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How Should Errors in Normative Claims be Pointed Out?

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Abstract: The purpose of this paper is to answer the question: how should errors in normative claims be pointed out? Against this question, this paper demonstrates the ideal model of the person who points out the errors in normative claims. The first chapter analyzes "normative claims" themselves, based on the theory of "discourse ethics" proposed by Habermas. This chapter indicates that the validity of normative claims emerges only through a consensus in "discourse." Next, the second chapter focuses on the "discourse" and analyzes this deeper structure. Based on this analysis, consequently, the model of the opponent who points out errors is demonstrated. The model is as follows: An opponent must, initially, admit the validity of a proponent's claim, at least from the perspective of the "background discourse" through which the claim can be valid.

Introduction

In an ethical debate, confronting the "rightness" of the other party often becomes a source of trouble. What should an opponent keep in mind when attempting to refute a normative claim? The conclusion of this paper is, briefly speaking, just a familiar cliché: "Listen carefully to what others say". This paper does not, however, lead to this conclusion as a mere *promise*. The model of an opponent concluded here *must* be unavoidably protected. This paper aims to demonstrate the model of an opponent including this kind of obligation.

1 From the Perspective of "discourse ethics," What is the Origin of Normative Claims?

Why can one say that "something is right," or "someone ought to do something" in the first place? Before researching the ideal way of pointing out errors in normative claims, this chapter focuses on "normative claims" themselves. How do normative claims arise? To answer this question, this paper mainly refers to the notion of "discourse ethics" outlined by Habermas (1983)[1]. Briefly speaking, discourse ethics thinks that the validity of normative claims is justified only by a consensus which is gained by those concerned in discourse. In this chapter, the process of the

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[1] Habermas, J. (1983). *Diskursethik - Notizen zu einem Begründungsprogramm,* in *Moralbewußtsein und kommunikatives Handeln* (pp. 53-125), Frankfurt am Main: Suhrkamp Verlag (translated by Christian Lenhardt and Shierry Weber Nicholesen, *Discourse Ethics: Notes on a Program of Philosophical Justification,* in *Moral Consciousness and Communicative Action* (pp. 43-115), The MIT Press, Cambridge, Massachusetts, 1990).

emergence of normative claims is clarified in a way that precisely defines; what "discourse ethics" are.

First, the ethics of discourse focus on the participant's interaction and the communicative practice of everyday life and attempts to explain moral phenomena within it. The reason why communication is the focus is that moral phenomena emerge only in very communication. Basing his position on that of Strawson, Habermas explains the significance of focusing on communication in contrast to other ethical positions that attempt to interpret moral phenomena from the perspective of observers, not participants:

> trawson's point sheds some light on the position of ethical theories that seek to *reinterpret the moral intuitions of everyday life* from an observer's perspective. Even if they were true, empiricist ethical theories could have no enlightening impact because they remain fundamentally cut off from the intuitions of everyday life: […] As long as moral philosophy concerns itself with clarifying the everyday intuitions into which we are socialized, it must be able to adopt, at least virtually, the attitude of someone who participates in the communicative practice of everyday life (Habermas 1983, pp. 47-48).[2]

As an example of "*the moral intuitions of everyday life*" mentioned above, Habermas, relying on Strawson's essay "Freedom and Resentment,"[3] presents "the indignation we feel in the face of personal insults" (1983, p. 45). It can be said that this indignation, which is an everyday type of emotional response, is "an expression […] of moral condemnation" (1983, p. 45) because it is "a response to the disgraceful wrong done to one by another" (1983, p. 45). While presenting these emotional responses which contain moral implications, he attempts to demonstrate that moral phenomena emerge only in interpersonal communication.
Then, turning to "the moral core of the emotional responses" (1983, p. 48),

Habermas questions why these emotional responses contain moral meaning?

> Indignation and resentment are directed at a *specific* other person who has violated our integrity. Yet what makes this indignation moral is not the fact that the interaction between two concrete individuals has been disturbed but rather the violation of an underlying *normative expectation* that is valid not only for ego and alter but also for all members of a social group or even, in the case of moral norms in the strict sense, for all competent actors (1983, p. 48).

