

*Karl-Otto Apel's discourse ethics as applied ethics
of responsibility for ukrainian society*

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Abstract

The article discusses Karl-Otto Apel's fundamental contribution to contemporary practical philosophy. It focuses on such issues as transcendental-pragmatic justification of discourse ethics, as well as applied aspects of humanity's common responsibility. This includes application of moral norms to such social systems as science, politics, economics, environment etc. The text underlines that Apel's communicative philosophy is gaining significant validity for contemporary Ukrainian society, in particular for modernization of its social systems, rationalization of lifeworlds and developing institutions of civil society, which is an important factor of creating contemporary identity of Ukrainians.

Keywords: discourse, communication, civil society, imperative, legitimation.

When we are talking about Karl-Otto Apel, it is difficult to find a topic that he did not address. He was writing about meta-theoretical justifications of the discourse ethics of shared responsibility, more specifically looking for an ultimate justification. He was also exploring its applied aspects pertaining to the correlation between ethics and politics, ethics and economics, ethics and ecology, etc. Of course, it is hardly possible to cover all these problems in such a small presentation, so I will only mention some of them that are related to Ukraine, its culture, and ethos.

Apel's philosophy becomes really important for solving problems of the modern Ukrainian society, his name being widely recognized in the philosophers' community. Today, Ukraine is looking for its own identity. On the one hand, it is striving to revive its national values, customs, and traditions, and on the other – it has to perform this task while catching up with modernization. However, at least from the point of view of communicative rationalization of the lifeworld and establishment of civil society, Ukraine is really “catching up with modernization”.

Furthermore, one should take into consideration the fact that these processes take place amidst criticism of modernity, in the conditions of “post-national constellations” of today's globalized world. Therefore, our current status can be called pre-postmodern, and the current development – postmodern modernization. When studying these processes, K.-O. Apel's methodology is an undoubtedly clear guideline. Therefore, during the recent decades, great interest to communicative

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philosophy in general and Apel's discourse ethics in particular can be seen in Ukraine. As I have mentioned earlier, his works are well known and valued in our country.

This statement is confirmed by research dedicated to studying Apel's works and using his methodology¹, translations of his works that were published recently², – in this regard, Ukraine holds leading positions among the post-Soviet countries. Furthermore, his lectures delivered during summer school in 1999 in Kyiv evoked powerful response and resulted in publishing a respective collection of works.³ To a large extent, due to the reception of his ideas in Ukraine, the process of “rehabilitation of practical philosophy” that started in German philosophy in the late 1960s-early 1970s, became part of our philosophy school as well.

After a long period of domination of Marxism-Leninism, which – in Lenin's words – “has not a single grain of ethics” (and therefore, ethics was left in the sideways of philosophical disciplines), during the recent decade, teaching such discipline as Practical Philosophy began in Taras Shevchenko National University of Kyiv, and Communicative Practical Philosophy is now taught at the National University Kyiv Mohyla Academy. Similar courses can be found in V.N. Karazyn Kharkiv National University, Ivan Franko Lviv National University, and others. Recently, a lot of dissertations that use the methodology of Karl-Otto Apel's discourse ethics were defended. Masters' programme students of the National University Kyiv Mohyla Academy write and defend qualification papers about discourse ethics, transcendental pragmatics, and communicative philosophy.

In my opinion, this is related, in the first place, to the fact that Karl-Otto describes the topic, development of which answers the question how ethics is possible in the conditions of science and technical civilization with its new challenges and threats. He paves the way for the *homo sapiens* to assume the responsibility for *homo faber* by controlling him with the help of moral norms. Second, Apel develops this issue from the hermeneutical-linguistic-pragmatic-semiotic angle laying the foundation of a grand building of the discourse ethics as the “first philosophy”⁴ on the grounds of

¹ See: Ермоленко А.Н. Этика ответственности и социальное бытие человека. – К.: Наукова думка, 1994. Ермоленко А.М. Комунікативна практична філософія. Підручник. – К.: Лібра, 1999; Ситниченко Л.А. Першоджерела комунікативної філософії. – К.: Либідь, 1996; Висоцька О.Є. Комунікація як основа соціальних перетворень (у контексті становлення постмодерного суспільства): монографія. – Дніпропетровськ: Інновація, 2009; Ведров О.І. Науки про суспільство і соціальний прогрес. Епістемологічні та етичні засади соціальних наук з погляду філософії комунікації. – К.: Стило, 2014; Ермоленко А., Попович М., Малахов В., Ковадло Г. Суспільний діалог як шлях до порозуміння. – К.: Інститут філософії імені Г.С.Сковороди НАНУ, 2017.

