

ETHICS OF COMMUNICATIVE ACTION AND HUMAN RIGHTS IN HABERMAS

ABSTRACT

The ethics of communication in Habermas overcomes the contrasts of a multicultural society and proposes inclusion of differences and differences, given that they are not a diminutive but an opportunity for comparison for the formation of a free and democratic society. The agreement between the dialoguing parties is a fundamental element of communicative action and is an essential basis for an ethical-juridical universalism, thanks to which all men are defended in their human rights.

KEYWORDS: *ethics of communicative action, universalism, human rights*

INTRODUCTION

Jürgen Habermas, born in 1929 in Gummersbach, is certainly the most famous exponent of the second generation of the Frankfurt School.

He taught philosophy at Heidelberg and sociology in Frankfurt and directed, from 1971 to 1983, the Max Plank-Institute of Starnberg.

Author of numerous works, in which he deals with topics congenial to him such as political theories, political communication, theories of communicative action, the universalization of legal norms, the overcoming of the concept of nation, equal human rights for all men, the participation of all men in the construction of a perennial or “cosmopolitan” Peace through interpersonal communicative action.

INCLUSIONE DELL'ALTRO E DIRITTI DELLA PERSONA

In the work *The inclusion of the other* (Habermas, 1988), takes into consideration the theme of the report on the ethics of communication and on equal rights for all men. Habermas critically analyzes pluralistic societies, in which the multicultural contrasts are very evident and have led the different parties towards conflicts with tragic conclusions. The philosopher Habermas is careful not to lose himself in a theoretical thought of communicative action, he is concerned with distinguishing theory and practice not to separate them but to unite them, always bearing in mind the real conditions of the human person, crushed yesterday, and still today, by weight of economic and social dictatorship, as well as politics. In this regard, what he says in the comparison between political liberalism and Kantian republicanism about the public autonomy of citizens participating in “civic self-regulation” is very significant. In this regard he writes: “Kantian republicanism, as I understand it, starts from a different intuition. No one can be free at the expense of another’s freedom. Since only through socialization people become individuals, the freedom of an individual remains tied to that of others not only in a negative way, that is through mutual demarcation. Rather frontiers will be rather the result of self-legislation exercised in condition (*gemeinsam*). In an association of free and equal, all must be able to collectively consider themselves as authors of the laws to which, as recipients, they feel bound as individuals. Therefore, in this perspective, it is the public use of reason institutionalized in the democratic process that represents the keystone for the granting of equal liberties” (*Habermas, 1988, p. 114–115*). As is evident, the concept of the person is important in Habermas, which, although part of the collective, remains a person with its singularity and unique identity and participates with the use of reason in the formation of juridical norms that will be institutionalized through the democratic process of deliberation and decision. Private and public, private autonomy and public autonomy, the singularity of the person and the collective, while distinguishing themselves are not mutually exclusive, but “are mutually assumed”.

Such an interpretation of communicative action is essential for understanding the ethical-social and juridical commitment of Habermas regarding the person and his rights and, in particular, his freedom. In this

regard, he writes: «As soon as moral principles take concrete form in the medium of a coercive and positive right, the freedom of the moral person splits into the public autonomy of the legislator, on the one hand, and into the private autonomy of the recipient, of right, on the other. Both roles are mutually assumed. This complementary public and private relationship does not reflect any factuality. It is generated rather, from a conceptual point of view, by the structure of the legal medium. It is therefore the task of the democratic process to redefine – every time – the precarious boundaries between the private and the public, in order to guarantee all citizens equal freedom in the forms of both private and public autonomy” (*Habermas, 1988, p. 115*).

The inclusion of the other in the collective and in the socialization process of the community is never homologation of the other with the suppression of any element of diversity, of difference, of cultural divergence.

Also in the work *Multiculturalism* (*Habermas, 1998*), the theme of the inclusion of the other of the rights of the person and that of the universalization of rights, as well as the respect for the differences and differences that are not to be leveled by the dominant culture, are taken up and addressed on the level of a social and legal concreteness, without losing sight of the integrity of the legal entities. A system of rights based on a democratic process must at the same time respect private and public autonomy. On the protection of the private and the public with reference to the person as the subject of rights, Habermas writes: “A ‘liberal’ reading of the system of rights that ignores this connection would end up misunderstanding the universalism of rights in terms of an abstract leveling of differences: of those social and cultural differences”.

Social and cultural differences that must be increasingly valued – refining our sensitivity towards different contexts – if we want to achieve the system of rights through democratic means. The universalisation of citizens’ rights continues to represent the ‘engine’ for a progressive differentiation of the rights system. But to protect the integrity of legal entities, this system must also rigorously equate and protect – under the control of the citizens themselves – the contexts of life that guarantee their identity. If the partial reading of the theory of rights is corrected in favor of a democratic conception of the realization of fundamental rights, then there is no longer a need to

compensate for liberalism 1° (that is, the theory that everyone is guaranteed equal subjective freedom in the form of of fundamental rights] with a model that introduces additional collective rights“(Habermas, 1998, p. 73).

ETICA DELL'AGIRE COMUNICATIVO E UNIVERSALIZZAZIONE DEI DIRITTI

An ethic of communicative action, which does not exclude the other, different and different in culture, ideas, ethnicity, religion and which then leads to community understanding, must necessarily be seen in the horizon of a universalization of rights. Men, that is, must leave the perspective of a restricted community – nation – state, European institutes, communities of several nations – states founded on ethnic, religious and ideological traditions – and be part of a cosmopolitan community precisely because the juridical foundation of their existence lies in the universalisation of their rights.

