

3-10-2011

## The Problem of Non-Rational Beings in Habermas's Theory of Discourse Ethics

Kara Fancy  
*Macalester College*

Follow this and additional works at: <http://digitalcommons.macalester.edu/philo>

---

### Recommended Citation

Fancy, Kara (2011) "The Problem of Non-Rational Beings in Habermas's Theory of Discourse Ethics," *Macalester Journal of Philosophy*: Vol. 12: Iss. 1, Article 6.  
Available at: <http://digitalcommons.macalester.edu/philo/vol12/iss1/6>

This Article is brought to you for free and open access by the Philosophy Department at DigitalCommons@Macalester College. It has been accepted for inclusion in Macalester Journal of Philosophy by an authorized administrator of DigitalCommons@Macalester College. For more information, please contact [scholarpub@macalester.edu](mailto:scholarpub@macalester.edu).

## The Problem of Non-Rational Beings in Habermas's Theory of Discourse Ethics

*Kara Fancy*

In *Moral Consciousness and Communicative Action*, Jürgen Habermas develops a theory of communicative ethics in which moral decisions are made via reasoned discourse involving those whose interests will be affected. This theory, called "discourse ethics," seeks to engage rational persons in discourse in order to reconcile the diverse values found in pluralistic societies and result in moral decisions that can be accepted by all persons who are affected by them. Habermas writes that "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*."<sup>1</sup>

A disturbing problem with Habermas's theory of discourse ethics is that it fails to give us any sort of notion about how those who are unable to engage in rational discourse (i.e. non-human animals, children, and the severely mentally handicapped) ought to be treated. Habermas's theory implies that basic rights are derived from what is necessary to be meaningfully involved in discourse.<sup>2</sup> Thus, rational persons have a right to a certain level of education, economic and physical well-being, freedom of thought, etc. Since non-rational beings are not able to engage in discourse they do not possess any of these basic rights including that to physical well-being. Furthermore, it appears that Habermas's theory gives rational persons no obligations whatsoever to treat non-rational beings in a humane manner. Decisions regarding the treatment of non-rational beings are made based on what is in the interest of the rational persons involved in discourse. If it is in the interest of these rational persons to exploit non-rational beings, then that will be the legitimate outcome of the

---

<sup>1</sup> Habermas, pp. 66

<sup>2</sup> Cohen, pp. 422

discourse. Thus Habermas's theory leaves open the possibility that non-rational beings will not receive humane treatment and will be made to suffer greatly at the hands of rational persons.

Habermas appears to recognize this problem in part. In "Morality and Ethical Life" he writes:

How does discourse ethics, which is limited to subjects capable of speech and action, respond to the fact that mute creatures are so vulnerable? Compassion for tortured animals and the pain caused by the destruction of biotopes are surely manifestations of moral institutions that cannot be fully satisfied by the collective narcissism of what in the final analysis is an anthropocentric way of looking at things.<sup>3</sup>

Habermas admits that discourse ethics has no response to this problem and then goes on to claim that this is not a defect in the theory. He writes that:

What moral theory can do and should be trusted to do is refute value skepticism. What it cannot do is make any kind of substantive contribution. By singling out a procedure of decision making, it seeks to make room for those involved, who must then find answers on their own to the moral-practical issues that come at them or are imposed on them...<sup>4</sup>

Habermas's claim that the just treatment of non-rational beings is a substantive question whose answer can be decided through discourse is not unproblematic. A central idea of discourse ethics is that those who have interests are entitled to be involved in making decisions that affect their interests. This idea becomes quite troublesome where sentient, non-rational beings are concerned. Although these non-rational beings do not have the capacity to take part in discourse, they do have interests as any being with the capacity to suffer will at least have an interest in not suffering. For this reason, sentient, non-rational beings pose a

---

<sup>3</sup> Habermas, pp. 211

<sup>4</sup> Habermas, pp. 211

unique problem for Habermas's theory of discourse ethics and warrant special consideration within the theory.

I will briefly return to the issue of whether non-rational beings do in fact have interests, as it is not an uncontested issue. It has been argued by R.G. Frey<sup>5</sup>, for example, that in order to have interests one must have beliefs and in order to have beliefs one must have the capacity to use language. According to Frey, when one believes something he believes that a certain sentence is true. For example if I hold the belief that I am hungry, than I believe that the sentence "I am hungry" is true. The problem with Frey's argument is that it fails to explain the behavior of many non-rational beings. A dog, for example, scratching at a door certainly appears to hold the belief that his scratching will result in the door being opened for him as well as the desire to go through the door. It is difficult, if not impossible, to explain the dogs behavior if we assume that he is incapable of believing anything.

Given that non-rational beings do have interests, and that they cannot participate in discourse, I believe that Habermas's theory ought to be modified in order to provide special accommodations for non-rational beings that will ensure that they are treated humanely. While it is certainly possible to imagine situation in which rational participants in discourse choose to respect the interests of non-rational beings, it is also possible to imagine a situation where they do not. Habermas is unclear about what he means when he says that all whose interests are affected should be involved in making a decision. Are the interests of animal welfare advocates, for example, affected by a decision to slaughter animals for food? Although animal welfare advocates may be outraged by such a decision, they themselves are not caused to suffer physically, and are not directly harmed. Many farmers on the other hand would suffer economically if killing animals for food were banned. These farmers clearly have a direct interest in decisions regarding the welfare of animals. It is thus possible to imagine a deliberation about animal welfare where

---

<sup>5</sup> Frey, pp. 87-91

farmers and other persons who gain from causing animals to suffer (medical researchers for example) are invited but animal welfare advocates are not. The possibility of such a situation makes clear the need to modify Habermas's theory in order to ensure the protection of non-rational beings.

