CONSTRUCTING A GLOBAL ACCOUNT OF REASON

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DISCOURSE, MORAL ENGAGEMENT AND ECOLOGICAL TRUTH

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A Thesis Submitted to the School of Graduate Studies in Partial Fulfilment of the Requirements for the Doctorate of Philosophy

McMaster University DOCTORATE OF PHILOSOPHY (2015) Hamilton, Ontario (Philosophy)

TITLE: Constructing a Global Account of Reason: Discourse, Moral Engagement and Ecological Truth

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SUPERVISOR: Professor Violetta Igneski

NUMBER OF PAGES: vii, 193

This dissertation argues for a method of resolving moral disagreement by the exchange of reasons by those affected by the disagreement under certain conditions. However, it suggests that typical Western accounts of the varieties of reasons admissible in these kind of conversations is limited, privileges Western ways of looking at the world, and devalues non-Western and, in the focus of this dissertation, particularly indigenous worldviews. As such, a fuller and more just account of reason is needed, one that includes the kinds of reasons used by all, if we are to have just, fair and equitable conversations in order to resolve moral disagreements.

In this dissertation I argue that Jürgen Habermas' discourse ethics is our best understanding of morality, but that as it stands it has some serious deficiencies that need to be overcome before it can live up to its own promise. In particular, its insistence that facts, norms and self-expressions constitute the full range of validity claims available to us privileges Western voices in discourse, and undermines its own principles of equality and coercion-free dialogue. According to Habermas, others who do not utilise validity claims in the same way that Western speakers do are merely blurring the lines between these three categories and hence fall short of the ideal practices of discourse. In other words, they are less than fully rational.

Rather, I argue that these three categories do not exhaust the full range of possible reasons. I suggest that we ought to understand statements that do not fit as one of these kinds of validity claim as instances of different kinds of claims entirely. Instead of being a confused blurring-of-the-lines, expressions on the part of indigenous and "traditional" societies that do not conform to Habermas' categories of fact, norm or self-expression are just as likely to be instances of an expanded ontology of reasons that are equally legitimate.

After examining some alternative explanations regarding claims that do not fit into Habermas' categories, I finally suggest and describe a different, place-based kind of validity claim that I refer to as "ecological truth", and suggest that it shows up the limitations of Habermas' ontology of reasons. Ecological truth is a potential kind of reason available in discourse that is rooted in a close intertwining of practices and communities with particular ecologies and environments. This kind of reason cannot be subsumed into the categories of fact, norm and self-expression.

Acknowledgements

The following is a declaration that the content of the research in this document has been completed by Michael Hemmingsen.

Introduction

The purpose of this dissertation is, broadly, to work towards the development of a moral theory that can form the basis for just interactions between people based on equality and respect. A particular focus is the potential for the moral theory to allow for fair and non-coercive interactions between people from different cultures, while not mandating a single conception of how people should best arrange their society. A universalistic approach to morality such as in the latter case tries to "universalize the claims of reason, to articulate the category of a shared human nature, or to fashion history in a grand narrative of social progress," but this perspective has rightly "been subject to widespread critique from an array of sources."[1] This kind of universalism ends up failing in its inclusive and liberatory aims, in that it frequently excludes those who do not fit with the supposedly universalistic insights of the dominant culture by deeming them less than human, failures, or marking them as already-surpassed cultures in a march towards a universal human way of being. In other words, a universalistic approach to morality typically "allows no place for cultural diversity, or rather, diversity exists only in order to be overcome."[2] Under such a worldview, the voices and perspectives of those outside a particular universal understanding of morality – an understanding that tends to be, more often than not, suspiciously close to those who propose the account's own culture's view on the subject – can be dismissed *tout court*. We should not be all that surprised, therefore, to find universal accounts of morality and the good life behind ideologies of colonisation and the assimilationary policies that indigenous cultures are still resisting today.

On the other hand, however, a relativistic approach to morality seemingly shuts down any ability to actually discuss or resolve moral differences and disagreements between cultures. Without any means of assessing a moral claim outside a particular culture, we find simply a clash of evaluative standards that cannot even engage with one another, let alone resolve actual, concrete disagreements. My view, then, is an approach to morality that is, on the one hand, universal, in that it describes a means for just interactions between all people everywhere, but is nevertheless contextual, in that it does not thereby insist on uniformity in the contents of societies' moral views. I try to do what Boaventura de Sousa Santos suggests by "transcend[ing] the debate" about relativism and universalism. This is a debate, he thinks, "whose polar concepts are equally detrimental to an emancipatory conception of human rights." He goes on to say that

> All cultures are relative, but cultural relativism, as a philosophical posture, is wrong. All cultures aspire to ultimate concerns and values, but cultural universalism, as a philosophical posture, is wrong. Against universalism,

we must develop cross-cultural dialogues on isomorphic concerns. Against relativism, we must develop cross-cultural procedural criteria to distinguish a progressive politics from a regressive politics, empowerment from disempowerment, emancipation from regulation."[3]

This is what my approach in this dissertation tries to do: establish a cross-cultural procedural criterion that allows us to come to an understanding of when interactions are just, and when they are not, while avoiding the pitfalls of a simple universalistic account of morality.

A good moral theory, De Sousa Santos thinks, needs to strike a balance between what he calls "contextualism" and "objectivism", though he sees both as intimately connected. When trying to make sense of morality we need contextualism, he thinks, because it "stresses the need for evaluative standards that are non-arbitrary and universal." But at the same time, we need to make sure that the moral theory "acknowledges the inescapable influences of history and context on human processes of interpretation and evaluation."[4] Similarly, a concern with contextualism "stresses the historical contingency of evaluative standards and the diversity of evaluative perspectives," but an appropriate appreciation of contextualism "does not deny the need for non-arbitrary, universal standards of evaluation."[5] In short, he argues that "'objectivism' without 'contextualism' is blind, 'contextualism' without 'objectivism' is impoverished." [6] It is this thought that forms the basis of my approach to understanding morality in this dissertation.

The moral theory I think best approaches this idea is Jürgen Habermas' discourse ethics, which argues for universal procedural criteria as implicit in our language use and sociality, while nevertheless seeing real-world instances of moral disagreement as actual, specific and contextual. Discourse ethics is based in a coercion-free, equal and open exchange of reasons between affected participants, the outcome of which tells us what we ought to do in the situation under discussion. It is this means of interacting – as equals, without violence or coercion, explicit or contextual – that appeals to me.

But despite favouring discourse ethics, I am not necessarily wedded to every aspect of Habermas' theory or his thought more generally; this dissertation is not intended to be an exegetical discussion of Habermas, and whether or not I diverge from his own views is not a particular concern to me here. I also recognise that the way Habermas, and by extension myself, expresses this theory is the product of a particular place and time, and is in response to particular concerns and debates in Western philosophy and social theory that may not be shared universally. Nevertheless, despite being culturally-contingent in certain ways, I argue that the basic ideas that I discuss in the first part of this dissertation in particular are broadly correct. The idea that the basis for morality is in reasoned discussion – as we tell young children, we should "use our

words" – is a good one, in my view. As well, I suggest that that moral conversation loses legitimacy the more we exclude or coerce the voices of those who are affected by the outcome of the particular discussion, and also that there are different "kinds" of reason that apply to different realms of activity, such as expressing our internal states, acting in the physical world, regulating interpersonal relations, or persisting in and maintaining an ecology. So while it is certainly possible that these same basic ideas could be expressed in different terms, or that given the particular debates occurring in different societies, different features of these ideas could be emphasised over others, the basic concepts I discuss *are* at the very least on the right track.

Epistemological Exclusion

The main focus of this dissertation, however, is not as broad as the above might suggest: I am not attempting here to fully explain, argue for and defend a complete moral theory. Such a job would be far too great for a book, let alone a much shorter doctoral dissertation. In fact, while I do provide some arguments for a discourse ethics approach, and identify some of what I consider its advantages – it is flexible and contextual, while still providing clear shared standards by which we can avoid a relativistic view of morality – to a large extent my discussion of discourse ethics is descriptive and taken-for-granted. The reason for this is that my main concern, particular in Chapter 3 onwards, is to identify a lacuna in discourse ethics as it is typically understood. More specifically, I suggest that any discourse ethics-like theory of morality needs to accommodate a range of ways of seeing the world in its basic terms, or risk skewing discourse in favour of (in this case) dominant Western conceptions of reality. This is something that is, I suggest, of particular concern to indigenous societies. As Sharon Milholland describes in the context of the United States and Canada (though her words are relevant far beyond those shores):

> Native peoples still face working within a body of federal law that imposes values, concepts, and languages of the dominant Western society and barely recognizes the traditional Native knowledge systems and values… Consequently, the legal tools… privilege the values of the dominant society, erode tribal identity and sovereignty, and leave sacred lands vulnerable to desecration or destruction.[7]

While Milholland speaks specifically about the law, the same can be said of morality more generally. Indigenous peoples across the globe are typically required to operate in both a legal and moral context in which Western concepts of reasoning, justification and value dominate. So if, as Judith Butler suggests, many people who should count as moral equals and who, when we interact with them, should be able to *fully* participate in the moral conversation, "do not operate within the modes of reasoning

and justifying validity claims that have been proffered by Western forms of rationalism,"[8] then we ought to reconsider our basic modes of reasoning.

De Sousa Santos argues that "there is no global social justice without global cognitive justice;"[9] the status quo of insisting that all interactions take place according to Western, "modernist" rules, therefore, rules out cognitive justice, which in turn prevents social justice. By privileging the modernist approach to the exclusion of indigenous ways of seeing the world, indigenous peoples are unable to interact with the non-indigenous on an equal basis: the framework of communication itself disempowers them. The things that are important to them, the kinds of claims and reasons that motivate indigenous people to act, to value certain things over others, and that are how, internally, certain states of affairs, customs, beliefs, values and so on are justified, are suddenly entirely valueless when they are raised in discourse in contexts formed according to the rules and understandings of the dominant settler culture. Indigenous people are expected to offer reasons to colonial powers that make sense on the terms of the colonists, rather than on their own terms. They are forced to *translate*, in a sense, the kinds of claims they make from one framework to another, and in doing so the moral force of those claims is dissipated. The reverse, however, is not typically the case, though there are some exceptions; claims based on indigenous ontologies and epistemologies are treated as meaningless by colonists, yet the very same colonists expect (an expectation which backed by force and the threat of force, it should be noted) indigenous people to accept the kinds of claims that *they*, the colonists, take as being natural. It should be clear that this state of affairs is hardly the basis for just interactions based on equality and respect.