In this way the person can be defended and protected in his fundamental rights and only through this universalistic conception it is possible to avoid the “fragmentation of the public conscience”, the “paralyzing political-social fatalism”, the “post-industrial misery”, “the illusion democratic “.

Habermas sees the danger of a return to antidemocratic situations with the consequent deprivation of the vital space of communicative action, indeed it refers to a greater danger which, in his opinion, comes from the automation of global networks and markets and which increases fragmentation of public conscience.

If these systemic networks are not countered by truly effective political institutions, then we will see the paralyzing political and social fatalism that already caused the old empires to collapse from the heart of an extremely mobile economic modernity. The essential elements of the future scenario would then be the post-industrial misery of an “excess” population directly produced by the opulent society – a Third World reborn within the First – along with the consequent moral erosion of the community(Habermas, 1988, p. 170).

Habermas states that, by placing the democratic collectivity in “a communicative perspective”, the ethical-political self-understanding of

citizens becomes “the flow of a circulatory process [...] which comes into action only starting from the legal institutionalization of civic communication” (*Habermas, 1988, p. 170*).

Habermas not only appreciates the progress made for a united Europe on the economic, social and administrative level, but states that “it can also count on a common cultural horizon and on the historical experience of an overtaken nationalism. Nothing therefore seems to prevent us a priori from the production of this (politically – indispensable) communicative context, once it is constitutionally *initiated*” (*Habermas, 1988, p. 173*). And again: “The important thing is that there is a political will in this sense [...]. However, European identity cannot mean anything other than a unity in the plurality of nations ». However, Europe cannot close in on itself but, precisely because of the principle of universalization, it must aspire to the formation of a cosmopolitan right (*Habermas, 1988, p. 173*).

Habermas points out the political and military events that have attracted public opinion in recent times towards a sphere of a right on a planetary scale – think of the Vietnam War and the Gulf War, to conferences on global problems of ecology (Rio de Janeiro), population growth (Cairo), poverty (Copenhagen), climate (Berlin). In this regard he writes: “Now since the commonality now everywhere prevailing among the peoples of the earth [!] Has extended to such an extent that the violation of a right at an Earth point is perceived in all its points, the idea of a cosmopolitan right it is not a chimerical and extravagant world to represent the right, but an integration necessary to transform the unwritten code of the ‘law of nations’ and of ‘state law’ into a public right of man in general and therefore in the perpetual peace towards which one can hope to find oneself in a continuous approach only to this condition [ie a well-functioning world public sphere] » (*Habermas, 1988, p. 188*) (*Gonelli, 1995, p. 179*).

We believe it is necessary today to rethink Habermas in the light of his interesting reflections on the burning problems in today’s complex society such as immigration, emancipation movements in multicultural societies, Eurocentrism, minorities offended and disavowed and who find in the concept of person with his inalienable rights a solid point of reference that cannot be ignored.

THE OTHER AS ONE OF US

The ethics of communication has its roots in the daily history of men, in the world of their lives, to put it in the words of Husserl, in interpersonal relationships, in social relations between people and political institutions, in the relationships between a person understood as a single individual and a person like participant in the formation of the social, political and economic community. Ethical-social and political-economic pollution, which characterizes the person in relationships with others and with the whole community, has the inevitable consequence of not respecting, partially or totally, the rights of the person. This historical vision, this interpretative basis, this social attention are essential elements for understanding the Habermasian thought about the problem of communicative action, of human rights, of the project of a universalistic action on the level of equal rights for all and of a community with universal and cosmopolitan character. How to save men from the denial of human rights? Habermas, observing directly the world of human life, notes that the latter is increasingly characterized by phenomena, such as discrimination, suffering, marginalization, which offend and harm the dignity of the human person. Already in the *Preface to The inclusion of the other* of 1996, the philosopher takes these themes in a prophetic way and it can be said that the title of the same work is emblematic of Habermas' program which focuses on the drama of the excluded also within Western democracies, ethnic groups on the run to avoid violence and civil death, diversity in a biological, psychological and cultural sense, internal and external minorities of the nation-state. The German philosopher analyzes other important topics such as equal opportunities, conflicts between "different family rights", school policies with the urgent request for a multicultural education, constitutional policies such as the right to coexistence of cultures, the recognition of minorities and this is also why the work *Multiculturalism* has as its subtitle Lotte for recognition. Habermas reflects on how to save man and that is why, in addition to the problem of communicative action as a fundamental linguistic element that allows men to dialogue for the search for truth, the philosopher turns his attention to the concept of person, to respect of his dignity and his rights. In Habermas there is a personalism not always brought to light by the scholars of his