Indignation containing moral elements arises because "people, in general, should do such things, but you do not do that," That is, the other person betrays the normative expectation that applies for all rational people. Such expectations for all members of a social group are referred to as "claims to *general* validity"[4] (1983, p. 49). Moral

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[2] Because I quote from the English translated one, I write the pages of the translated book mentioned in annotation 1.

[3] P.F. Strawson. (1974). Freedom and Resentment, London: Methuen

[4] Habermas discusses "claims to validity (*Geltungsanspruch*)" in detail in the following book. Habermas, J. (1972). *Wahrheitstheorien*, in Harbermas, J. (1984), *Vorstudien und*

communication can be explained as the situation in which participants raise their claims of validity to each other.

In everyday communication, however, claims to validity are rarely made explicit on purpose. In his analysis of moral phenomena, Habermas focuses on the moment when these claims are made clear, that is, when "conflicts" (1983, p. 110) among the participants occur. When one challenges the claim to validity rose by another (sometimes implicitly), the "discourse," in which participants argue which claims are valid, arises. In this discourse, participants present the reasons for claims and argue them with a reflectional attitude. It is not until participants gain a consensus through such discourse that the normative, valid claims emerge. Habermas states as follows:

> Moral argumentation thus serves to settle conflicts of action by consensual means. Conflicts in the domain of norm-guided interactions can be traced directly to some disruption of a normative consensus. […] What is needed is a "real" process of argumentation in which the individuals concerned corporate. Only an intersubjective process of reaching understanding can produce an agreement that is reflexive in nature; only it can give the participants the knowledge that they have collectively become convinced of something (1983, p. 67).

2 How Should Errors in Normative Claims be Pointed Out?

The process of the emergence of normative claims can be summed up as "the principle of discourse ethics (D)," which is introduced by Habermas:

> Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse (1983, p. 93).

This chapter clarifies the deeper structure of discourse, using (D) as a starting point (2.1). Then, from this new structure, the model of an opponent is constructed (2.2).

2.1 The Deeper Structure of Discourse

Here, let us reveal the deeper structure of discourse, using a concrete example. Suppose that there is discourse (C) as follows:

[Graph 1: The simple structure of discourse (C)]
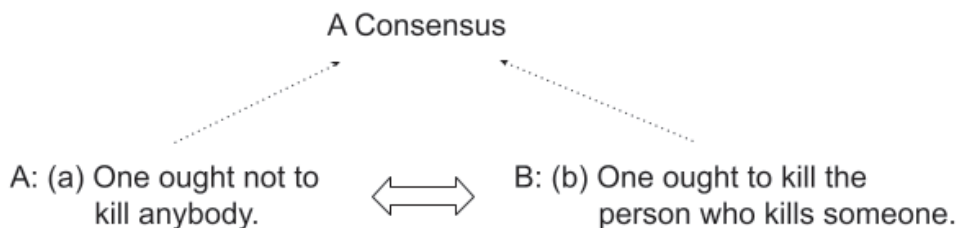
A Consensus

A: (a) One ought not to kill anybody. ⟷ B: (b) One ought to kill the person who kills someone.

Ergaenzungen zur Theorie des kommunikativen Handelns (pp. 127-183), Frankfurt am Main: Suhrkamp, Verlag.

In discourse (C), illustrated in Graph 1, two participants attempt to reach a consensus: Proponent A claims that (a) "one ought not to kill anybody", while Opponent B claims that (b) "one ought to kill the person who kills someone." According to discourse ethics, both A and B present the claim to validity. Claim (a) is opposed to (b), generating conflict.

Now, the deeper structure of discourse is revealed by delving further into this "claim to validity." It is important to note that the normative claims (that something is right) already exist in this discourse. What, then, can be derived from this fact and the previous principle of discourse ethics (D)? These two elements lead to the following conclusion logically: The validity presented in claims (a) and (b) is also based on a consensus that has been reached in other discourse.