In the case of many indigenous societies, the typical narrative of "inclusiveness" that underlies the expectation that indigenous peoples will adopt Western modes of thinking is not just inappropriate, but is actually dangerous. While for many immigrant groups and for the descendants of slaves, who have been, and continue to be, forcibly excluded from Western society, inclusion in the dominant culture is, in a certain sense, the goal, indigenous peoples in many places have had the opposite problem historically: forcible *in*clusion; coercive assimilation.[10] So having to operate with a foreign, imported and imposed worldview not only leads to unjust and unfair interactions between indigenous and settler, but can also be seen as the extension of long-running assimilationist policies that indigenous communities have long resisted, though with mixed success.

Nevertheless, I do not want to suggest that the Western view of the world is a mistaken one, any more than indigenous views are. Given that a shared understanding of certain basic concepts is necessary, I argue, for moral interaction to actually take place to begin with, I want to suggest rather that both views are simply *incomplete*. That is, it is not that we need to focus on one set of concepts over the other, but instead we

need an approach in which both sets of concepts are included in a single, overall account.[*]

What, specifically, am I talking about here when I say a "set of concepts", though? In this dissertation, I focus my attention on what Habermas calls "validity claims". In other words, I mean the basic *kinds* of *reasons* – including the criteria by which instances of these kinds of reasons can be seen to be valid or not – that are used in discourse, and come into play when we engage with each other on a moral basis. There are, I suggest here, kinds of reasons that operate in indigenous worldviews that do not (typically) operate in Western, "modernist" worldviews. Whether or not the reverse is true is not something I really address here.

One way to think of the lack of indigenous reasoning in shared conceptions of reason that are dominated by Western ways of thinking is through an analogy to Habermas' discussion of the one-sidedness of reason in Western societies themselves. Various problems, he says, such as "loss of meaning, anomie conditions [and] psychopathologies," are brought about not by the lack of a full conception of reason, but by the *one-sidedness* of everyday communicative practice and "the *preponderance* of one complex of rationality, to the uneven exploitation of the resources for rationality made available culturally."[11] He suggests that certain kinds of reason – normative and self-expressive – and hence two "rationality spheres" – moral-practical and aesthetic – are repressed, and that this leads to a "'distorted understanding' of rationality and an inadequate basis from which to theorize about the world."[12] One of Habermas' goals, then, as a critical social theorist, is to help us to pay more attention to these other forms of reason. The Frankfurt School more generally could even be

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[*] Of course, this raises the question of whether we can understand and use the different conceptions of reason from cultures other than our own. I do not really discuss this explicitly in the dissertation, but I would suggest that, in principle, anyone can enter other modes of thinking. But I am not sure that we can just do so at will, and not without considerable effort and education. We certainly cannot go in and out of different worldviews as we please. I happen to think that human beings share enough generally that there is never complete incommensurability between worldviews, and so a Westerner, for instance, can gain some understanding of indigenous modes of thinking. Conversely, it certainly it seems fairly clear to me that plenty of indigenous people, of necessity, are raised with one worldview, but then learn to don a Western one when they need to for the purposes of interacting with the dominant settler culture. So I do not want to dismiss completely the idea of being able to switch between different worldviews, at least to an extent (though I imagine there are probably personal costs in having to do so for indigenous people). But it is not easy, and not a matter of whimsy. This difficulty is why, I think, it is so important to have clear criteria for assessing claims, even if they stem from a very different worldview; while discourse based on a shared, inclusive and global conception of reason cannot happen without a sympathetic, wholehearted engagement with the worldviews of your conversation partners, you can never fully enter into a worldview not of your own. In many cases, it is not that we have to understand a kind of reason from the inside, in the sense that we use it in our day-to-day lives; it has to be enough that we can at least understand how it works enough to see how we might assess it as a validity claim, and how it might impact upon inter-cultural instances of discourse.

seen as trying to critique purely instrumental rationality and "replace [it] with social arrangements that are rational in other than an instrumental sense."[13]

But even if we manage to express a fuller understanding of rationality as encompassing the normative and self-expressive as separate but nonetheless fully legitimate forms of rational activity, we still fall short. As a global conception of rationality, the Habermasian ideal is still "one-sided" insofar as it fails to account for the forms of rationality – specifically here in terms of the kinds of validity claim, or the "spheres" or "worlds" of rational activity that exist – in indigenous worldviews. Only by understanding rationality in this broader sense can we have a fuller, more complete (though I am with Judith Butler in thinking that "absolutely complete" is an impossible goal) conception of rationality, and hence morality (which, as I have and will argue, is a fundamentally rational activity).[14]

But why do we need to have a global conception of morality at all? Why can we not just leave each to their own? In short, because we do not live in a world in which the effects of actions of one society are completely self-contained. In which case, we either have to have a means for establishing what we ought to do, morally speaking, in cases where the actions of people in one society have implications for those in another, or we can just shrug our shoulders and leave it up to who has the biggest stick. So an account of morality that is *solely* about leaving each society to do its own thing is not going to be adequate. This is especially so due to the fact that the wider we extend the moral conversation, the less "normatively secured" action, i.e. action "coordinated on the basis of a conventional, prereflective, taken-for-granted consensus about values and ends," is going to be able to do the job for us. With issues such as climate change, which have global import, the necessity of a method to achieve "communicatively achieved" action, i.e. "actions coordinated on the basis of explicit, reflectively achieved consensus, consensus reached by unconstrained discussion under conditions of freedom, equality and fairness,"[15] is paramount.

Indigeneity

So far I have used the word "indigenous" numerous times in this introduction, and I intend to use it frequently as I go forward. Clearly it is an important term, so we ought to have a good idea of what I mean by it. However, I do not want to overstate the importance of defining this term. Certainly it seems to me that the worldviews of self-described indigenous societies are not sufficiently accounted for in the dominant Western understanding of the kinds of reasons that can exist. As I discuss in the last two chapters, I also contend that many indigenous societies use the specific form of reason – a kind of validity claim I term "ecological truth" – that I identify.

But this does not mean that the term "indigenous" is doing any philosophical work in my argument. I use this term frequently throughout the dissertation, and focus on the thought of indigenous societies, because I have a certain political aim in writing this dissertation, which is to draw attention to the fact that the thought of certain peoples – who consider themselves "indigenous" – is not given sufficient weight in a global account of reason. As such, these specific communities are not able to engage with other societies in moral discourse on an equitable basis, and so cannot achieve justice. They may not be the only ones whose worldviews are not sufficiently accounted for in dominant accounts of reason, but I would argue that they are frequently the worst off in this respect, and bear the brunt of this deficiency in very real and pressing ways.

On the other hand, though, the aim of this dissertation is to identify a more general lack in Western accounts of reason and morality. As such, while I think the issue is particularly pressing for indigenous peoples, and while I think that the kind of reason I discuss in the last two chapters is found, as far as I can see in practice, exclusively in indigenous societies, this does not mean that there is an *in principle* connection between indigeneity and this kind of reason. That is, in principle non-indigenous peoples could also have this kind of reason in their worldview. Similarly, not all indigenous peoples necessarily have this kind of reason in *their* conception of the world.

So then what do I mean by "indigenous"? As I mentioned, it seems to me to be more of a political term, in that it usually used to denote societies that have been colonised. But this does not mean that the peoples included in this category have anything else in common (and if they do, it is possible that this is purely contingent). That is, there is a massive diversity between indigenous communities throughout the world. And why would there not be? After all, indigenous communities are located on the four corners of the globe and have very different backgrounds and histories. There is no reason whatsoever to think that they would necessarily share any cultural features; being subjects of colonisation seems to be the defining feature of this category.

The lack of cultural commonality (which is not to discount the amazing networks and connections indigenous people have made with each other) is the reason why I do not want "indigenous" carrying any weight in my dissertation. As I have said, my focus *politically* in this dissertation is on those who consider themselves indigenous, due to that being, I think, the most pressing issue in terms of the one-sidedness of reason and the implications for peoples' ability to participate as equals in moral discourse. Furthermore, I *do* take there to be commonalities in some respects amongst *some* indigenous communities in this respect, as I discuss in the final part of this dissertation. But if I were to rest anything on the concept of indigeneity, I would, I am quite certain, run into trouble.

While "indigenous" is a useful term in this dissertation, it is really shorthand for two different ideas: first, I use it to refer to specific societies – mostly native American and Canadian, Australian and New Zealand cultures, as they are the ones that I am more familiar with – that, because of their history of colonisation and genocide, both in terms of their people and in terms of their worldviews, have the most pressing need to have their concepts of reason seen as equal to the Western concepts. When I use "indigenous" in this sense, I am not claiming that these societies have anything in common *culturally* (though they may; I do not claim anything either way).

Second, I use "indigenous" to refer to those societies that either a) use kinds of reasons in their moral discourse that are not present in the Western ontology of reasons, or b) specifically use the kind of reason – ecological truth claims – that I discuss in my last two chapters. But when I use "indigenous" in this sense, I am not saying anything whatsoever about who does or does not belong in the group of indigenous societies, politically speaking, and who does or does not have a history of colonisation and genocide. It should be clear by the context which sense I am using at any given time, but it is very important to note that I never use them both simultaneously: while in practice there is undoubtedly some, or even a great deal, of overlap, I never pretend that all societies with a history of colonisation that consider themselves "indigenous" share certain features of their worldview.