² Ukrainian readers know the following translations: Апел К.-О. Априорі спільноти та основи етики. До проблеми раціонального обґрунтування етики за доби науки // Сучасна зарубіжна філософія. Течії та напрями / Пер. В.М. Купліна. – К.: Ваклер, 1996. – С. 360-421; Апел К.-О. Дискурсивна етика: політика і право / Пер. А.М. Ермоленка. – К.: Український філософський фонд, 1999; Апел К.-О. Ситуація людини як етична проблема // Ермоленко А.М. Комунікативна практична філософія. Підручник. – К.: Лібра, 1999. – С. 231-254; Апел К.-О. Етноетика та універсалістська макроетика: суперечність чи доповнювальність. Там само. – С. 355-371; Апел К.-О. Спрямування англо-американського “комунітаризму” в світлі дискурсивної етики. – Там само. – С.372–394; Апел К.-О. Дискурсивна етика як політична етика відповідальності в ситуації сучасного світу. – Там само. – С.395-412; Апел К.-О. Екологічна криза як виклик дискурсивній етиці. – Там само. – С. 413–454.

³ Апел К.-О. Киевские лекции / Пер. М.Д. Култаевой.– К.: Український філософський фонд, 2001.

⁴ Apel K.-O. *Transzendente Reflexion und Geschichte* / Hrsg. und mit einem Nachwort von Smail Rapić. – Berlin: Suhrkamp, 2017.– S.19

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“transformation of philosophy”. It is based on the paradigm of transcendental pragmatics or transcendental semiotics.

In other words, in the conditions of the global human crisis, Apel is looking for an answer to the famous Kant's question “What should I do?” translating the answer to the question “*What should we do?*” He demonstrates the limits of monologic individual ethics expanding it with social ethics that at the same time can be tested by discourse ethics. Such test is carried out with the help of a respective procedure of transcendental argumentation as “self-clarification of the reason” by using the “principle of avoiding performative contradiction” of the statement to itself.

Similarly to Kant, who in his response to “one reviewer” emphasized that he never claimed he created “new ethics” but only discovered a new formula for it that was in line with the time, Apel, in my opinion, discovered another new formula for our time as well: “Act only in accordance with the maxim, with which you, based on the real agreement with participants or their representatives, or (instead) based on a respective mental experiment, are able to assume that consequences and side-effects of satisfying the interests of each individual participant, expected from the universal adherence to this maxim, may be accepted by everyone without coercion”⁵.

Such imperative gives us a possibility not only to go beyond the framework of monologic paradigm of responsibility and lay the foundation for shared responsibility ethics but also to find the points of contact between deontological and teleological ethics. Therefore, Apel laid the foundation of shared responsibility ethics based on discursive reason. Unlike many various modern concepts sharing the contextualism viewpoint, Apel’s discourse ethics referring to ultimate justification (*Letztbegründung*) makes it possible to avoid moral relativism and nihilism.

Following the research of development of moral consciousness in a combination of onto- and phylogenesis developed by L. Kohlberg and his colleagues, Apel demonstrates development of both moral consciousness and moral institutions. It is important here to use the concept of six stages of development of moral consciousness from pre-conventional through conventional to post-conventional. The concept of four and a half stages of development of moral consciousness proved to be methodologically fruitful as used by Apel in studying Germany’s Nazi past.

In my opinion, this concept can be used also for studying development of the Ukrainian society that started its way to modernization. The 1917 Bolsheviks’ revolution ruined the conventional (fourth) stage of development of moral consciousness and of the established traditional norms and values. In Russia, in late XIX – early XX modernization was taking place first of all on the basis of technical rationalization of the lifeworld leaving aside its communicative rationalization as a factor of creation of civil society institutions. In his article, “Discourse Ethics as Political Ethics of Responsibility in the Contemporary World Context”, Apel writes that Marxism-Leninism “focused not on the communicative reason of people as representatives of democratic interests and hence not on the political persuasion force of their own arguments in an open discussion, but on something objectively necessary that is scientifically envisaged, on escalation of the class fight, and contradictions of capitalism that therefore would lead to the worldwide revolution”⁶.