thought, even though it is a personalism that has no biblical, Christian or religious roots, but that has goals, in terms of natural anthropology, similar to Christian ethical personalism as the priority is to save the person and his rights from any form of violence and to restore human dignity, whenever this dignity is outraged and scorned. In fact, just when Habermas defends the position of equal rights for all, he promotes a certainly secular personalism that protects the person and respect for the other regardless of any prejudice, especially when he writes: «[...] I defend reasonable content of a morality of equal respect for everyone and of a general and supportive responsibility towards the other ». And again: “Equal respect for *anyone* [*jedermann*] does not concern those who are *similar to us*, but rather as a person of the other (of others) in his specific diversity. And the joint responsibility for another seen as one of us actually refers to the flexible ‘we’ of a community that – reluctant to any form of substantiality – extends its porous borders ‘beyond’ (Habermas, 1988, p. 9). The community is therefore made up of people who have a flexible ‘we’, that is, people who are not closed to the size of others, or closed within their own community and without joint responsibility towards the person who is outside, because it is different. The community, made up of people with individual and community rights, must be flexible, must avoid any form of ideological, social and religious fundamentalism and must know how to extend and enlarge their borders, which must be “porous”, in the sense that going towards the other must be an act of gratuitousness free from prejudices, because the other must be seen and accepted “as one of us”. This is the only way to eliminate those social evils that are called discrimination, suffering and marginalization.

The boundaries of the social and political community are therefore open to all, because they all have equal rights. Habermas writes: “This moral community can only be founded on the negative idea of eliminating discrimination or suffering and of including the marginalized (all marginalized) in the context of mutual respect. This community – conceived in constructive terms – does not at all represent a collective in which members of uniform must exalt what is specifically their own. Inclusion here does not mean assimilation hoarding or closure against the different. Inclusion of the other means rather that the boundaries of the community are open to all:

– and above all – to those who are strangers to each other and who strangers want to stay “(Habermas, 1988, p. 9–10). The closure of a majority of people in their social, political and legal territory, with the claim of having rights and privileges, leads to clashes and violence. The same can happen in a minority that, while respected in its cultural rights, in the traditions of origin, in family experiences, does not fit into the juridical, social and political community of a nation-state, does not accept an itinerary made of communicative action. This closure constitutes a danger of bitter conflicts and reciprocal violence, without forgetting that the silence of communicative reason is the *sine qua non* of the denial of communication between *the ego, you and the other*. The silence of reason, imposed by political, industrial, economic, capitalist or neoliberal dictatorial forms, from a depersonalizing globalization, leads to the silence of the person and therefore to the disappearance of a communicative action and the formation of a public opinion as knowledge of the problems of community through a deliberative policy. With the disappearance of the person with his communicative action, then democracy founded on the basis of civil society and on a common culture disappears, human rights and social guarantees also disappear and the space for those excluded from society is lost. In communicative action, on the contrary, there is no silence of reason and there is no exclusion of the other, because unity is achieved in plurality and the differences and differences between people in the field of human rights are lacking, because everyone is on a level of legal symmetry. In this way, people guided by reason and by the *medium* of a comprehensive linguistic game, build norms, social relations, community, public opinion which then turns into positive law through the processes of deliberation and decision institutionalized in and by the political system. Communicative action, therefore, through intersubjective channels activates an effective and positive dialogic relationship between the *ego, you and the other* and leads peacefully to *understanding*. Acting in a communicative way and understood in this way are characterized as ethical, open to the other, supported by a social and communitarian dimension, with the consequence that at the center of every linguistic act there is the person with his rights, and equal rights for all, without privilege of any kind and for those of the majority and those of the minority.

ACT COMMUNICATING AND ACTING STRATEGIC

Habermas writes: “What the theory of rights prohibits is only – within the same state – the privilege of a given form of life for the benefit of others” (*Habermas, Taylor, 1998, p. 86–87*).

Habermas specifies that the agreement must be taken from time to time based on the perspectives of intersubjective recognition on the validity of the object under discussion, which can be an object of a social, subjective, communitarian character. Therefore, in communicative action there are two parties that discuss and then reach the final agreement by mutual agreement. The two speaking parts thus enter into resonance with one another about the validity of a situation; while in strategic action the speaker is one and influences the other with the threat or with a “gratification perspective” or by leveraging the personal “guarantee”. On the communicative action that leads to the intersubjective agreement and to the agreement, Habermas thus writes: «I call communicative those interactions in which the participants coordinate their action plans by mutual agreement; here the agreement reached from time to time is measured on the basis of the intersubjective recognition of validity claims [...], that is, claims of truth, claims of rightness and claims of truthfulness, depending on whether they refer to something in the objective world (intended as totality of existing states of affairs), to something in the common social world regulated according to laws, or to something in one’s own subjective world (understood as the totality of lived events that are privilegedly accessible)» (*Habermas, 1993, p. 63*). About the strategic communicative action, in which the interactive action is missing and the final result is only the result of the guarantee of the speaker, Habermas writes: “While in strategic action one influences another empirically, with the threat of sanctions or the perspective of gratifications, to induce him to the desired continuation of an interaction, in communicative action one is rationally motivated by the other to an agreed action, and this by virtue of the illocutionary effect of connection which is proper of a linguistic proposal» (*Habermas, 1993*) (*Habermas, 1991, p. 121–132*). And again Habermas states that in communicative action the actors undertake to agree on their action plans and “to pursue their respective purposes only to the condition of an agreement, existing or to be negotiated, on the situation and on the consequences that are expected. In both cases,

the teleological structure of the action is presupposed, in that the actors are given the ability to act in view of goals and the interest in implementing their action projects“ (*Habermas, 2018, p. 142*). In this case the actors act in full freedom, without external intervention, and the agreement reached is the result of their dialogic and communicative capacity which rationally motivates the decisions. The same agreement is thus a mechanism for coordinating the action. The concept of communicative action is structured in such a way that the understanding processes aim at an agreement that depends on the rationally motivated context. “The agreement cannot be enjoined to the other party, it cannot be imposed on the other party by way of manipulation: what takes place manifestly because of an external influence, cannot be considered as an agreement. The agreement is always based on common convictions“ (*Habermas, 2018, p. 143*). The ethical validity of a norm according to Habermas therefore lies in the understanding reached through a communicative interaction in which participants coordinate their action plans by mutual agreement.