Audience

The audience for this dissertation is primarily *not* indigenous people; I am aiming this dissertation mostly at Westerners/settlers. There are a number of reasons for this: firstly, one of the main aims in this dissertation is to persuasively argue that the Western, modernist conception of reason is inadequate, and that other conceptions of reason found in indigenous societies, and elsewhere, are equally as legitimate. Any global conception of reason that forms the basis for moral discourse must give an equal place to those non-Western conceptions. But this is hardly news to indigenous peoples. They are the very last people who need to be persuaded that their worldviews have value, and that settlers should pay more attention to them. So there would be very little point in aiming to persuade indigenous people of something that is likely to be obvious to them. On the other hand, plenty of Western people, philosophers and otherwise, still do *not* see non-settler worldviews as legitimate, or at least struggle to appreciate the specific ways in which they are, and so there *is* value in trying to persuade them to change their minds on this score.

Secondly, in the later chapters I try to give an account, as best I can, of a kind of reason that is an instance of the non-Western kinds of reason found in some indigenous societies. The main purpose of this is not necessarily to definitively settle the question

of what kinds of reason can exist, but to provide a concrete example of what I mean when I say that other kinds of reason are possible. But if I accurately manage to depict a kind of reason that is used in indigenous societies, then my description will still be of no interest to indigenous people. *They* are the ones who *use* it, after all; there is little that *I* can say about it that is not already known to them. On the other hand, if the reader is an indigenous person who does not recognise that kind of reason in their own practice, or I am way off the mark and this is not a kind of reason that *anyone* uses, then there is similarly little for them in that section. Of course, if I *do* manage to identify a real kind of reason, but one that is not present in the practice of a particular indigenous reader, it may be of some interest insofar as it assists them in interacting with other indigenous societies with different worldviews. But again, it does not seem to me as if indigenous peoples are the ones who really need their eyes opened to the fact that there are different ways of conceptualising the world.

These reasons are partly why I discuss Habermas' discourse ethics, rather than moral theories of indigenous societies that have similar insights. Of course, one consideration is that I am simply more familiar with Habermas' thought than with the moral theories of indigenous cultures. I am not the person best positioned to describe such theories. But more important is the fact that, since the audience is a Western one, it makes far more sense to couch things in terms more familiar to the readers. If I want to persuade a Western audience that our current practices are unjust, then expressing this criticism, and my solution, in terms that are unlikely to make sense to them, or that they will struggle to engage with, does not seem like the best idea. To describe how Westerners might change our practices in terms already familiar to us is far more likely to have the desired effect than if I were to express both the description of the problem *and* the solution in the philosophical language of a different culture entirely.

Just because the audience is *primarily* intended to be Western, however, does not mean that there is nothing of interest here to the indigenous reader. After all, while it may be obvious to such a reader that their worldview is valuable and that their perspective ought to be treated equally when it comes to moral discourse, the particular way I have framed the issue here may be of interest to them. As such, if indigenous readers find my framing potentially productive, then I would hope that they would engage with it by expressing and theorising about the kinds of reasons in their own culture that I may have overlooked here. Again, this is where I hope the dialogical component of the dissertation will become apparent. I want my project to be an open-ended one that involves the construction of a global account of reason together with others, a task that would be simply impossible – truly beyond my abilities – if I were to attempt to undertake this project on my own.

Summary

My dissertation is divided into six Chapters, which can be further divided into three Parts, each Part consisting of two Chapters. In Part I, I outline Habermas' discourse ethics. In the first Chapter I describe discourse ethics as a theory and show some of its more desirable features. Specifically, I argue that it manages to avoid both extremes of universalism and relativism, as well as sidestepping the debate between liberal and communalists. I also argue for the basic insights of discourse ethics: that we ought to use reason and discussion to resolve moral disagreements, i.e. the important role that "reaching understanding" plays in morality. Also important is the thought that we must include all those affected by a particular action in discourse about the action; that we are obliged to accept them in the conversation as moral and discursive equals, i.e. the pragmatic presuppositions of discourse, the ideals of openness, equality, inclusion, and non-coercion. In addition, I suggest that the more sophisticated idea of relational autonomy that discourse ethics rests on has wider applicability than overly individualistic accounts of autonomy. That is, it captures better the practices and views of a wider range of societies.

In Chapter 2 I describe in some detail the features of discourse ethics' procedural approach to morality. More specifically, I discuss the nature of the *kinds of reasons* – norm, fact and self-expression – that discourse relies on to function as a means of fairly and justly resolving moral disagreement based on reaching understanding and rationally-motivated agreement. I also outline the criteria of validity for these kinds of reason, as well as the "world" that they relate to. A good understanding of these two features of validity claims are essential, as when I suggest an example of a *different* kind of claim – one found, I suggest, in many indigenous societies, the exclusion of which is partly responsible for their inability to participate in discourse as equals – it is important to have an appreciation for *what* a validity claim *is*, what kinds of *qualities* it needs to be a considered a validity claim, as well as how validity claims operate in discourse.

The second Part of this dissertation focuses on arguing against alternatives to my contention that many indigenous societies use validity claims other than the three discussed in Chapter 2. In the third chapter, I argue against the position that these different kinds of validity claims can be subsumed under one or more of the previously discussed kind of reason, due to their being potentially many, incommensurate, culturally-contingent kinds of these validity claims. Here I raise the distinction between a validity claim being *relative to a culture*, and it being *contextual.* Validity claims may be *contextual*, I argue, in that the way they are used in practice might differ for a number of reasons depending on the situation in which they are operating. However, despite this, the different kinds of reasons are fundamentally the same everywhere in

their basic conditions of validity, and so we should not consider them as being *relative*, i.e. different from each other in different contexts on a fundamental level.

As such, if we encounter difficult-to-categorise statements (for Westerners) that arise in societies such as indigenous ones, while it may turn out that they are ultimately claims of fact, norm or self-expression, they cannot be different *kinds* of fact, norm or self-expression. These things are essentially the same everywhere, despite differences in practice contextually. Hence, if these difficult-to-categorise statements turn out to *not* be facts, norms, or self-expressions, as they are generally understood, we ought to consider them as being a different kind of claim entirely.

However, even if we put aside the idea that these statements are *not* relativised version of facts, norms and self-expressions, there are still some other possibilities. Hence, in Chapter 4 I look at and argue against some of these alternatives: that they are simply mistaken claims, that they are meaningless statements, that they are really just metaphors, and that they are strategic claims in disguise. I suggest that these are all mistaken, misguided, and in some cases ethically problematic explanations for our inability to make these statements fit into our "standard" categories of validity claim.

At this point I also introduce some examples of these kinds of statements. Specifically, I suggest that claims that are made by many indigenous peoples about what from a Western point of view would be referred to as animal subjectivity, magical forces and myth cannot easily or obviously be understood as making factual, normative or self-expressive claims, but are nevertheless saying something important and true. If they are not clearly any of these kinds of statements, but they are also not more difficult-to-recognise culturally relative "versions" of facts, norms or self-expressions, or mistaken, meaningless, metaphorical or strategic, then our best way of understanding them is as instances of different kinds of claims entirely.

The final Part of the dissertation provides one way we might understand these statements as their own kind of validity claim: as statements of "ecological truth", distinct from factual truth, normative rightness or honest self-expression. In Chapter 5 I continue to examine animal subjectivity, magical forces and myth, and suggest that if we understand these ideas in the context of a lack of distinction between nature and culture and the close connection between human practices and a community's ability to persist in a particular environment and ecology, then we can see them as expressions of a system of place-based practice. As their validity is tied to the efficacy of this place-based system of practice, then we should not consider them as facts, norms, or self-expressions – they are a different kind of claim entirely: claims of ecological truth.

In this Chapter I also look at some possible objections and concerns to this way of viewing animal subjectivity, magical forces and myth. I look again at the idea that ecological truth might merely be an instance of metaphor, and show why it cannot be understood in this way. Similarly, we cannot think of ecological truth as merely a heuristic, despite its close connection to practice. I also address the concern that this broadening of the kinds of validity claim we consider as rational might make highly undesirable worldviews – such as the idea that the Bible or other religious text overrules observable reality, or that *feeling* something to be true makes it so – similarly rational. But these positions are not place-based systems of practice in the way that ecological truth is and rest on a distinction between nature and culture, which ecological truth does not. In addition, they explicitly position themselves as being in conflict with scientific or observable truth in a way that is not necessarily, or not simply, the case with ecological truth. Hence, there is no slippery slope. Finally, I revisit the role of the concept of "indigeneity" in the dissertation, and suggest that, while I have drawn on indigenous practice in expressing the concept of "ecological truth", and while this concept, if a legitimate one, will be primarily useful in discourse to people from indigenous societies, there is no necessary connection between the political concept of indigeneity and ecological truth.

The final Chapter looks at ecological truth explicitly as a *validity claim*. That is, I examine what "world" it relates to, what the conditions are for its validity, and how it would actually operate in discourse. But while the conditions for determining a claim of ecological truth are simple in principle, as a matter of practice things are a bit more complex, especially when it comes to claims being made by people in one indigenous society in a discourse involving those outside it. Hence, I look at various factors that we should consider when weighing the validity of any particular claim of ecological truth as an outsider. For instance, the level of its general acceptance in the community in which it arises is important, as well as the composition of the group of those who accept it, i.e. is the group skewed towards certain sub-groups, such as men, or those with power (evidence *against* the claim being true), or does it include large numbers of elders (evidence *for* it being true). Also important is the length of time it has been believed or practiced. In addition, does it actually appear to achieve the persistence of a community over time in a particular environment and ecology, that is part-and-parcel of it being a valid claim in the first place? Finally, there is the question of to what extent the society's institutions militate against the ability of members to have their own perspectives incorporated in the system of practice. In this chapter I also address the concern that ecological truth claims, as I have described them, are really just the kind of relativistic variety of validity claim that I rejected in Chapter 3.