⁵ Apel K.-O. Kann der postkantische Standpunkt der Moralität noch einmal in substantielle Sittlichkeit “aufgehoben” werden // Kuhlmann W.(Hrsg.). *Moralität und Sittlichkeit*. – Frankfurt a.M.: Suhrkamp, 1986.– S.231.

⁶ Апель К.-О. Дискурсивна етика як політична етика відповідальності в ситуації сучасного світу // Єрмоленко А.М. Комунікативна практична філософія. – С. 399.

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In this way, Marxism-Leninism created a basis for monologic and technologic (party nomenclature) implementation of a “concrete utopia”, which gradually turned into ideology as “false communication”. Then, Marxism-Leninism ideology was transformed into “political religion”, which did not require either justification or public discussion. Decisions were legitimized either by revolutionary pragmatism or by utopia ideology. Such utopia has nothing in common with the utopic dimension, in which the transcendental communication concept is presented as a regulatory idea for real communication.

“Late socialism” became an apparent recovery of conventional ethos with a monologic model of responsibility, in which decisions were made by nomenclature of so-called “responsible workers” for the citizens. This process did not require either adult individuals or competent citizens. Changes in the Ukrainian society over the last 27 years, related to establishment of a national state and revival of national traditions, signaled a return to the conventional stage of development of moral consciousness. However, this process is too contradictory and is accompanied by relapses of the fourth-and-a-half stage of development of moral consciousness when all moral authority has been ruined while the way to the post-conventional level has not been laid yet.

In our society today, in my opinion, there is a clash between various systems of values since after the collapse of the “ideological frame” during the post-Communist period Ukraine found itself in the normative-value dimension at a transitional stage of development of moral consciousness and moral institutions. At this stage, there are significant risks of relapse to the conventional layer (Layer 3, according to Kohlberg), i.e. corporate-clan ethos, which is manifested at the society similar to the ethos of mafia structures, or even a regress to the pre-conventional stages of development of moral consciousness, the extreme manifestation of which is the “eye for eye, tooth for tooth” maxim.

Such state of uncertainty in values when various norms and values coexist leads to diffusion of the value-normative system. It is a situation of anomy which undermines national identity. According to the data provided by the Institute of Sociology of the National Academy of Sciences of Ukraine, for decades, when answering the question “Which of the mentioned below do you lack?” approximately 40 per cent of respondents consistently mentioned “norms and values that would unite the state and the society”⁷.

It should be mentioned that, unfortunately, the index of anomic demoralization of the Ukrainian society has been almost unchanged over twenty years, and accounts for 13 points out of 18⁸. Recently, in the conditions of a hybrid war, caused by the Russian aggression (the war is the anomic phenomenon by definition), it has increased even further. This fact is confirmed by sociological surveys conducted by the Institute of Sociology, namely when answering the question “Do you agree that at present there are no common rules of social behavior that are accepted by everyone?” In 2015 the answer “Agree completely” was given by 22.9% respondents and “Mostly agree” – by

⁷ Українське суспільство. 20 років незалежності. Соціологічний моніторинг: У 2-х томах. – Том 2: Таблиці і графіки / За ред. д. філос. н. Є. І. Головахи, д. соц. н. М. О. Шульги. – К.: Інститут соціології НАН України, 2011. – С. 279.

⁸ Українське суспільство 1992-2012. Стан та динаміка змін. Соціологічний моніторинг. За ред. д. ек. н. В. Ворони, д. соц. н. М. Шульги. – К.: Інститут соціології НАН України, 2012. – С. 553.

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34.9%⁹. Therefore, anomic demoralization when all rules – from traffic rules to the Constitution – are violated, is one of the key problems of Ukrainian society.

Social anomy leads to violations in the integrative mechanism of the society, to social entropy, which again caused latent tension in the society, already on the eve of the Orange revolution in the end of 2004. However, the 2004 Orange Revolution become only an impetus for further democratization, yet it was not followed by powerful movement toward establishment of civil society in our country. An important factor for establishment of civil society in Ukraine was the Revolution of Dignity in 2013-14. However, the Ukrainian society still has a rather widespread monologic and not dialogic principle of responsibility when decisions are made for the participants, and not together with them.

