsibility must be applicable to the realm of politics, one cannot expect an unconditional compliance with the principle of publicity." In the age of mass media, he notes, the public appeals of politicians merely conceal the strategic interests that they could not openly declare, and they use rhetorical manipulation. Politicians, in the interests of their success, are looking for public support, and this pressures them to "at least create the impression that they have opened their concerns to a test of discursive consensus formation" (Apel 1997, 101-102).

The possible solutions to existing problems require social transformation: they demand that our mediations of the strategic and consensual-communicative rationality of acting should not only be limited to the service of effective crisis-management, but "should moreover be motivated by the regulative principle of contributing to a change of the human reality—a change, that is, toward realizing the applicability conditions for discourse ethics or, in other words, toward realizing the ideal communication community within the real one" (Apel 1993, 513).

Despite Apel having addressed global problems of underdevelopment, the environmental crisis, and nuclear proliferation almost half a century ago, his warnings and those of some other thinkers were largely ignored. No attention was paid to their voices of reason, and now we are reaping what we have sown with what can be called the "collective irresponsibility" of the inhabitants of planet Earth, with the obvious and undeniable consequences of climate change and with the new cold war arms race. Imperial designs and neototalitarian tendencies are two sides of the same coin. The escalating global problems threaten the future of humanity. The decisions on domestic and foreign policies are made by the governments, which have their vested interests and do not necessarily act adequately in the best interests of the nations. However, this cannot be an excuse for the citizens: in a formally democratic society with elections, citizens have voting rights and thus co-responsibility for state politics. People get the government they deserve.

Those who are mindful and want to prevent a potential catastrophe can find in Apel's philosophy – with its ideas of dialogue and a planetary ethics of co-responsibility – wisdom and inspiration for striving for dialogical relationships and collaboration in the joint efforts of all peoples to mitigate global problems. The transformation of society and of the international system has become a categorical imperative for contemporary humankind.

6. From an international to a cosmopolitan order of law and peace

Apel examines the foundational relation law (which should not be equated with "foundationalism") between discourse ethics, positive law, democracy as a constitutional state of law, and international law. By taking issue with Richard Rorty and John Rawls, he shows that a rational foundation of ethics, as well as a rational approach to the problems of international law, is possible through a critical transformation of Kant's approach by a transcendental-pragmatic conception of discourse ethics. Apel makes a discourse ethical argument that there is a normative priority to the discursive foundation of morality as it applies to the law. This foundation shows that

positive law must not contradict morality as long as it is an institution of justice. The normative constitution of positive law presupposes the prior constitution of ideal moral norms through domination-free discourses, secured by the moral co-responsibility of the discourse community. The foundational role of such a community is institutionalized in a democratic state. Discourse ethics as an ethics of social and political responsibility can provide a foundation for the supplementation of its own function by that of the law. The norms of positive law are based on moral and pragmatic reasons and on the authority of the state enforcing them.

The transcendental-pragmatic foundation of morality (i.e. the norms of an ideal communication community) serves as the ultimate basis for the universal conception of law (e.g. of human rights). A transcendental-pragmatic approach can provide a moral foundation for human rights and thereby for the law of a liberal democratic state, as well as for international law. It establishes the transcendental basis of the idea of a democracy, and at the same time establishes a regulative principle for the critical evaluation of any state, including a democratic one, "from the outside," from the perspective of universal law. For example, human rights as universally valid law must have a status above all positive law. The philosophical justification of the universal regulative principle for the evaluation of the states is vital for their self-improvement and for the politics of human rights. This perspective makes it possible to distinguish between the democratic state as a particular institution with its power system and "the primordial discourse of humanity" as a "meta-institution" and as a realm of concern of a global "reasoning public" (Apel 2001, 109).