Karl-Otto Apel has suggested that discourse ethics could be modified to include representatives for groups like of non-human animals, children, and the mentally disabled in discourse.<sup>6</sup> A common objection to this solution is that a rational person representing a group of non-rational beings cannot know what the interests of that group are since he is not a member of the group and cannot communicate with members of the group.<sup>7</sup> While it is true that a rational person cannot have perfect knowledge regarding the interests of non-rational beings, I believe that modifying discourse ethics to include representatives of non-rational beings is still desirable as rational humans do have some knowledge about the interests of non-rational beings. Non-rational beings do, in a rudimentary sense, communicate with rational persons through body language. Indeed, if non-rational beings did not communicate with rational persons at all, they would not pose such a problem for discourse ethics because rational persons would have no knowledge of their sentience and would thus have no reason to worry about treating them humanely. Because non-rational beings respond to pain, boredom, etc. in a similar manner as do rational persons, it is quite reasonable to assume that non-rational beings have interests similar to those of rational persons and thus could have their interests represented fairly well by a rational human in discourse. Although an imperfect solution, giving non-rational beings a representative in discourse would at least ensure that their existence and interests are not forgotten.

Another way that discourse ethics can be modified to protect the interests of non-rational beings is to establish substantive principles that regulate the outcomes of deliberation.

---

<sup>6</sup> Krebs, pp. 272

<sup>7</sup> Krebs, pp. 272: Vogel, pp. 163-164

This is what Amy Gutmann and Dennis Thompson have done in their book *Democracy and Disagreement*. Gutmann and Thompson advocate a variant of discourse ethics in which the outcomes of deliberation are valid only if they respect the basic opportunity, fair opportunity, and basic liberty of individuals. Although Gutmann and Thompson do not apply these principles specifically to the case of non-rational beings, it appears that the principles of basic liberty and basic opportunity would serve to protect their interests. In the case of non-human animals that are capable of caring for themselves, the principle of basic liberty is sufficient to prevent them from being treated inhumanely as it would prevent their interest in liberty from being overridden by the interests of others.<sup>8</sup> In order to protect the interests of non-rational humans who cannot care for themselves, the principle of basic opportunity is also necessary. This principle provides standards for distributing health care, security, and other basic goods necessary for the well being of non-rational humans.<sup>9</sup>

In conclusion, Habermas's conception of discourse ethics provides a framework through which rational persons engage in reasoned deliberation in order to make decisions. When these decisions affect children, animals, the mentally disabled, and other non-rational beings who cannot participate in discourse, the problem of how to ensure adequate consideration of these being's interests arises. Because Habermas's theory of discourse ethics does not provide guidelines regarding how non-rational beings ought to be treated or how their interests ought to be considered in discourse, it does not ensure adequate consideration of their interests. Thus, I believe that Habermas's theory ought to be modified to include both representatives of non-rational beings in discourse, and to include substantive regulations on the outcomes of deliberation that will protect non-rational beings (as well as rational persons) from being unjustifiably harmed. To unconditionally leave the fate of non-rational beings in the hands of persons who may or may not consider their interests is

---

<sup>8</sup> Gutmann, pp. 230

<sup>9</sup> Gutmann, pp. 273

unacceptable. The modifications proposed above would ensure that the interests of non-rational beings will be considered in deliberation and that the outcomes of deliberations will not allow non-rational beings to be treated inhumanely.

### Sources Consulted

- Cohen, Joshua. "Procedure and Substance in Deliberative Democracy." In Deliberative Democracy, ed. James Bohman and William Rehg, 407-437. Cambridge: MIT Press, 1997.
- Frey, R.G. Interests and Rights: The Case Against Animals. Oxford: Clarendon Press, 1980.
- Eckersley, Robyn. "Habermas and Green Political Thought: Two Roads Diverging." Theory and Society 19 (1990): 739-776.
- Gutmann, Amy and Dennis Thompson. Democracy and Disagreement. Cambridge: Harvard University Press, 2000.
- Habermas, Jürgen. Moral Consciousness and Communicative Action. Cambridge: MIT Press, 1999.
- Krebs, Angelika. "Discourse Ethics and Nature." Environmental Values 6 (1997): 269-279.
- Namkoong, Gene and Tom Regan. "The Question is not, 'Can They Talk?'" The Journal of Medicine and Philosophy 13 (1988): 213-221.
- Regan, Tom. The Case for Animal Rights. Berkeley: University of California Press, 1983.
- Taylor, Paul W. "Inherent Value and Moral Rights." Monist 70 (1987): 15-30.
- Vogel, Steven. Against Nature: The Concept of Nature in Critical Theory. Albany: State University of New York Press, 1996.