This can be seen in the fact that in this sphere there is an actual replacement of communicative action with strategic action aimed at achieving particular goals that are presented as universal. Illocutions are replaced with perlocutions. Most frequently, these are hidden perlocutions. Therefore, the public sphere acquires distorted forms, erroneous communications, and simulacrum. This sphere becomes more and more represented by non-transparent closed discussions reducing the discursive life world to one dimension. This is our “old-new non-transparency” which in its turn is a consequence of our pre-postmodernism.

This also means that the demands for validity of statements are not examined critically since the special procedures for detecting false consensus are absent. In the post-truth situation and expansion of fake information strengthened by digital technologies, an aspiration to achieve real consensus is replaced with an aspiration to win at any price – lies or manipulations with consciousness using social and political technologies. A political opponent is seen in the friend-enemy terms, which means not as a partner in discourse but as an enemy that has to be conquered or even destroyed. Public discourse becomes a dispute when the rules are broken constantly, and the procedures are not observed. Social integrations are replaced with system integrations that also function in a distorted way when the ethos of non-rationalized lifeworld takes the place of the system.

Therefore, using Apel’s methodology one can say that the revival of national conventional ethos and the institutional stage of development of moral consciousness do not completely solve the problem of moral development of the Ukrainian nation. The next, not less important task, is a transition to potentially democratic post-conventional morale that is achieved through communicative rationalization of the lifeworld.

K.-O. Apel’s discourse ethics also gives us a possibility to formulate and solve the problem of legitimization of political institutions in our society. Using the discourse principle, I tried to justify their legitimacy as follows: only those political institutions, legal norms and social practices in Ukraine can claim to be relevant and valid that do not contradict the rules and norms approved by the international community, which in their turn are legitimized together with all participants (and those whom they concern in general) based on the procedures, the regulatory idea for which is communicative community.

K.-O. Apel’s universalistic macro-ethics makes it possible to solve the problem of coexistence of different ethoses and cultures in the globalization era. In my opinion, it is a signpost also for finding

⁹ Українське суспільство: моніторинг соціальних змін. – К.: Інститут соціології НАН України, 2015. – С. 606.

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ways of looking for our own identity and self-determination in the world. Apel's address, "Ethnoethics and Universalist Macro-Ethics: Contradiction or Complementarity"¹⁰, prepared for the conference Culture and Ethnoethics (Kyiv, 1994), to a large extent created the methodological foundation for solving these problems. Prevalence of human rights over the community's requirements means recognizing the human right to ethnical, national and cultural self-identity.

The prevalence of this universal norm is the most important tool for restraining a drift back to the radical manifestations of nationalism, chauvinism and fundamentalism, "civilization wars", "cultural wars", and so on in the modern globalized world. Of course, the plurality of life norms and the lifeworld, ethoses and cultures is the empirical reality of our world. However, the new threats for humanity is another threat that emerged as a result of development of scientific and technical civilization. The "world of action" created by *homo faber* as a highly complex civilization oversaturated with contingency threats goes far beyond the "world of apprehension" of the *homo sapiens*.

Controlling these processes presents a significant problem for the contemporary humanity. The search for possibilities of such controlling takes place in different areas. These include global institutions, global government, worldwide civil society, etc. However, the moral and ethical dimension plays the most important role, namely justification of such value-normative system that would direct the world of action, which should not present a threat for further existence of the humanity, future generations and environment, and furthermore it should not question democratic institutions but instead be a precondition for their development.

Globalization takes place, in my opinion, first of all on the basis of a strategic paradigm. This is the process that Apel calls the first-level globalization followed by the second-level globalization, or ethical globalization. However, I would call such second-level globalization moral-ethical universalization. Therefore, when looking for answers to the question whether the humanity needs common morale, I think that with regard to ethics one should better use the terms "universalistic" and not "global" or "globalist" ethics.

If we look at its etymology, we see that the word "global" comes from Latin *globus* – a globe, something that has certain boundaries. Hence, the term "global ethics" means that in terms of the sphere of application and the source of justification (which is even more important) it is limited by the globe, which is applicable to earthly creatures and justified by them (even if they are the most intelligent ones!), and thus this is – especially with regard to the latter – a "geographic error". I suggest this term following the "natural error" introduced by J. Moore, and "ethnological error" used by J. Habermas and T. Rentsch.