Apel acknowledges the role of a democratic state, which can provide the necessary conditions for citizens to discuss moral and legal norms freely in pursuit of consensus. Democracy is a necessary condition for discursive deliberations on and the constitution of universally valid law; however, universally valid law (such as international law) cannot be reduced to the legislation of any particular democratic state. Apel emphasizes this distinction as an argument against the tendency of the hegemonic superpower, i.e. the United States, to universalize its own values and rules. This distinction is important when considered against the background of the global asymmetry of power. The superpower appeals to international law when it suits it, but at other moments treats it cavalierly, as a burdensome constraint on its own power. It also tries to legislate "hegemonic international law" (Vagts 2001, 843), coupled with its attempts at a hegemonic "capture" of international organizations (Alvarez 2005).

In commenting on Kant's philosophy of law and his sketch of "perpetual peace," Apel notes that republican constitutional states and representative democracies have provided "a model of a legal order based on the type of positive rights and constitutions that point toward their development in a cosmopolitan order" (1997, 100-101). At the same time, he characterizes the global political impact of republican constitutional states on the international arena as "extremely ambivalent" because they also share responsibility "for the emergence of nationalism, which produced total, nationalistic, and ideologically driven world wars" (ibid., 100). In fact, constitutional democracies can be (and some are) imperialistic, dominating other nations, including through the imposition of their own laws upon them. Thus, contemporary democratic theories demand the democratization of international relations as well. As Apel writes, "One should not simply equate the model of the republican 'principle of democracy' and its principle of 'national sovereignty' with the global realization of the 'principle of law' postulated by Kant" (ibid., 101). Instead, he continues, in the current global situation, the tension underlying domestic and foreign policies is marked by "the tension between the plurality of particular states as self-maintaining systems and universal

'principles of law' such as human rights whose moral justification and legal positivization directs us to a cosmopolitan legal order" (ibid.). The republican constitutional state by itself does not guarantee peace: it only "opens up a world-historical opportunity to act on the 'moral duty' to realize a cosmopolitan order of law and peace" (ibid.). Therefore, the realization of these opportunities depends on people and is related to moral duty and co-responsibility.

Indeed, the world's nation-states represent a diversity of cultures and political systems; each state, as a self-maintaining system, has its own political and economic interests, and there is also the limitation of the cognitive point of view of each state, so that a hegemon as a self-appointed world leader cannot know whether or not their actions are good for all. No one particular democratic state can claim an impartial and disinterested representation of the interests of the other sovereign states, nor could its legislation be a pure expression of universal "principles of law." Therefore, the claim of a hegemonic state to legislate for the world is ethnocentric pseudo-universalism with the pretensions of universalizing its own values. The universal conception of law (e.g. human rights) cannot be adequately realized either by particular democratic states or by a "world state" as hegemonic superpower.

At the same time, Apel points out the problems with international law and institutions as they relate to the asymmetry of power. In the international society, its less powerful members hope that the rule of law will protect their sovereign equality and shield them from the abuse of power by the hegemonic superpower. But the latter's treatment of international law is capricious, sometimes viewed as a burdensome constraint on its own power, and it tries to replace it with its own global hegemonic law. Apel holds that the United Nations (which still needs to be properly reformed) is an adequate institution for the current debate regarding the issues of global peace and human rights, as it is the meta-institution of global discourse and the political representation of international law.

Apel's analysis of humanity's current situation leads him to the conclusion that there is a need for the transformation of society and of the international system. He points out there is a certain dualism in international law's normative orientation, which is also reflected in the UN Charter. On the one hand, there is a primary orientation in international law toward the preservation of peace by prohibiting the violation of the sovereignty of individual states (historically, this follows from the 1648 Treaty of Westphalia). On the other hand, there is also a concern for human rights and, in the case of their brutal violation, law enforcement through a mandate from the UN Security Council (thus limiting the sovereignty of states). Kant, in his political philosophy, has already addressed the tension between these two orientations. Initially, in "Theory and Practice" (1793), Kant thought of an analogy for the civil state among individual human beings: all states should freely submit themselves to the "universal state of all people." But later he abandoned his idea of a "world republic," modeled after a state, for fear that the hegemony of a powerful state would be like a despotic "universal monarchy" and a danger to human freedom. In *Toward Perpetual Peace* (1795), he made an important step in the development of his cosmopolitan ideal. Instead of a world republic, he advocated for a *federalism* of free states, a voluntary league of peace among nations, called a *pacific league* (*foedus pacificum*) (Kant 1996, 327). As a solution to the dualism in the law's orientation, he called for a basic shift from an international to a cosmopolitan law. The latter unifies peoples globally, thus yielding strong pacifying effects.