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[11] Jurgen Habermas, "A Reply," in Axel Honneth & Hans Joas, eds., *Communicative Action: Essays on Jurgen Habermas's* The Theory of Communicative Action, Jeremy Gaines & Doris L. Jones, trans. (Cambridge: MIT Press, 1991), p. 225

[12] Marie Fleming, *Emancipation and Illusion: Rationality and Gender in Habermas's Theory of Modernity* (Pennsylvania: Pennsylvania State University Press, 1997), p. 63

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[14] Judith Butler, "Universality in Culture," in ed. Martha C. Nussbaum, *For Love of Country?* (Boston: Beacon Press, 1996), p. 48.

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Part I

Discourse and Validity Claims

Chapter One: The Pragmatic Presuppositions of Discourse

Communicative – or discourse – ethics is a moral theory that holds that the way to establish the appropriate action in any given situation is through an open dialogue between those affected by the action, under certain ideal circumstances, i.e. circumstances in which the participants in moral discourse are free to raise issues and make points as equals, without coercion. Under these circumstances, the force of the best reason should persuade participants, and the outcome of the discourse settles the question of which actions are appropriate or inappropriate, forbidden or required, in that situation. Through discourse we can establish a shared basis for action that is non-coercive.

Some of the benefit of communicative ethics is how well it strikes a balance between universalism and cultural or moral relativism. On the one hand it is most certainly a universalistic moral theory; it extends to all those capable of language-use, so obviously includes all existing human societies, and almost certainly all possible ones, within its scope. Yet while there are features of communicative ethics that make it universal, it should be clear that communicative ethics is a formal moral theory (a theory that focuses on the logical form of moral judgements, rather than their content); that is, it "shifts the burden of the moral from the content of judgment to the form of judgment (the cognitive structures involved in the process of reasoning),"[1] and hence that the universalistic features are also formal, or procedural, rather than substantive. For example, discourse ethics, with its formal testing procedure, cannot produce norms – in the sense that we cannot derive substantive norms from its formal principles – and militates against recognising any account of the good life as universally applicable.[2] Rather, discourse ethics tests the validity of hypothetically proposed norms, norms that occur within a particular context. So while there are "criteria for moral reasoning which hold universally,"[3] this moral reasoning can only operate in real-world cultural contexts that provide norms for testing, and cannot occur through armchair reasoning from first principles. So, for instance, I could not start with one or a number of moral principles, and then monologically reason from them to a moral theory that gives specific guidance and tell me what is or is not permitted in particular cases. Rather, we start with the norms that people already hold, and test them, dialogically, to determine whether we ought to keep them.

But why, one might ask, is this balance between moral universalism and cultural relativism a desirable one? Certainly there will be push-back from both sides: universalists, in holding that there are more substantive principles that underlie morality, will not be happy with discourse ethics' permissiveness, while stronger moral relativists will criticise it for inappropriately "imposing" an ethics across societies, a

kind of colonialist thinking that is an extension of a long history in which the West attempted to (and still attempts to) assimilate others into their worldview through force. In this chapter I will do two things: first, I outline what is universal about discourse ethics, and why we ought to hold that it is so. In particular, the fact that it includes all affected in the process of determining the appropriate course of action and that it requires the *internal* endorsement of those affected means that both non-coercion and the equal status of participants is at the heart of the theory. To put it another way, the necessity of achieving mutual understanding means that equality and non-coercion are structurally implied by the logic of discourse.

Second, I discuss the ways in which communicative ethics is able to accommodate a range of worldviews. In particular, I argue that it is compatible with traditional societies, insofar as they are communalistic, in that discourse ethics rests on a view of the self that is relational rather than individualistic, yet is equally suited to "modern", individualistic societies, in that it is not susceptible to the communalistic practice of reifying the community and setting its good against the good of the individuals of which it is composed. Furthermore, the procedural (rather than substantive) nature of the fundamental, universal pragmatic principles of non-coercion and equality means that communicative ethics is perfectly permissive of the existence of different legitimate moral norms in different societies. In short, discourse ethics captures the attractive features of both liberal or morally universalistic perspectives, as well as the desirable traits of communalist and morally relativistic viewpoints.

The Pragmatic Presuppositions of Discourse

Communicative ethics is fundamentally a cognitivist moral theory; communicative ethics holds that moral issues can be resolved through argumentation. Since "the telos of argumentation is fundamentally to produce cogent arguments,"[4] certain basic rules are presupposed when we engage in discourse. For example, we ought not to contradict ourselves, if we apply a predicate to an object we must apply the same predicate to all other objects that are the same in all relevant respects, and we cannot use the same expression with different meanings. Obviously, if I were to assert, for instance, that I like all cake, or that the apple is red, or that throwing rubbish in the bike lane is wrong, then if I turned around and asserted the opposite of these things without missing a beat, I would not be acting rationally. The same is true if I claimed that an apple was red, but that other apples that are coloured the same are *not* red, or that throwing rubbish in one bike lane is wrong because it can cause accidents, yet deny that throwing rubbish in bike lanes other than that one is wrong, even though doing so elsewhere will also cause accidents. Similarly, I would not be acting rationally if my use of the word "red" was so whimsical that it was not clear what property I

referred to in my various uses of the term. Communication would not proceed very far if we did not accept these basic presuppositions of communicative rationality.

But this does not exhaust the pragmatic presuppositions of communication. Central to the idea of argumentation, and in particular argumentation for the purpose of reaching understanding that is absolutely essential for our social life, is that we are persuaded to adopt certain views through the force of the better reason. According to Habermas, "the confidence that one has in being freely and openly convinced of the best argument is also the basis of genuine social mutuality and trust."[5] Language use is rational if we are attempting to coordinate our actions consensually, and moral "when the agreement reached at any point is evaluated in terms of the intersubjective recognition of validity claims."[6] That is, that illocutionary speech acts – acts in which the content of the expression is manifest purely in the utterance, and not in the real-world consequences it leads to – persuade us to hold a certain view due to the inherent persuasiveness of the statement itself.

There is no doubt, of course, that *objective* agreement can be reached through the use of force. However, if our goal is to reach understanding with one another, we can only really claim that agreement obtains if we *subjectively* agree. That is, that we agree not merely in that we are *made to act* in a certain way, but in the sense that we hold that such an action is appropriate. As such, "what comes to pass manifestly through outside influence or the use of violence cannot count subjectively as agreement," as "agreement rests on common *convictions*."[7] Put simply, if force is being brought to bear, whether through implicit or explicit threats or through modifying features of the situation – for instance, acting so that certain options are moved off the table in advance or outside of discourse – then we cannot really claim to be trying to reach agreement. Hence, the use of force is prohibited in discourse. In Habermas' words:

> Participants in argumentation have to presuppose in general that the structure of their communication, by virtue of features that can be described in purely formal terms, excludes all force – whether it arises from within the process of reaching understanding itself or influences it from the outside – except the force of the better argument (and thus that it also excludes, on their part, all motives except that of a cooperative search for the truth).[8]

Similarly, we cannot really be attempting to reach understanding through argumentation if we exclude those who are affected by an action, or we restrict the ability of certain individuals to raise topics or ask for justifications.[9] That is, if the rights within discourse are distributed unequally, we cannot really be said to be engaging in argumentation. If I am open to being persuaded by the force of the better reason, shutting down voices when they ask me to justify my position, or refusing to allow

contrary individuals with their contrary reasons into the debate is simply contradictory. Conversely, if I want to be able to persuade *others* with *my* reasons, they are hardly going to be convinced if I never allow them into the discussion to begin with, or if I restrict their ability to raise issues from their perspective.[10] They are likely to leave the discussion unmoved, at least internally, by my reasons. I am expecting them to form convictions "under conditions which simply do not permit the formation of convictions."[11]

Even those who claim to be inegalitarian need to accept these basic presuppositions of discourse. That is, even if I held the view that certain groups were not equal to others, and that they therefore *deserved* to have restricted rights to participate when we decide how we ought to act together, it is usually not enough that their behaviour *superficially* expresses this inferiority. As Seyla Benhabib puts it,

> women should not only be treated differently but they should 'want' to be treated differently by assenting to the fact that this is 'natural'; non-white peoples should willingly accept the superiority of the white man and be grateful for it; infidels should be converted to see the true path to God.[12]

It is simply not possible to convince others of their own inferiority if discourse is structured in such a way as to make it impossible for them to be persuaded of the reality of this in the first place. Hence, even if you hold that others are not equal, you need to treat them as if they were equal in discourse if you want to have any hope of this being accepted by them. It is not, I should add, that it is necessarily impossible for the voices of some to be counted as greater than others according to communicative ethics; these presuppositions of discourse are not completely unrevisable. However, such revisions need to be premised on reasons that everyone involved accepts. For example, we might say that in a philosophy department, while graduate students deserve a say in the running of the department, they are typically not accorded the same voice as faculty. This inequality is not just assumed (one would hope), but is based on reasons that the graduates are likely to accept: that they come and go from the department fairly frequently compared to faculty, for example, and so the fact that faculty are likely to stay in the department for many years means that they have more stake in the direction the department takes in the long term. Whether or not this is a legitimate argument, the fact remains that reasons *can* be given, and accepted, for us to distribute speaking rights unequally. However, these things cannot merely be asserted, and if such an unequal distribution is problematised – meaning that the distribution of speaking rights is the very issue at question in discourse – then we have to start from a position of equality once again.