This is furthermore true with regard to the concept of global ethos suggested by H.Küng¹¹. Ethos, as an existential manifestation of the ethical, has a factual particularist content, whether it is ethnos, nation or even the entire humanity. Therefore, in the modern multicultural world, no ethos founded on individual lifeworlds or living forms cannot be proclaimed as having universal relevance. Above this, its relevance has to be tested through justification taken on by the universal practical discourse.

¹⁰ Апелъ К.-О. Етноетика та універсалістська макроетика: суперечність чи доповнювальність // Єрмоленко А.М. Комунікативна практична філософія. – С.355-371 (Apel K.-O. Ethnoethik und universalistische Makroethik: Gegensatz oder Komplementarität? In: *Eine Welt – eine Moral? Eine kontriverse Debate* (Hrsg.von W.Lütterfelds und Th.Mohrs). – Darmstadt:Wiss.Buchges., 1997. – S.60-76.).

¹¹ Küng H., *Weltethos für Weltpolitik und Weltwirtschaft*. – München, Zürich: Piper, 1997.

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The term “universalistic” is derived from Latin *universum*, which means not only the universe, which is of course more than the globe, but also “universal”, “everything”, “the universal law of nature” and hence “logos”. In other words, universalistic ethics in Kant’s sense is ethics for all rational beings, and not only earthlings. However, in the light of linguistic-hermeneutic-pragmatic-semiotic interpretation, this should be discourse ethics that implies universal openness for participation of all reasonable beings in the discourse. Based on the discourse, planetary ethics of shared responsibility can be built that will be universalistic.

I would also like to mention one more aspect of acceptance of discourse ethics in the Ukrainian context. This refers to environmental problems since our country is a place of the largest man-caused disaster in the world, Chornobyl nuclear plant disaster, and it experienced the immediate need for control of *homo faber* by *homo sapiens*. In this regard, Apel’s works are also instructive. In particular, we are talking about his article, “Environmental Crisis as Challenge for Discourse Ethics”, which I also translated into Ukrainian. Here, of the most importance for me is K.-O. Apel’s question, “How far we have to go in establishing our moral and legal obligations regarding animals,” or the question, “which name should be used to formulate quasi-rights of non-human beings?” And especially the answer to the following issue: “All this has to become the subject for targeted practical discourse”¹².

Based on this conclusion and in accordance with the universal discourse principle, I would like to offer the following wording of the environmental categorical imperative: *Act only in accordance with the maxim, on the basis of which you could forecast that consequences and side effects, which can be assumed to follow from its universal application, will be acceptable for all beings that supposedly (als ob) participate in the discourse as an equal partner.*

This requirement looks like another utopia, namely – environmental utopia. First, it is based on recognizing all forms (not only living forms) existing as equal regardless of all their differences, especially with regard to the humans. I agree with Meyer-Abich here that the educational idea of people’s equality should be completed with further education extending the idea of equality to all things. That is why it looks like a repeated imperative maintained by Jainism. However, second, the “supposed” modality is used here in order to show that this requirement of participation of all beings in the discourse as an equal partner (similarly to Kant’s categorical imperative) is derived not from factuality but from validity and therefore it is a normative requirement that performs the function of a *regulatory* principle. Third, focusing attention on “forecasting” it emphasizes the importance of imagination as a morally establishing factor. Any moral and ethical formula, as mentioned above, goes beyond the empirical boundaries, and transcends to the noumenal field.

This means further development of imagination¹³. We imagine that everything is alive; the whole world in general is seen as something having its own personality and *supposedly* participates in this discourse, and thus acquires such characteristics that until recently were used only with regard to a human being: dignity, rights, value, justice, etc. This is why it is not a utopia – it is not aimed at

¹² Апелъ К.-О. Екологічна криза як виклик дискурсивній етиці // Єрмоленко А.М. Комунікативна практична філософія. – С. 443.