Habermas sees in the person a solid point of reference that builds, in a communicative relationship with other people, norms of life and an ethical-social basis on which to build a political community in which no one should be a stranger. An agreement reached on the norms that must build the social and political community with reference to the objective world, to the social world and to the subjective world, is the foundation of a peaceful house in which all men have equal rights. One can speak of a Habermasian personalism certainly distant in its departure from the Christian one because it is anti-metaphysical, but similar in its conclusions because both want to save man as a person, with his fundamental rights, from any form of oppression and social and political discrimination.

Habermas, analyzing the historical reality, identifies the dangers that lead to the eclipse of reason as well as those forms of illegality that are transformed into institutionalized legality, which then lead to exclude from the community those who are the “weak”, without word, without history and without interpersonal relationships. They are the lost and stateless of humanity and those who have been marginalized by the strong powers. To get out of this exclusion and to regain the fundamental rights of the person,

Habermas indicates a way out in the “joint responsibility for another seen as one of us” thus contrasting the social and political contradictions that affect the fundamental rights of the person. These considerations unite Habermas to Benedetto Croce who, despite the differences on the philosophical level, converge on the ethical commitment to the salvation of man and on the hermeneutical reading of the world. In the work *The Antichrist that is in us* so is expressed Croce: “The true Antichrist is in the disavowal, in the denial, in the indignity, in the mockery of the values themselves, declared empty words, lies or, worse still, hypocritical deceptions to hide, to make the only reality that craves it and personal greed more easily addressed to the dazzled eyes of the credulous and the foolish, all addressed to pleasure and convenience.

This is truly the Antichrist, opposed to Christ: the destroyer antichrist of the world, enjoying the destruction, heedless of not being able to build anything other than the process, always dizzying of this destruction itself, the negative that wants to behave as a positive and be as such it is no longer creation but, if this could be said, discreation»(Croce, 1969, p. 315).

This historical-sociological reading, let's say prophetic by Croce, is not far from the historical-social basis from which Habermas's reflection starts.

Croce, as Habermas will do, many years later, observes in a prophetic way how illegality and moral and juridical illicit are transformed into lawfulness and lawful behavior, in which social, political and citizen libertinism is disguised as a lawful act. The exclusion of the other from fundamental rights to what consequences does it have? And why? These are questions common to Croce and Habermas. Croce writes: “The practical consequences of this process are observed in the cases of our days: in the hardness that is poured into cruelty or, even, in morbid ferocity against those who have been adversaries or obstacles; in the icy indifference with which we see the crushing of nations and states (...); in the actual disappearance of the human and generous affection that was in the origin of socialism for the fate of the proletarian classes, and of the sincere intention of redeeming them, now replaced by a wide need for hatred and destruction and conquest and lust for power for the power, (...) in the mendacio, used as a usual means of struggle, without fearing that it will be discovered and reproached“(Croce, 1969, p. 318–319).

It is important how much Croce affirms about the relationships between the I, you and the world. To destroy oneself is to destroy others and the world itself. We cannot save ourselves alone, in an individual's escape from the world, "in a retreat into himself, into a movement towards death, which is desertion, cowardice, selfishness, a pretense of saving himself without saving everyone else and suppressing oneself without suppressing the world and the reality that we compose ourselves and with which we collaborate together"(Croce, 1955, p. 54).

THE MAN: ORPHAN OF GOD

The ethics of communication of Habermas is an ethic devoid of religious breath and without any reference to the biblical foundation of the person created in the image and likeness of God. The expression *orphan of God* is in the first pages of *Inclusion of the other* (Habermas, 1988, p. 30) and it characterizes the cultural climate of Habermas' thought and the new model of ethics and interpretation of the vital world of men, as well as the course of the social, civil and religious history of our time. It is certainly an interpretation of human relationships seen outside of any theological and salvific foundation.

Observing the human path, he realizes that men have not yet freed themselves from the ethical ties proper to religious tradition and the biblical world. Personally Habermas believes that religious traditions have remained "decapitated", as men in their actions and their states of life demonstrate that they consider morality as a "private affair"(Habermas, 1988, p. 30) and no longer refer to the "revealed word of God" (Habermas, 1988, p. 30). He writes: «The prophetic doctrines of the biblical tradition had provided interpretations and reasons which gave moral norms a public force of conviction. They had explained why the commandments of God, far from being blind injunctions, could claim validity in a cognitive sense"(Habermas, 1988, p. 20).