To summarise, respect for our partners in conversation is built into the very idea of argumentation.[13] Without treating others with respect in the ways outlined above, we

cannot ourselves claim to be a competent partner in argumentation. Hence, if we are to seriously engage in argumentation we need to "presuppose that the context of discussion guarantees in principle freedom of access, equal rights to participate, truthfulness on the part of participants, absence of coercion in adopting positions, and so on."[14] Indeed, I would argue that this is a widely shared intuition; most of us recognise that "an alleged argument is not a serious one if the appropriate conditions are violated – for example, if certain individuals are not allowed to participate, issues or contributions are suppressed, agreement or disagreement is manipulated by insinuations or by threat of sanctions, and the like."[15] Hence, the ideas of openness, equality and inclusion, as well as non-coercion, are central to the practice of argumentation, which is itself an unavoidable activity of our social lives, as we "do not in fact have a functional equivalent for rational discourses."[16] As Pauline Johnson points out,

> Communicative interaction is not… a contingent, optional mode of inhabiting the world; it is essential to our human identity… [B]ecause individuals acquire and sustain their identity by appropriating traditions, belonging to social groups and taking part in socializing interactions they do not have the option of long-term absence from the contexts of action oriented toward reaching an understanding. This would mean regressing to an unsustainable monadic isolation and disorientation.[17]

These constraints on the conditions under which discourse is undertaken Habermas has called the Ideal Speech Situation (ISS). This allows us to see the difference between rationally-motivated agreement, in which our actions are based on an exchange of speech acts in which others are allowed to "[accept] the offer[s] contained in [them] by taking (however implicitly) a "yes" or "no" position on a validity claim that is in principle criticisable,"[18] and mere *de facto* agreement. As David S. Owen points out, "not just any, contingent consensus or agreement determines what is true or right."[19] The idealising presuppositions of the ISS gives us the criterion under which we can see a consensus as either rationally-motivated or *de facto*. Insofar as these conditions are not present, the activity being undertaken is not rational, relevant perspectives, reasons and information are not brought into the discussion, and the outcomes of discourse fall short.

However, the ISS is not an all-or-nothing affair. In practice it is unlikely that we will be able to reach the lofty standard required by the ISS, hence the degree to which communication is open and equal for all and free from domination is "more or less rather than all or nothing:"[20] it is a normative ideal. Nevertheless, it is a normative ideal with definite practical implications, in that "insofar as participants in real discourses understand themselves to be engaging in a cooperative search for truth or rightness solely on the basis of good reasons, they must, as a condition of the

intelligibility of the activity they are engaged in, assume that the conditions of the ideal speech situation are satisfied to a sufficient degree."[21] That is, the ISS is constitutive of the activity of argumentation itself. The conditions of free exchange, equality and non-coercion that form that ISS are not externally-imposed regulative conditions that require independent justification, but are "anticipated in the very performance of speech acts themselves."[22] Hence, while, to use David Ingram's example, the ISS is not constitutive of argumentation in the same way that the checkmate rule is constitutive of chess – in that the game of chess ceases to exist if we remove this rule, whereas we can still undertake argumentation even when the regulative conditions of discourse are less than ideal – we could not and would not continue with a discussion if we thought that the regulative conditions did not obtain at all, or were seriously impaired.[23] If we *did* continue a conversation under such circumstances, we would certainly not think of it as argumentation, and we would hardly take ourselves to be attempting to reach understanding with one another.

To summarise, the ISS is a normative standard "against which actual, empirical discourses can be measured."[24] These standards are not transcendental or externally imposed, but are unavoidable (and hence universal) pragmatic presuppositions that are constitutive of the activity of argumentation, which allows us to reach understanding and act based on rationally-motivated agreement, which in turn is an unavoidable aim if we are to continue to live in societies and avoid "monadic isolation and disorientation." If we compare real instances of discourse to the ideal case that embodies the regulative standards, we can "determine the relative degree of freedom and openness of the real discourse, and thus we can judge the legitimacy of any consensus that might be its result."[25] The outcome might always be revised in the future, as more information comes to light, or more perspectives enter into the discourse – no outcome stands as forever justified even in the best possible scenarios we can hope for in practice. Nevertheless, the closer we can get to the ideal in practice, the more rationally justified the result.

But while it is certainly possible to criticise the outcome of an instance of discourse on the grounds that it did not meet the conditions of ISS, we cannot insert any alternative outcome in its place with any confidence. Outside of real-world discourse taking place, we do not get to say that people would think *x or y*; communicative ethics and the ISS does not offer us an ideal position from which we can reason to the truth. We are never able to state what the outcome of a discourse will be when the ISS truly obtains without actually undertaking that discourse in the real world: we can merely criticise the procedure, we cannot establish what the outcome would have been were the procedure ideal.

It ought to be noted, however, that even when consent is reached in the ISS, consent is not an end-goal; in fact it is a somewhat misleading term in this context. That is, it is

not that something is justified *because* it is consented to, as if consenting is somehow conferring truth or validity on the result. Rather, consent reached under the appropriate circumstances gives us confidence that the result has taken into account all available information, or all the needs of the participants. Could we get the same result from a God's-eye perspective? Certainly we could, if that kind of perspective were possible to achieve. However, it is quite obviously not within our reach, or the reach of any possible human being. The closest we can get to it is via the impartiality we achieve as a group through an open and open-ended exchange of reasons under ideal circumstances.[26]

Despite the strong focus on argumentation, however, communicative ethics and the ISS is not intended to "turn the world into a gigantic seminar."[27] Rather, the idealisations of the ISS are raised only negatively in contexts where the "expectations invested in the communicative functions of language"[28] have been disappointed. All those who are rational users of language implicitly affirm such expectations, and discourse ethics is an attempt to "reconstruct those procedural norms implicitly affirmed by all competent speakers that might be explicitly appealed to in an attempt to restore the conditions for a continuation of disrupted communication."[29] Similarly, even if the legally institutionalised procedures for political will formation are, and should be, mediated by discourse, discourse itself is concerned with making moral *judgements*.[30] Hence, while discourse ethics ought to surely have an influence on how our politics and political institutions function, it is not a matter simply of imposing one on the other. Making political decisions through the formation of political will and making moral judgements are not the same thing. As such, we cannot read off support for a gigantic-seminar-like, directly democratic open assembly merely from communicative ethics' focus on argumentation and the ISS that is implicit in such activity.

Why Be Rational?

It can be asked at this point, however, why we should care about being rational at all. Communicative ethics rests on the practice of argumentation, and argumentation requires presuppositions of rationality for it to be possible.[31] But I could fully acknowledge that achieving mutual understanding in free and open conditions with an absence of coercion and domination is structurally implied by the logic of discourse, yet deny that I ought to care about behaving rationally in the first place. It may be inconsistent of me to violate the structure of discourse by attempting to reach my personal goals without considering the views of others, or by using force, but why should I not do so anyway?[32] Is consistency – i.e. assenting to the basic tenets of rationality identified above: non-contradiction, consistency with predicate usage and application, etc. – really that important?

Of course, a sceptic who entirely refused to engage in discourse with others would quickly run into trouble. As "the discursive redemption of validity claims is an unavoidable possibility within everyday communicative action," [33] we cannot, practically speaking, consistently absent ourselves from communicative action. The "single-minded Hobbesian who only engaged others strategically"[34] would quickly lose the trust of others, and someone who accepted no moral demands whatsoever would soon be excluded from the human community. Such a person "would be as impossible to argue with about right and wrong as would a person who refused to accept the world of perception around us be impossible to argue with about empirical matters."[35] If we cannot engage with each other communicatively, even if we were able to live in a society that did not require rational accountability from its members, we would also have to live without the *recognition* of others. Such a life, a life in which we are consistently absent from the context – communicative action – which is "the exclusive medium in which our own personal identities come into being and meaning and value are created and transmitted,"[36] would not only be psychological suicide, but would not be a recognisably human mode of being.

Denying rationality and morality is also, according to discourse ethicists, a performative contradiction. As Karl Otto-Apel puts it,

> It is mistaken to assume that questions such as "why be moral?" or "Why be logical?" or "Why be rational?" must be answered either by a deductive justification or an irrational decision. In reality the situation in which the problem is supposed to arise does not even exist, that is, the situation in which we are faced with a decision for or against reason, logic, or morality and could nevertheless already engage in argument, or at least pose the why-question… One who poses the why-question in earnest has thereby already entered the terrain of argumentative discourse, which means that he can assure himself through reflection on the meaning of his act that he already necessarily recognized the rules of cooperative argumentation and hence also the ethical norms of a communicative community.[37]

In other words, to ask why we ought to be rational already assumes that reasons are required, and that there is an obligation for others to persuade us with those reasons. If we thought reasons were not necessary, and that persuasion through argumentation, and the rationally-motivated agreement that comes out of it, was not needed, then we would not ask and expect others to provide us with reasons as to why we ought to behave rationally in the first place. As soon as we *do* ask this question, we are already accepting reason and argumentation (and hence the procedural norms such as non-coercion, openness and so on that constitute this practice). To ask why we should be rational would be arguing against reason through the use of reason, and this is a

performative contradiction: we cannot "[use] reason to assert that reason does not exist,"[38] and if we were to accept its existence but ask why we should be bound by it, the same kind of performative contradiction takes place.

Nevertheless, we might ask, though we obviously cannot deny communicative action entirely, why can we not deny it in part? Why do we *consistently* have to engage communicatively? When we weigh the benefit of being consistently rational against the gains we might get from acting strategically in a particular situation (but not more generally), what is stopping us from abandoning communicative action in just that case? Sure, it would be inconsistent and irrational to do so, if we accept Habermas' arguments, but so long as we are *mostly* communicative we do not risk any of the dire consequences faced by someone who *entirely* drops out of communicative action. So is there any reason why we should value rationality – why we should care about being consistent in our actions – over our self-interest in every instance?

This problem certainly identifies a limit to communicative ethics, albeit a limit that Habermas is well aware of, and not particularly bothered by. While the arguments above – that it is impossible to consistently absent ourselves from communicative action, and that denying that we ought to behave rationally is a performative contradiction – go some way towards answering this concern, Habermas acknowledges that our moral cognition needs to be "supplemented by an enlightened existential self-understanding that entails that I can *respect* myself only as someone who as a general rule performs the actions he takes to be morally right."[39] This is ultimately a matter of character, and while discourse ethics can help to determine what the right thing to do *is*, no rational argument can persuade someone to actually *do* the right thing in every case. The cognitive, argumentative features of communicative ethics are exhausted at this point, as "whether I have sufficient resolve to act in accordance with my moral insights even when they are opposed by strong interests of a different kind does not depend primarily on my capacity for moral judgment or on the level of justification of moral judgments but on my personality structure and form of life."[40] The problem of someone who decides to do other than they ought – the problem of weakness of will – cannot be resolved through moral cognition alone (though we could imagine that the arguments I identify above could weakly foster someone's resolve).