¹³ Werner Micha. *Kann Phantasie moralisch werden? Erkundungen bezüglich eines fragwürdigen Topos // Anthropologie und Ethik. Biologische, sozialwissenschaftliche und philosophische Überlegungen.* – Tübingen, Basel: Franke Verlag, 1997. – S.41-63

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building an ideal society here and now, which would similarly have idyll relations with nature or even be identical with nature as well as idyll situation in human relations and relationships. The human being and the society will hardly be developing in the opposite direction of dissolving in nature. Discourse here means communicative concretization of Kant's universal law that is connected to the categorical imperative, which is not content-based but form-based. In other words, it does not prescribe what a person should do; it is only a *new formula* that receives its contents in a specific discourse of citizens that corresponds to the situation, which is based on the *a priori* ideal communication both with other people and with nature.

I would furthermore add that the communicative discourse concretization is also added to Kant's requirement to see a human being not *only* as means but always as the goal. This requirement acquires an additional (quasi-) ontological meaning of human attitude to all beings. Therefore, Kant's imperative in its material (substantive) wording can be rephrased as follows: "Act so that you always treat all beings – as represented both by yourself and by anyone else, by the humanity and by the nature – as the goal, and never treat them *only* as means". All beings are represented not *only* an object for use, means or resource, which forms the functional environment of a person, but an equal (quasi-) subject or a partner, which creates the shared natural "common world" (*Mitwelt*).

This means that a human being is responsible not only for him/herself, not only for other humans, not only for the living world but also for all things around, which he/she has to think about (reflect) as him/herself in view of the internal affinity of the world, to recognize their own uniqueness (both similarities and differences), and to respect the dignity of their existence. However, to this end such reflectiveness has to be institutionalized in the public discourse as social meta-institution.

In addition to this, such formulation of the categorical imperative makes it possible to extend advocacy functions of the discourse ethics from living beings that are potentially able to present arguments (for instance, medical ethics that presents the concept of responsibility toward seriously ill people or infants, or bioethics, or ethics of responsibility for the future generations), and apply them to all beings – not only responsibility *for* but also responsibility *toward*. Since by assuming advocacy functions through its agents that represent all beings in a dialog, discourse ethics is speaking in their voice. Therefore, discourse combines the methods of explanation and the methods of understanding.

Finishing my presentation, I would like to add that being an advocate of discourse ethics in a country that has started its way to modernization only recently and whose civil society is only developing in the conditions of still communicatively non-rationalized lifeworld is not easy. Very often, one hears accusations of being utopic or statements that discourse ethics is a purely Western project to promote Western expansion in the world. Of course, Apel answered such accusations by demonstrating how discourse ethics is related to utopia and showing that, although it emerges in the West, it is acquiring universal significance.

In fact, not everything that emerges at a certain place has local value, and similarly not everything that emerges locally becomes universal. In the West there is also Hobbes' line and Kant's line as well as the lines of strategic reason and communicative reason. Furthermore, the division into Western and Eastern civilizations, in my opinion, is too abstract and relative. At the same time, an attempt to derive certain normative standards from respective topological-geographical determinants of some society results, as I have said above, in a "geographic error" because moral norms have not descriptive but prescriptive nature.

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These conclusions are important both for development of philosophy and ethics and for development of civil society in Ukraine. Of course, in the Ukrainian society communications become, in a distorted way, simulacrums or hidden perlocutions. Symmetry, or in Apel's words – genuine *argumentative discourse* that would take into account and respect as significant not only the interests of its actual participants but all possible participants¹⁴ – is still far away. However, huge changes have been taking place in our country over the recent years in public and political spheres. The public sphere, although with great difficulty, is developing rapidly, and discourse practices make their way to all levels more and more persistently. The society is turning into an important *co-subject* in the interaction between the state and the society. This process became more active after the Revolution of Dignity and especially – as a result of Russia's aggression against Ukraine.

Finally, I would like to emphasize that I had luck to be a kind of an “ambassador” of K.-O. Apel's discourse ethics in Ukraine. Having first read his works in the late 1970s-early 1980s, and later having met him in person during the XIX World Philosophy Congress (Moscow, 1993) and during his Kyiv Lectures, and when translating his works into Ukrainian, I have always tried to work in the “Apel's paradigm”. And this is a great honour for me!

¹⁴ Апелъ К.-О. Екологічна криза як виклик дискурсивній етиці // Єрмоленко А.М. Комунікативна практична філософія. – С. 422.