The salvation of man in the biblical perspective occurs through a conduct of life linked to the word of God, to his will and to the imitation of Christ; while in Habermas the concepts of solidarity, of justice, of diversity of persons have a foundation in the community bond that unites all men in the universal communion of believers. Habermas writes: "As a member of the universal communion of believers I am solidaristically linked to each

other as a companion, as 'one of ours'. As an irreplaceable individual, on the other hand, I owe to the other that equal respect which is due to any one of those irreplaceable individuals who expect fair treatment. 'Solidarity' based on belonging reminds us of the social bond that unifies everyone: everyone is responsible for the other»(*Habermas, 1988, p. 22*).

The ethic of communion or communicative action preserves all the elements of Christian ethics, namely: the concept of solidarity, of equality of the person, of the principle of the universal communion of men, of the diversity of people, of respect for all and the principle of justice.

The basis of ethics is different. For the Christian view it is vertical, in Habermas it is a human, horizontal and sociological foundation. Respect for the person should be considered not because it is a creature of God, but because it is the same as all other people and has the same rights as all others. Moral laws no longer have a metaphysical foundation and have no connection with the evangelical aspect of salvation. Habermas states: "With the passage (typically modern) to the pluralism of the visions of the world, religion and the ethics rooted in it can no longer act as a public foundation for a common morality. In any case, the validity of generally binding moral rules can no longer be explained by reasons and interpretations that appeal to the existence and role of a transcendent creator and savior. With this, both the ontoteological accreditation of objectively reasonable moral laws and the soteriological connection of their correct application with objectively desirable 'salvific goods' are lacking (*Habermas, 1988, p. 23*).

Not considering metaphysical concepts, the foundation of ethics shifts to other sides, which can be experimental sciences, sociology, the ethics of communication and solidarity. In this regard Habermas thus expresses itself: "The devaluation of metaphysical concepts (as well as the devaluation of the corresponding category of explanations) is also connected to a displacement of the epistemic authority that now passes from religious doctrines to modern experimental sciences. Along with the substantive concepts of metaphysics, the internal nexus linking the statements asserting to the corresponding expressive, evaluative and normative statements is also dissolved. 'Reasonable objectification' can only be justified as long as 'right' and 'good' continue to take root in a normatively impregnated structure of being. 'Desirable

objectification' can only be justified as long as a soteriological teleology guarantees the realization of that state of 'absolute justice' which automatically implies and carries with it also a concrete good" (*Habermas, 1988, p. 23*).

The perspective of the world of human life changes completely when the foundation on which it is based is entirely renewed. Man today, having become "an orphan of God", no longer addresses himself vertically upwards, but in his actions and in his relationship with the world and with others, he looks at himself, others and the world. His being in the world, the expressive models of his being and his existence change direction, the history of men also changes, as does ethics, which from vertical becomes horizontal, founded no longer in communication between man and God, but between person and person, person and community. Moral philosophy then finds its foundation in an intersubjective personalism and in a communicative action between people, which are the true builders of every community and of society as a whole. "In this new situation, moral philosophy depends on a post-metaphysical foundation level. This means above all that it a) on the methodological level must renounce the divine point of view; b) in terms of content, it can no longer resort to any "order of creation" or "history of salvation"; c) on a theoretical-strategic level it can no longer use metaphysical-substantive concepts that precede the logical differentiation of illocutionary statements. Although deprived of all these resources, moral philosophy must justify the cognitive sense of intrinsic validity in judgments and in the taking of moral positions»(*Habermas, 1988, p. 23*).

The post-metaphysical foundation level should not be sought in the models of classical ethics, but in a new conception of person and intersubjectivity. According to Habermas, the solution proposed by Tugendhat seems the most realistic. It states that respect for all is the founding element that replaces the transcendent foundation of biblical morality. Habermas believes that with "this approach we are naturally led to reflect on those particular conditions which – after the decline of religion and metaphysics – present themselves as the only resource that can still be used in the foundation of a morality of equal respect for everyone" (*Habermas, 1988, p. 36*).

This new conception of an ethical theory based on mutual respect for all, a conception that is part of the moral conscience of humanity, has a limit on

the rational level because it starts from an anti-historical and irrational claim, that is from the conviction that these philosophers have on the definitive sunset of metaphysics, on the concept of the death of God and therefore on the certainty that today's man has remained "an orphan of God".

Habermas expresses reservations about this proposal by Tugendhat. He states that such a solution cannot be scientifically and definitively connoted but must have a flexible character in that intersubjectivity is based on reason in continuous dialectical movement which tends towards a general understanding in favor of the community and not of special interests. Habermas states that in this ethical model there is no reflection of people on their own ego, on social and community contents, and finally the relationship between the person's communicative action and the community is missing. All this can lead to forms of particularism and leveling of individuals with the exclusion of some or groups from the social and political community. Communicative action, on the other hand, must be flexible in nature and Habermas, on Tugendhat's proposal, expresses itself as follows: "This methodological reference to the possible intersubjectivity of the understanding ... ends up giving the pragmatic reasons an epistemic meaning. In this way the limits of instrumental reason are transcended. As a basis for the validity of morality – reason [Vernunftmoral] now serves a principle of generalization that cannot be founded in the perspective of particular interests (and not even in the perspective of the respective conceptions of good). We can only ascertain this principle starting from a reflection on the indispensable conditions for an impartial formation of judgment" (Habermas, 1988, p. 37).