Relativism and Proceduralism

It should be clear by now that discourse ethics is most certainly a universalistic moral theory. The procedural, pragmatic norms of discourse come out of the practice of reason and argumentation, which itself is a universal practice of human societies. As David Ingram points out,

> Every society – tribal, traditional, or modern – is premised on some form
> of communicative action in which validity claims are raised, however much
> they may deploy dogmatic normative speech acts in everyday action and
> mythopoetic speech acts in religious rites and the like.[41]

All societies that utilise language necessarily also engage in argumentation and communicative action.[42] If this is so, then the pragmatic, procedural norms of discourse are universal: no matter what our social context; coercion is illegitimate, as is excluding people from participating in discourses about matters that affect them.

This may not be appealing to those who favour a more relativistic approach to morality, but it should be equally clear that everything about communicative ethics does not fall on the universalist side of the ledger. Discourse ethics should be attractive to those who desire a more flexible, contextual account of morality, as the basic norms are *procedural* rather than *substantive*, and this allows an extremely large diversity in terms of the concrete moral norms of a community. That is, communicative ethics has a definite role to play in terms of *testing* the intersubjective validity of norms or of action. However, while a norm cannot be rationally justified if it is not consented to by those affected after engaging with each other in discourse structured by the ISS, communicative ethics does not have any role to play in *generating* the norms that are being tested.[43] In other words, communicative ethics can tell us about the formal conditions that make a claim rational or irrational, justified or unjustified, but cannot "say anything about the sorts of contents (that is, reasons) that are acceptable in rational argumentation in a given context."[44] A particular reason might be valid in one context, but invalid in another, and this is because of the background context of the society in which an issue is being discussed.

Communicative actions, then, "are not performed in a presuppositionless environment,"[45] but rather occur against an already-existing background of understandings that Habermas calls the "lifeworld", which he thinks of as "the totality of interpretations presupposed by the members as background knowledge,"[46] or "more or less diffuse, always unproblematic, background convictions."[47] This lifeworld is the store of tradition; it holds the work that previous generations have done in building an interpretative structure. As Habermas puts it, it is the "conservative counterweight to the risk of disagreement that arises with every actual process of reaching understanding."[48] Typically our communicatively mediated action proceeds on the basis of this tradition, in which we use accepted facts and shared norms without question. Discourses only occur when there is a disruption to the consensus, when "disagreements arise concerning the truth of assertions or the rightness of norms,"[49] and at this point we transition to a higher level of discourse: moral-practical in the case of norms, theoretical in the case of facts, and aesthetic-therapeutic in the case of self-

expressions.[50] At this higher level we discuss the issues under dispute explicitly and take as our goal the reaching of agreement. Once we resolve these disagreements through exchanging validity claims, consensus is restored, though always within the horizon of a particular lifeworld.

If we are looking for a moral theory that allows for a diversity of different views, we should focus on two main features of the above: first, since discourse occurs within the horizons of a particular lifeworld, and as the procedural elements of communicative ethics only allow us to test, but not generate, norms, in different cultural contexts different reasons will come into play, and a wide diversity of societies with a wide range of sets of moral norms are permitted.

Second, discourse is not an activity that we are constantly engaged in, so while we are expected to test norms when they are problematised, we are not under any obligation to sit down and think out our entire moral system together, especially as "it is impossible to problematize all factual and normative claims simultaneously."[51] If someone has an issue with a particular norm or fact, then we engage in discourse in order to determine the rightness/wrongness or truth/falsity of that norm or fact, and that norm or fact alone. The outcome of this discourse may end up having implications more widely in our lifeworld, but in discourse our shared set of interpretations, as a "reservoir of taken-for-granteds, of unshaken convictions that participants in communication draw upon in cooperative processes of interpretation,"[52] are held steady while we address the particular point at issue. We only problematise these taken-for-granteds when they become relevant to a particular situation: in Habermas' words, "only in the light of an actual situation [does] the relevant segment of the lifeworld [acquire] the status of a contingent reality that could… be interpreted in another way."[53] When we reason about moral matters we do not try to build a system from first principles, but start with our already-existing convictions. Of course, this does not mean that we cannot, over time, radically revise our shared moral view, or even suddenly and drastically question rather deep facets of our shared lifeworld, with far-reaching implications.

What's more, we are always engaging *with somebody in particular*, someone who already recognises moral demands. Our aim is to work out and through the *actual* differences between us, and not to reason from the ground up as if we were engaging with someone who did not recognise any moral demands at all. [54] As such, communicative ethics' proceduralism, while maintaining the universality of non-coercion, openness and equality, is perfectly consistent with a wide range of societies.

As the universal, pragmatic norms of discourse only come up in actual discourse, which itself only occurs when the already-existing consensus is disrupted – a consensus based in a lifeworld that stores a society's traditional interpretative work – no one is

being made to completely rethink their entire worldview (at least, not all at once) to bring it in line with some ideal conception of how we ought to live or one particular view of how society should be structured. Of course, the society may need to change significantly if it is fundamentally premised on coercion or exclusion and the members that are on the receiving end of this coercion or exclusion challenge this state of affairs. But then, objections to the imposition of values are generally along the lines that, despite things being different in community *a* than in community *b*, we in community *a* are satisfied with how things are, so it would be wrong to object to things *here* merely because they are different from those in community *b*. I am certain that most relativists, if presented with a situation in which an elite said that *they* were happy with a situation, but acknowledged that everyone else was not, would not find the elites' self-concern a particularly persuasive argument for why their worldview should be imposed on the rest of society. In the same way that we want to resist dominant societies imposing their worldview on more vulnerable ones, we also surely would want to criticise dominant groups within a particular society imposing their worldview on the vulnerable members of their own community.

Communicative ethics is perfectly consistent here: diversity is secured, as we *start* with a diversity of worldviews in different societies, and nothing about the procedural, pragmatic presuppositions of the ISS is likely to lead to this diversity being eliminated. While discourse *tests* norms, we cannot *derive* norms from discourse ethics' pragmatic presuppositions, and what is plausible or consistent within a given cultural context is just as determinative of the outcome of practical discourse as are the presuppositions of the ISS. Different groups can engage in an entirely legitimate process of discourse about the same issue in different contexts and come up with quite different results. Habermas fully agrees, arguing that the idea that "moral theory could single out one form of life as right for everyone… is no longer plausible."[55] On the other hand, we do still need a moral theory of a more restricted sort, a moral theory that "reconstructs the moral point of view from which competing interest- and value-based claims can be fairly adjudicated."[56] This moral theory *is* universal in scope, as it requires that "for general norms to be valid they have to be acceptable to all those affected by them as participants in practical discourse,"[57] and in order to be accepted discourse has to be non-coercive, open and equal. Hence, as much as discourse ethics permits diversity, it militates against the imposition of a worldview on those who do not agree with it. Those inclined towards relativism should, I would imagine, be satisfied with both of these outcomes, even though the latter rests on a definitely universalistic moral theory.

A Relational Account of Identity and Autonomy

Another feature of communicative ethics that makes it highly permissive of diversity is its view of the self, which is fundamentally relational. This account of identity is much

more widely applicable than either the liberal or the communalist accounts alone, and as such discourse ethics is well suited to societies that have either concept of identity. Communicative ethics strikes a balance in this regard between the two extremes of liberal individualism and communitarianism. On the one hand, it sees identity as constituted not just by our environment but also by communicative interactions.[58] As Ciaran P. Cronin puts it,

> Once consciousness and thought are seen to be structured by language, and hence essentially social accomplishments, the deliberating subject must be located in the social space of communication where meanings – and hence individual identity which is structured by social meanings – are matters for communal determination through public processes of interpretation.[59]

Our identities are formed through the reciprocal recognitions between ourselves and others in our community, such that **"e**ven the innermost essence of a person is internally connected with the outermost periphery of a far-flung network of communicative relations." [60] This is why discourse is "not a language game that persons engaged in communicative action can opt out of, unless they are willing to risk psychological suicide or schizophrenia."[61] As such, identity is fundamentally relational, and this relationality opens us up to deep harm from others. Part of the role of discursive morality is to compensate for this vulnerability, and provide for the mutual recognition based on dignity that sustains us, as well as the "mutual ties and relationships in which individual identities are constructed and situated."[62]

The fact that we require socialisation for our identity is one of the main reasons why we are implicitly committed to the presuppositions of argumentative discourse: we rely on practical interactions for the reproduction of our identity, and cannot escape consensual, communicative interaction without absenting ourselves from the context of mutual recognition.[63] This is also why we need to engage in actual discourse in a real-world context: the shared "we" that is disrupted when understanding breaks down must be repaired by the restoration of a common consensus, which in turn must be done through an exchange of reasons that are within the horizon of those whose common understanding has been disrupted in the first place. [64] For Habermas, language is the medium in which our identities are constituted, "in which we understand and define ourselves,"[65] as well as being the means for coordinating social activity. We are not individuals first and social agents after, rather our identities are "formed in webs of social relationships through the taking up of myriad social roles."[66] Hence, our ordinary existence is fundamentally dialogical.