Thus, by the logic on which discourse ethics itself relies, they must focus on a kind of "background discourse". The validity emerging in discourse (C) must be supposed as a consensus in other "background discourse." Consequently, the structure of discourse can be drawn more deeply as follows:
[Graph 2: The deeper structure of discourse (C)]
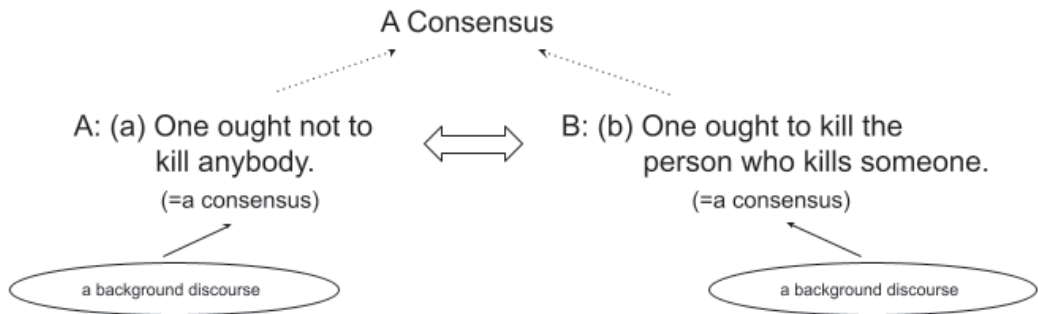
2.2 The Model of an Opponent and its Justification

Based on the internal structure revealed in 2.1, the model of an opponent is revealed. The assumption that there is a background discourse behind the claims to the validity has Opponent B take the following consideration into account. That is, B must consider in what discourse claim (a) has acquired its validity. Moreover, such consideration makes B first ask A why he or she think his or her statement is right before B attempts to push and insist on their statement. Opponent B must ask Proponent A for claim (a)'s justifications. Consequently, when the opponent attempts to point out some errors in the proponent's claims, the opponent *must* first admit the validity of the proponent's claim, at least from the perspective of the background discourse, through which the claim can be valid. This is the ideal role that an opponent should fill in pointing out errors.

As already suggested, this model is an obligation that an opponent must protect; this attitude is not a mere promise. An opponent must unavoidably meet this model

because its protection becomes the inevitable premise for participation in discourse. This can be proven as follows, using Graph 2.[5]

Suppose that B refuses to protect this model of an opponent in discourse (C). Rejecting this model means denying consideration for a background discourse that the claim to validity raised in discourse (C) has undergone. Therefore, if B refuses this model, B also denies that "the normative claims can gain their validity by a consensus in discourse." Opponent B, however, attempts to gain a consensus on his claim through discourse (C). Briefly speaking, at this moment, B is in a contradictory position: B attempts to gain validity through discourse while denying the ability to gain validity through discourse. Now, if B doesn't demand the validity of (b), B cannot avoid this kind of contradiction. Even though B withdraws claim (b), B is still in the same position primarily because B enters the field of discourse in the form of *refusing* the model of an opponent. Refusing something itself can be a kind of claim.

Following the proof above, regardless of whether B claims (b) or not, if B rejects the model of an ideal opponent, B is forced into a contradictory position. A series of proof demonstrates that if an opponent attempts to claim something in discourse, an opponent must inevitably accept the ideal model. In other words, the model demonstrated in this paper is the unavoidable premise for discourse.

Conclusion

This paper concludes that errors in normative claims should be pointed out thusly: "An opponent must, *initially*, admit the validity of a proponent's claim, at least from the perspective of the background discourse through which the claim can be valid." In addition, this is not a mere promise but an inevitable premise for discourse.

The discussion in this paper strictly stops one step behind pointing out errors and only reveals the model that an opponent must *initially* fill when pointing out errors. This is the limitation of this paper. This research, however, forms a significant basis for future research on the concrete and ideal way to point out errors in normative claims.

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[5] The form of this proof is constructed based on the notion of a "*performative contradiction*" (1983, p. 80). This notion is explained by Habermas (1983, pp. 80-82) in detail.

The MIT Press, Cambridge, Massachusetts, 1990).
Strawson, P.F. (1974). *Freedom and Resentment*, London: Methuen