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The cooperative praxis of the agreement remains, therefore, valid if the *intersubjective understanding* arises from a self-understanding of people, from an intuitive knowledge of what one is, from a reflection of social perspective and of how men "communicatively socialized have acquired by growing in a given culture". In the light of linguistic games and intuitive knowledge «the actors not only develop representations of themselves and of the life they would like to lead. They also discover the attractive (or hateful) aspects of situations that would remain incomprehensible to them if they did not even

understand what reaction is expected of them (...). It is an *intersubjectively* shared 'know-how', which has stabilized and confirmed by tradition. As a collective possession of a certain form of cultural life, this knowledge owes its 'objectivity' to the fact that it is socially widespread and accepted. Therefore the practical reflection that appropriates it in a *critical form* always needs a social perspective" (Habermas, 1988, p. 39).

In this sense the story of a person's life cannot be explained only through personal experiences; in fact it is inserted "in the form of life" and intersubjectively shared traditions, for which a self-understanding of the person's being is necessary, which is continually conditioned in his communicative action by the social world in which he lives and Opera (Habermas, 1988, p. 40). Only in this way is born the understanding that does not exclude any person and includes, instead, the differences, the differences, all the people as such. This justifies a theory of morality and a conception of personalism that allow everyone to have the same rights and affirms a universalism in which people with different traditions and cultures have equal rights and equal respect. On the universalistic concept of the world of human life, which must lead to a conception of ethical-juridical and political universalism, and which can be defined as cosmopolitan, Habermas thus expresses itself: «The fact that people acquire individuality only by going through processes of socialization means that moral respect must regard the individual both as an irreplaceable individual and as a community member. Moral respect, in other words, must link justice and solidarity. The equal treatment concerns unequal people and yet aware of the common belonging. Moral universalism must not consider the aspect of equality (the fact that all people, as persons, are absolutely equal to one another) at the expense of the aspect of individuality (the fact that, as individuals, these people they are also absolutely different from each other). Equal respect for everyone, required by a sensitive universalism – to the – differences, then takes the form of an 'inclusion of the other' which *safeguards diversity without either totaling or totalitarian confiscation*» (Habermas, 1988, p. 54–55).

This ethical model of Habermas, based on a universalism that does not eclipse differences, does not level people by eliminating their specific cultural, ethnic, social qualities, does not humiliate thought by sacrificing ideologies,

political guidelines, personal orientations and convictions, but causes all these realities remain so in the social and political community. It is a moral theory, an ethic and a model of life whose fundamental point is the respect of the person with all his rights through an intersubjective communication network that unites *the I, you and the third person* in the world of community life, without anyone losing their originality and without losing the unity of the social and political community.

Acting in a communicative and strategic manner Habermas always starting from a realistic vision of society, states that there is a powerful aggression, on the part of the strong powers, against the person through the power of speech and language (Formigari, 2004) (Pedroni, 1999). There is an ongoing manipulation of the rationality of man and his vital world, with the inevitable loss of human autonomy, with the eclipse of rights and the strengthening of social exclusion. Man is reduced to an object by the powers of science, politics, ideologies and the media. Restoring man to his person and the strength of his being unique and unrepeatable, free enjoyment of human rights and his communicative reason is Habermas' ethical-philosophical commitment (*Habermas, 1983*) (Fabris, p. 65–69).

The foundation of an ethic that is the epicenter of all human activities is the principle of the universalization of human rights, which gives man the communicative power of language with which he can dialogue, be heard and listen to the “good reasons” of others, which put everyone in a position to become aware of being an integral part of the community and of being an actor and creator of norms, political orientations and social changes: all of this is possible for Habermas if proper space is given to the ethics of communication and to act intersubjective communicative. The Habermasian philosophical perspective that starts from a precise treatment of the concepts of “action” and “rationality”, within which the communicative action, unlike the non-communicative or strategic one that always aims, on the part of those who adopt it, to the affirmation of oneself and one's own theses, one configures for the aspiration to the agreement and sees in the language the place in which such understanding can be realized (Habermas, 1981) (Rinando, 2003).

Just starting from this definition of rationality in communicative terms, Habermas comes to the elaboration of his “discourse ethics”. In it

are indicated those principles that allow to find a rationally founded and motivated agreement when controversial practical – moral questions must be taken into consideration. As a principle of universalization, understood as a rule of communicative argument, Habermas proposes the following formula: “Every valid norm must comply with the condition that the consequences and collateral effects, which are predictably resulting from its universal observance for the satisfaction of the interests of each individual, can be accepted without compulsion by all interested parties. Every valid norm should be able to find the consent of all the interested ones, provided that these participate in a practical discourse“(Habermas, 1991) (Fabris, 2010).

Habermas, therefore, engages in the search for a new rational foundation of ethics, restoring to man his communicative reason, and he does so outside the Hegelian, Marxist and metaphysical tradition and with the recourse to those philosophies, such as the analytic and hermeneutics, which have as their point of reference the language that is the fundamental element both of intersubjective relations and of a realistic interpretation of the vital world of man and of the social context in which he realizes his existence.

“The dialogic model becomes the paradigm of every ethically connoted communication, provided that this experience is lived to the full (...). In fact, each person speaks to the other in dialogue: this is the only way to become himself»(Fabris, 2017, p.67).