Discourse ethics is not about isolated individuals interacting with one another and, like neo-Aristotelians, discourse ethicists criticise the notion of the unsituated subject. This

is why the notion of impartial judgement in communicative ethics should not be mistaken for the judgement of an ideal observer. For discourse ethics, we need to take the role of the *generalised* other, in which we acknowledge that social roles are structured by shared social norms, and distance ourselves from any particular role.[67] We ask ourselves "whether the conflicting needs and interests of *all* participants are given their due and can be taken into consideration from the viewpoint of the participants *themselves*."[68] In contrast with this, the ideal observer acts as an isolated subject who "collect[s] and assess[es] his information in the light of his own individual understanding of the world and of himself."[69] The ideal observer attempts to step outside of all context to see the situation monologically, from a God's-eye view and, as an isolated subject, "arrogates to himself the authority to examine norms of behalf of all others."[70] On the other hand, the impartial actor operates from *within* the interpretative horizons of the participants through a dialogical exchange of perspectives.

Because discourse ethics is based in a dialogical exchange between situated subjects, for Habermas, autonomy and freedom are also social matters.[71] Autonomy is not about the power isolated individuals have to act, treating themselves as their own property that they dispose of according to their rootless desires. Instead, our autonomy is only possible due to the relations of reciprocal recognition we are involved in, and is based in our ability to question the norms that bind us with an equal right to raise issues, ask for reasons, and so on, so that we are not being compelled to follow norms that are not justified to us. Hence, in addition to a relational account of identity, communicative ethics also rests on a relational account of autonomy, such that my autonomy is not that I can act in certain ways, but that I am an equal participant in deciding on the norms that structure the ways I can act under conditions in which I am not coerced into assenting to such norms.

Norms that give rise to gender roles, for example, may or may not affect an individual's autonomy, depending on the person's relationship to those norms. Unlike with the liberal account of autonomy, the question to ask is not whether a person can or cannot act in a particular way, but rather whether they have assented to the shared norms that structure their life under non-coercive conditions in which they have had an equal say in the consensus that has been formed.[72] For the liberal, we are all privatistically-motivated subjects, and our main concern ought to be maintaining the already-achieved autonomy of such a self-sustaining, private, individualistic existence. [73] Discourse ethics on the other hand does not presume a self that is able to meet its own needs.[74] As Pauline Johnson puts it,

> The normative underpinning of discourse ethics is not a conception of the shared interests of an already *acquired* autonomy but rather the

procedural norms of a communicative interaction that is rationalized by a common interest in *achieving* autonomy.[75]

This is one of the central reasons why norms *must* be justified dialogically. In agreement with communitarians, moral norms within a communicative ethics framework cannot be justified by an isolated individual who reasons to our entitlements and obligations on their own, but can only be "justified discursively by a community of persons who care about one another's interests,"[76] as it is through this process that we can move towards the achievement of autonomy collectively. We can all only be autonomous insofar as we have participated in the justification of the norms that bind us, and this can only occur if all our perspectives have been taken into account from an impartial (but not ideal) point of view, a point of view that is a property of the group who are engaged with one another, reasoning dialogically with the purpose of achieving understanding, and not a property of any individual member reasoning monologically.

Another upside to this approach is that, unlike a liberal account of identity and autonomy, there is no natural conflict between justice and care for discourse ethics. While Carol Gilligan opposes care ethics to an ethics focused on justice, this is only necessary because the basic concept of the self is as an isolated, private individual. That is, as an isolated individual I can choose either to act with my special relationships foremost in my mind, or I can act impartially in relation to those relationships and follow the principles of an ideal, abstracted justice. In contrast, Habermas "regards justice and care as complementary aspects of any complete moral theory."[77] We cannot work out what justice requires without a process of empathetic role taking in which we consider how a norm affects "the concrete needs of specific persons in specific contexts of application."[78] Impartiality for Habermas does not involve stepping outside of our concrete interests or disregarding the concrete needs of others whom we have a relationship with, but since "the universalizability of normative claims and the interpretations and legitimacy of needs must be taken up in public discourses where interests and need-interpretations are debated, identities defined, and their legitimacy contested,"[79] communicative ethics is premised on taking these very things into account.

Liberalism and Communalism

It should be becoming clear why Habermas' relational account of identity and autonomy specifically, and communicative ethics more generally, is well suited to traditional societies. A communalistic account of ethics, a respect for tradition, a focus on consensus building over conflict, a view of the self that emphasises our relationships to others and to the community, and a more collaborative account of

knowledge are all things that are often associated with traditional societies, and that communicative ethics can easily take on board. For instance, the dialogical nature of knowledge is hardly a new idea to a traditional society like the Ganda. Edward Wamala notes that

> Western theorists like Jurgen Habermas, who today talk of the social or dialogical nature of knowledge, are only restating an old truth long since discovered and lived in traditional Ganda society. Oral literature is replete with proverbs showing the dialogical nature of knowledge and the value of consultation.[80]

Furthermore, the procedural nature of the fundamental, pragmatic norms of discourse allows communities to establish their own sets of social norms, so long as those norms come about through the appropriate (consultative) process. It takes the preexisting lifeworld – the totality of shared interpretations and understandings built up over time – as the source of norms for testing (though there is no reason why innovative norms cannot be proposed), as the background against which norms must fit. Habermas does not ask us to reason to our norms from first principles. Hence communicative ethics gives respect to the traditions of a community (though it does so without treating such traditions as justified simply insofar as they are traditional).

A concept of the self that rests on a person's relationships to others in the community, and does not treat her as an isolated, private individual, is also a feature of many traditional societies. For example, the traditional Samoan concept of self "only ha[s] meaning in relationship or interaction with others, not as an individual."[81] Kwasi Wiredu argues that this is an idea also shared amongst traditional African societies, which views the individual as "not just a certain biological entity with a certain psycho-physical endowment,"[82] but rather attributes to them a normative sense with matching obligations and rights to the community. To be a person, then, is to show a "basic willingness and ability to fulfill his or her obligations in the community."[83] As with Habermas' discourse ethics, in such societies autonomy is an achievement rather than a given, and is premised on a willingness to participate in the normative life of the community.

With a relational view of identity and autonomy, the justice/care dichotomy also does not bedevil traditional societies. For instance, Mohawk thinker Taiaiake Alfred contrasts indigenous concepts of justice with the individualistic accounts he sees as dominant in Western societies. Rather than being primarily concerned with equity in treatment or distribution – a "materialistic ideal of equity or sameness"[84] – and without a universalising account of justice based a monological account of autonomy,

> Indigenous notions of justice arose within the context of belief in a universal relationship among all the elements that make up our universe… The goal of indigenous justice is best characterized as the achievement of respectful coexistence – restoration of harmony to the network of relationships…[85]

The ideal of respectful coexistence and harmony can be seen to parallel the Habermasian ideal in which justice is determined by taking into account concrete relationships and concrete others with specific needs in real-world contexts. Justice is not something that can be determined by reasoning in isolation, but only by engaging respectfully with others in order to restore a disrupted harmony.

Hence, insofar as an indigenous society sees a respect for tradition and a communalist ethics, relational rather than liberal individualistic accounts of identity and autonomy, and a collaborative basis for knowledge reflected in their own practice, then communicative ethics as a moral theory will not seem unfamiliar. Unlike liberalism, for example, discourse ethics mirrors already-existing practice in such societies more than it is an imposition of foreign custom.

On the other hand, discourse ethics is not a fully communalistic ethic: it is a deontological approach in the Kantian tradition, with Kant's concern for freedom and rational agency.[86] But discourse ethics manages an intermediate position between liberals' concerns for freedom and communitarians' belief in the situated nature of the self. Discourse ethics certainly does not suffer from many of the criticisms levelled at communitarian views (whether such criticisms are warranted or otherwise). For instance, the mere fact of something being traditional cannot give it authority according to communicative ethics. While, as I have discussed above, there is certainly a place for tradition, the discourse ethicist would expect a tradition to be rationally justified if it is to maintain its place in a society, once that tradition had been problematised. And though it is not the case that discourse ethics translates directly into something like a direct democracy, the consensual focus at its heart would certainly militate against any authoritarian tendencies, as well as entrenched sexism, racism, and so on, that communalist societies might be accused of harbouring. Unequal distributions and divisions of labour based on, for example, gender, might well be acceptable according to a communicative ethics framework – though they equally well may not, depending on the case; specifically whether those who participate in such systems can consent to them under the ISS – but their justification cannot rest on tradition alone – all those who participate in such systems must be persuaded to accept them. Hence, equality is maintained.

Finally, while identity is relational for discourse ethics, and individuation is seen to be a product of socialisation,[87] it is most certainly not the case that the individual is

subsumed into the collective. All individuals who are affected by a norm are expected to participate in the discussion of its legitimacy. Hence, individuals have a key role to play. We are individuated through being socialised into a community, but we expect in turn that that community meets our needs as individuals. At no point can we claim that the community has a good that is separate from the good of its members, or that we can legitimately be coerced into acting or thinking certain ways. Hence, freedom is also maintained.

In short, communicative ethics sits at a midpoint between liberalism and communalism. Neither camp entirely gets its way, but I argue that discourse ethics manages to capture the essential features of both views. As such, discourse ethics is not far from the practices of either. If any moral theory is likely to be applicable generally, it will not be a fully liberal-based one, as it is likely to jar with the worldview of communalistic societies, particularly in the downplaying of the role of tradition and the individualistic concept of the self. Similarly, strong communalist-based moral theories are not tenable for those raised in a liberal-minded culture who, quite rightly in my mind, are concerned with making sure that individuals are treated as equals, and are not being coerced. Communicative ethics, on the other hand, seems to strike a happy medium.

Conclusion

Communicative ethics is universalistic without being imperialistic, and permits a wide range of cultural practices without leading to an absolute cultural relativism. Its universalistic components – the pragmatic norms of the ISS – are procedural, and are in any case only norms that all human beings capable of language already implicitly accept. Such norms are unavoidable if we are to engage in the practice of argumentation, and such a practice is unavoidable if we intend to engage with others in the process of reciprocal recognition that is required to prevent our retreat into monadic isolation.