Apel emphasizes "the relevance of the Kantian project at this moment of world history" (1997, 80), and writes: "Kant's 'Toward Perpetual Peace' now once again merits great attention. The failure of the League of Nations was, according to Kant's expectations a 'pathologically compelled'

result of World War I. The analogous project that followed World War II became the United Nations. Having survived the Cold War, the UN now faces a new test that will confirm its staying power" (ibid., 79). He also believes in "making possible the next phase in approximating the ideal order of peace and law founded on a federation of free people. It has become clear that the causal efficacy of conflict resolution and the prevention of war in the transitional phase between the international 'state of nature' and cosmopolitan law can be established only through cooperation of the major powers" (ibid., 80).

The peaceful end of the Cold War opened new opportunities for a world order of peaceful international relations and cooperation in the search for solutions to existing social and global problems. In the decade of the 1990s, there was the activization of the United Nations and the rise of the human rights and ecological movements, as well as nuclear nonproliferation treaties and measures toward disarmament. It was a time of a rebirth of the ideals of cosmopolitanism and of striving toward their practical implementation. The wave of publications and discussions on cosmopolitanism reflects an interest that is not merely academic or theoretical, but one containing fruitful ideas for progressive changes. Cosmopolitanism expressed a quest for changes moving from the world of divisions and wars toward a more peaceful, dialogical and collaborative world. It envisioned a long-range democratic transformation of societies and international relations aiming for the freedom and equality of each human being as a "citizen of the world." Karl-Otto Apel, along with Jürgen Habermas, James Bohman, Ulrich Beck, Seyla Benhabib, Fred Dallmayr, Richard Falk, Daniele Archibugi, and David Held, significantly contributed to this transformative movement. They view cosmopolitanism as a normative philosophy that enhances the universalistic norms of discourse ethics. Habermas characterized the global situation as being at a crossroads: "the contemporary situation can be understood in the best-case scenario as a period of transition from international to cosmopolitan law, but many indications support regression to nationalism" (1997, 130).

Unfortunately, at the same time, political forces that were interested in the preservation of the status quo and the vested interests of power and privilege were actively undermining the conditions for the transformation. Since the beginning of the twenty-first century, the "neoconservative revolution" has shifted world politics even further to the right, to militaristic hegemonism and nationalism, triggering a new cold war arms race and the exacerbation of global problems which threaten the future of humanity.

Against the background of increasing hegemonic chaos, which generates despair, the cosmopolitan project shows a hopeful alternative – a possibility of a world beyond global disorder. Apel made an original contribution to cosmopolitan philosophy, which offers a new approach to the contemporary world order and an alternative to both the anarchic state-centric international system and the hegemon-centred "world state." As I have mentioned elsewhere, in response to the challenges of hegemonic globalization, the concept of cosmopolitanism has evolved significantly, with distinctive characteristics such as being rooted, reflexive, critical, democratic, dialogic, and transformative (Demenchonok 2017, 255-259).

Apel's philosophy is akin to a new cosmopolitanism in enhancing intersubjective and intercultural dialogue of people with different ethnic-cultural backgrounds and who are at the same time citizens of the world. It is conducive to peoples' mutual understanding and collaboration for the solution to social and global problems. The cosmopolitan project envisions the process of dehegemonization and the democratic self-transformation of societies and

international relations as steps on the long path of transition from an international to a cosmopolitan order of law, justice, and peace.

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