The community ethics of intersubjective action can never be an ethic that manipulates human thought and communication, it can never be a sophisticated ethic because human thought remains free from all ideological conditioning, it can never connotation as an ethic of domination and of stronger because it comes from the base, that is, from people who dialogue to add understandings and reasonable agreements. Decisions, therefore, are taken in unison by people in dialogue, without the occult and ambiguous forces manipulating and deceiving the interlocutors. Freedom and rationality are the guidelines on which the ethics of communication is oriented. It is an ethic that builds relationships, norms of life, social and political changes and walks historically with the life of men. As Franz Rosenzweig, a Jewish thinker of the twentieth century, says in the dialogue something new is achieved

and “one does” properly the truth because “in real dialogue something really happens: I do not know before what the other will tell me because in reality I do not I don’t even know what I will say, in fact I don’t even know if I’ll talk; it could also be the other one to start, and indeed in genuine interviews it is mostly so. To be convinced of this, it is enough to throw a comparative look at the Gospels and Socratic dialogues: Socrates is almost always the first to give the interview the go-ahead by giving it the tone of a philosophical discussion. Thinking knows its thoughts from the start, the fact that he “expresses” them is only a concession to the deficiencies of our (...) impersonal means of communication“(Rosenzwaig, 1925, p. 271).

For Buber to think is to communicate, to communicate is to dialogue and to dialogue is to promote relationships(Buber, 1923)(Casper, 2018)(Fabris, 2011). The social background is always present in the thought of Habermas, who is a philosopher who looks at the concrete reality of human life, identifies the roots of existential malaise and proposes therapy.

Men, torn from their natural place of life and community, and silenced because they are deprived of the communicative language and their intersubjective action, must return to their original existential position by regaining the strength of communicative action and regaining that rationality which it allows them to act, to become aware of personal and community problems, to change social and political situations.

This is the fundamental reason why Habermas identifies in the communicative action the behavior or linguistic act that is addressed to the others looking for an understanding, based on the rational conviction, in view of common actions, while negatively considers the strategic action due to certain behaviors that, not supported by rational convictions, want to pursue ends with unlawful means such as blackmail and deception. This is the drama of today’s world: the denial of subjectivity or the end of the person’s vital world with the deprivation of fundamental rights and at the same time the exaltation of the subjectivity of those men who have in their hands the power of science, of law, economy and politics and globalize the world of culture, commerce and finance without having moral rules as a reference. Habermas is against these forms of globalization that deprive people of their fundamental rights and of any ethical reference.

ETOS E KRATOS

The distinction of “communicative action” and “strategic action,” thematized by Habermas and rooted in historical experience, is also the conscious expression of a perennial ethical and historical drama that has always taken place over the centuries and which, for to resort to the terms of a classical antithesis, that harsh relationship between *ethos* and *kratos*, symbolized in the characters of Antigone and Creon, or rather of moral conscience and power, authoritarianism and freedom.

The use of language is very important because, used correctly and ethically, it can lead to an intersubjective action that makes possible positive experiences with which men constitute the social and political community according to an understanding that does not cancel differences and diversity. Otherwise, through strategic action, we have the exclusion of differences and in this case the language when it is only univocal can lead to forms of manipulation, of power and to an ego that excludes you and the other.

Rationality, as a communicative force, as a way of thinking and influencing the community through the medium of language, if placed on the teleological line of a strategic action, brings society into a blind alley, where capitalism, the cultural industry, the neoliberalism, the various forms of political dictatorship, as well as a democracy without a basis in civil society and without a common culture, will only make people the object without rights, without words and without decision-making freedom, while the person, Mounier reiterates, is just that what object is not.

Habermas cares about giving back to man his fundamental rights, among which the right to a speaking action, which communicates with the other, occupies a privileged place and allows everyone to be an active and creative component of a community.

Integrating a person into the community does not mean nullifying individuality, the richness of its uniqueness and the extent of its cultural tradition, in the awareness that diversity is not a diminution, but an opportunity for growth and enrichment.

It is necessary that every person who is part of the community preserve his identity and strengthen it in his relationship with others. Habermas writes in the Inclusion of the other, in the paragraph entitled

The discourse of others with us: “The dispute between ‘individualists’ and ‘collectivists’ is automatically emptied from within, as soon as fundamental legal concepts embrace unity ancipite of socialization individualization processes. Since even legal persons can only identify themselves by going through socialization processes, it follows that the integrity of the single person can be protected only if they are simultaneously granted access to those interpersonal relationships, and to those cultural traditions, which the they are necessary to preserve one’s identity. A well-understood individualism would be incomplete without the addition of this component of communitarianism“(Habermas, 1988, p. 229).

Individuals and individuals and communities cannot be separated, on pain of losing the concert of integrality of the person because the I is constitutive of you and us. Integrating a person into the community does not mean losing his or her rights, personal identity and diversity. “The *ipseitas* of the self – writes Ricoeur – implies otherness to such an intimate degree that one does not allow itself to think without the other, that one passes rather into the other, to put it in Hegelian language”(Ricoeur, 1990, p. 14–15)(Buber, 1937, p. 11).

Involved in the community must be addressed with positive law instruments with which to build civic solidarity Habermas states that from a political point of view “the objection against disintegrative effects of modern law just does not seem to stand (...). It is only a legalization of politics.” ..) Problems of integration that can be tackled with instruments of legitimate law, that form of civic solidarity is also produced which is one with the realization of rights fundamental.”(Ricoeur, 1990, p. 14–15)(Buber, 1937, p. 11).

To say ethics of communicative action means to say ethics of inclusion of the other and to identify the “limits of each of us” as well as a commitment to “learn from each other”. There is no real communication if there is no “symmetry relationship”, that is, if there is no dialectic of “mutual recognition”. Habermas, with regard to the debate on the inclusion of others with cultural and religious diversity, states that this must be a precious opportunity for us to help others identify our limits. Habermas writes: “Regardless of their cultural background, in fact, all the participants know very well – on an intuitive level – that no consensus can ever be born based on conviction until

symmetry relations exist between the participants in the communication, that is relationships that take into account to mutual recognition, to the mutual assumption of perspective, to the common willingness to consider one's own traditions even with the eyes of a stranger and to learn from one another. On this basis it becomes possible to criticize not only selective versions, tendentious interpretations and partial applications of human rights, but also those of their shameful exploitation that – giving universalistic coverage to particular interests – have ended up by making us believe that the whole sense of human rights can be traced back to their abuse “(Ricoeur, 1990, p. 232).

Also with regard to the inclusion of “internal minorities” Habermas affirms an important concept regarding the preservation of their cultural integrity, since the problem of these minorities derives from the fact that, even if considered as legal persons, “citizens are never abstract individuals detached from their original bonds of belonging”(Ricoeur, 1990, p. 156). A nation of citizens is always composed of people who embody, even after the various processes of socialization, “the forms of life in which their identity was formed. And this even in the case in which, as adults, they have detached themselves from the traditions of origin. In what constitutes their character, people are like *odinodes*,” or meeting points in an ascriptive network of cultures and traditions“(Ricoeur, 1990, p. 157).

There is certainly in the folds of Habermas's thought a surprising personalism, perhaps not yet brought to light by scholars, as it is possible to notice, as in all the works of the German philosopher, the vision of a personalism that has as its epicenter the person, with his rights, constitutes the theoretical-moral red thread of all his production. He is extraordinarily concrete in this respect, even though it is difficult not the theory of communicative action, but the cosmopolitan application of the concept of universalisation of human rights, lacking today a juridical, human and political level that defends a cosmopolitan right human rights in all the nations of the world. However, it remains the merit of Habermas to have paved the way for a new way of seeing and defending human rights on a planetary background “by appealing to two universalistic vectors of democratic constitutionalism:” human rights “on the one hand and” cosmopolitan law “on the other . These are two distinct moments in the Habermasian reconstruction of the “system of rights”; two

aspects of the procedural (and procedural) explication of the one innate (or original) right that Kant attributed to man: the right to equal subjective liberties“ (Ceppa, 1998, p. 262).

Even the problem of justice, in particular today, in its universal enlargement, demands to overcome old and rigid prejudices and has to deal with the “eyes of humanity” to say it with A. Sen, “because we can identify ourselves for various aspects with people outside our community; secondly because our choices and our actions can affect the lives of other people near and far: finally, because what they see from their historical and geographical angles of view can help us overcome our narrow-mindedness» (Sen, 2010, p. 140).

Faced with the drama of modernity as a babel of languages, faced with the risks of social and environmental disintegration and degeneration of values, Habermas, as Ceppa states, “once again plays the map of reason as universalism inclusive of differences. The intersubjective and normative dimensions of this communicative reason are intended to create a solid “coexistence of strangers” in the legal medium. They still intend to react to the various forms (resigned, euphoric or lucidly nihilistic) with which that postnietzschean subject has chosen to scuttle himself. Recovering the interrupted project of modernity as indispensable means carrying out a metacritic of postmodernism, or denouncing that renunciation of democracy that derives from the bewitched awe of the inhuman»(Sen, 2010, p. 278)(Habermas, 2010, p. 217–227).

By placing the person at the center, it is possible to push for a broadening of democratic practice beyond the borders of the West and to effectively respond to the ethical and political challenges that are part of globalization to our changing society.

Habermas presses on the need for a presence of vital forces in interpersonal, inter-European and international dialogue to find supranational political solutions in defense of the human rights of all men and thus extend civic solidarity beyond nation-states, which have weakened in terms of relations between political and economic leadership and the base of society. All this can happen by looking at the world from the point of view of others, which means, according to his thought, “solidarity between strangers” “solidarity with strangers”. Only through dialogue and respect for the point of view of others can conflicts, divisions and antagonisms be overcome because

others, in this universalistic vision, are no longer seen as outsiders. In fact, cosmopolitan solidarity has as its foundation the recognition of others “seen as us” on the same level symmetrically at an ethical, juridical and social level.

The merit of Habermas: recognized by Rawls (Rawls, 2008) himself, having contributed decisively to clarify the enormous importance of public reflection and, in particular, the double presence in the political debate of “moral questions of justice” on the one hand and “instrumental questions” of power and coercion “on the other.

Only a global solidarity, based on respect for the dignity of the person, is able to put into circulation values that refer to important realities such as the “face” of the other, the word, the gift, friendship, dialogue. We need to recover an ethical interpretation of globalization, “which by making the values present in all cultures flow, will prevent the foreigner from becoming a fatal hostis and facilitate the desacralization of borders [...], downgrading them to more prosaic lines of political and administrative demarcation , flexible enough to allow the cosmopolitès, not to be driven back into the “hostile” role of the foreigner, and to the person to realize himself as freedom in a context of complexity” (Signore, 2011, p. 130).

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