Furthermore, communicative ethics achieves a nice balance between liberal and communalistic views of the self, of autonomy, and of ethics generally. For instance, norms come from and are justified within particular communities in response to specific disruptions of the consensus, yet the procedure is universal. We can have differential responsibility and social roles, but are all fundamentally equal. Tradition forms the backdrop of all our activities, yet has no authority for its own sake. Consensus-making is valued highly, though communicative ethics can also accommodate mass politics due to the difference between judgement-making and political will formation. Knowledge is collaborative and consensual, yet agreement about knowledge does not by itself confer truth. Our identities are formed from a

process of socialisation, yet the collective does not have a status outside of the individuals that compose it. Finally, the relational account of autonomy still maintains our ability to freely decide on the norms that we live by. In short, communicative ethics incorporates liberalism's freedom and equality, as well as communalism's respect for tradition and the situated self. Hence, discourse ethics is not far from the already-existing practices of either kind of society, and can bridge the gap between them.

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[76] David Ingram, *Habermas: Introduction and Analysis* (Ithaca: Cornell University Press, 2010), p. 118

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[83] Kwasi Wiredu, "Introduction: African Philosophy in Our Time," in Kwasi Wiredu, ed., *A Companion to African Philosophy* (MA: Blackwell Publishing, 2004), p. 17

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[84] Gerald R. Alfred, *Peace, Power, Righteousness* (Don Mills, Ont.: Oxford University Press, 1999), p. 42

[85] Gerald R. Alfred, *Peace, Power, Righteousness* (Don Mills, Ont.: Oxford University Press, 1999), p. 42

[86] Jurgen Habermas, *Justification and Application: Remarks of Discourse Ethics* (Cambridge, Mass.: MIT Press, 1994), p. 91

[87] Jurgen Habermas, *Justification and Application: Remarks of Discourse Ethics* (Cambridge, Mass.: MIT Press, 1994), p. 91

Chapter Two: Discourse Ethics and the Justification of Validity Claims

There is one important respect, however, in which communicative ethics, at least according to Habermas, is not consistent with traditional or communalistic worldviews. For Habermas, discourse ethics is a fundamentally *modern* moral theory, and it involves the rationalisation of our thinking such that "individuals progressively distinguish between the objective, social (or normative), and subjective domains of experience, and develop argumentation procedures for discursively redeeming validity claims for each."[1] This learning process, he thinks, is absolutely essential if we are to be able to engage with each other communicatively, to allow "individuals [to] assume responsibility for freely harmonizing with their fellows, according to the dictates of their own conscience,"[2] through a process in which we reach understanding with one another based on non-coercion, equality and openness. In this chapter, I elaborate on these argumentation procedures – specifically, what it means to reach understanding according to Habermas.

In order for us to be able to reach understanding, and to be communicatively competent, however, we must be able to clearly divide reasons into different kinds: facts, norms and self-expressions. We must be able to relate to these things in a way that acknowledges that they are different. When we speak, we relate to the world around us, to other subjects, and to our own intentions, feelings and desires.[3] To relate to our feelings as if they were other subjects – as if they had the status of norms – or to the world around us as if they were our feelings – as if things in the world were nothing but our own self-expressions – or to other subjects as if they were merely things in the world – as if facts about objects alone were the appropriate way to determine how we ought to act towards others – is to be confused and to be in error. If we make this kind of mistake, we are left unable to contest, criticise, defend or revise such claims, as there is no way of clearly determining the validity of anything raised in discourse.[4] If we cannot give reasons for and against claims – if they are no longer criticisable – then we cannot understand *why* we should hold them, we cannot be persuaded of them, and they cannot form the basis of rationally-motivated agreement. Without rationally-motivated agreement, we are unable to reach mutual understanding, and we cannot engage in coercion-free communication. Hence, if we do not clearly distinguish between the three kinds of validity claim, we cannot engage in communicative action, and our interactions are unavoidably coercive: the only way to settle disputes becomes "by appeal to authority, to tradition or to brute force."[5] After all, for instance, how can we consent to the norms that we are bound by if we are unable to discuss them *as* norms? Hence, I also speak here about the three kinds

of validity claims that Habermas identifies. I explain what they are, how they differ, how we can use them, and what their criteria of validity are.

The ability to differentiate between the various worlds and the kinds of claims that relate to them Habermas sees as a distinctly modern accomplishment. For him, traditional, non-modern societies level the different domains of reality through a mythic and associative worldview. Habermas argues that in such societies "nature and culture are projected onto the same plane," so that "in a mythically interpreted [non-modern] world we cannot, or cannot with sufficient precision, make certain differentiations that are fundamental to our understanding of the world."[6] For Habermas, "the associative nature of mythic understanding is diametrically opposed to the analytic sundering of objective, subjective, and social domains of reference."[7] If this is the case, then traditional societies are incapable of fully engaging in communicative action, and so they are necessarily coercive, as well as lacking the tools (unless they modernise their thinking) to remove this coercion from their interactions.

Up to a certain point I agree with Habermas. Without the ability to discuss claims whose validity or lack of validity affects us, we cannot be said to be engaging with each other on the basis of rationally-motivated agreement and we cannot achieve mutual understanding. As Habermas puts it, "the more cultural traditions predecide which validity claims, when, where, for what, from whom, and to whom must be accepted, the less the participants themselves have the possibility of making explicit and examining the potential grounds on which their yes/no positions are based."[8]If this is so, coercion must be involved in our interactions. We only have authority, tradition or force left to decide contentious issues, rather than the agreement of those who are affected by them.

If it really were the case that traditional societies were generally incapable of distinguishing different kinds of validity claims due to fundamental features of their worldview (a claim I dispute), then this would certainly be a problem for such societies. We would have to conclude that they did not have a place for (or strictly circumscribed the role of) rationally-motivated agreement, and that they justified important claims through reference to authority, tradition (as a justification, rather than merely as a source of interpretations and understandings to draw from), or sheer force. All three of these options are coercive, closed and unequal, and they do not allow us to treat each other as beings worthy of respect. In particular, we cannot join together in creating a normative context based on mutual understanding. If this were true, such societies ought to be criticised on this basis.

But I argue that traditional societies *do* operate on the basis of rationally-motivated agreement. [*] I contend that many (though not all) claims that *appear* to be inappropriately crossing between different kinds of validity are in fact different sorts of claims entirely, with their own criteria of validity. In short, Habermas is mistaken to limit the kinds of claims to only three. In fact, it could be argued that dividing the claims into the particular set of three that Habermas identifies is itself a culturally-contingent way of understanding reason. Other societies, many indigenous among them, could very well use different sets of claims entirely. As it happens, I think that the claims Habermas identifies represent universal functions, and therefore that all societies have them. Rather more likely, I suggest, is that non-Western societies that differ in respect to the kinds of reasons they use deemphasise these claims in favour of others, but still have a role for Habermas' three. But I could well be wrong about this, and I want to leave it an open question. More important than resolving the issue of whether or not facts, norms and self-expressions are universal is the task of ensuring that a global account of reason incorporates all the kinds of reason that arise out of the practices of different societies, whether that be indigenous, Western or non-Western.

In the fifth and sixth chapters I give examples of a potential kind of validity claim that is not present in Habermas' account, and make suggestions as to how we might understand its criteria of validity. However, if we are to propose new kinds of validity claims, it is helpful to understand what I mean by validity claim in the first place. As such, I will look in this chapter at Habermas' three kinds of claims, not in order to suggest that they are more basic or natural, but rather because they are both more familiar to me, being part of the practices of my own culture, as well as being already explicitly articulated by Habermas *as* validity claims. If we can see the essential characteristics of Habermas's claims, then we can get an idea of what it is validity claims actually are. In addition, knowing the criteria of validity and functions of these three claims means that when we look at claims outside this set of three we can better understand how they differ or, in fact, whether they differ at all. Hence, in this chapter I give an account of the basic characteristics of validity claims, through the concepts of rationally-motivated agreement, mutual understanding, and the distinction between illocutionary and perlocutionary speech acts. Furthermore, I describe the three kinds of claims that Habermas identifies as forming the basis of a Western account of reason – facts, norms and self-expressions – and the worlds that they relate to – the objective, inter-subjective and subjective. With this, hopefully the alternate kind of claim I propose in the final part of this dissertation will then be clearly distinct, but also a

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[*] Or rather *can* operate on such a basis: actual "modern" societies may operate on the basis of rationally-motivated agreement, or alternatively they may not, depending on the case at hand. There is likely to be as much diversity when it comes to traditional societies in terms of how successful they are, as a society, in embodying communicative reason. My point is that, as with modern societies, there is nothing fundamental about the worldview of traditional societies that is *stopping* traditional societies from operating on the basis of rationally-motivated agreement

clearly legitimate example of a validity claim that make possible rationally-motivated agreement and mutual understanding, and forms the basis of illocutionary rather than perlocutionary speech acts.

Language

Discourse ethics as a moral theory (or "communicative" ethics, in that it identifies communicative action as the correct way to relate to others) is fundamentally connected to our use of language. According to Habermas, what distinguishes human beings is not our tool use or, as with Marx, our material reproduction through social labour, but rather our ability to use language in order to mediate social roles.[9] Social roles are made possible by language, in that it generates a "temporal horizon of mutual expectations that extends beyond the immediate consequences of action."[10] That is, it allows us to make commitments as to our future behaviour, and accept commitments by others as to theirs. In such a way, we are able to form societies. Without communication societies would be impossible.

Communication, then, makes it possible for us to interact with each other in societies, and is also the tool we use to maintain the mutuality and trust that underpins social life.[11] How does this happen? In short, by *communicative action*, or interactions between at least two individuals who are capable of speech and action and who seek to establish interpersonal relations on the basis of mutual understanding about the situation and the appropriate course of action.[12] By reaching understanding with one another, we are able to coordinate our actions on the basis of mutually-shared reasons.

But what does it mean to try to reach understanding? A good way of grasping this idea is by contrasting it with the other kinds of action we are capable of: instrumental and strategic. Instrumental action is basically teleological, in that we are oriented towards successfully achieving our ends, whatever they happen to be. We act in such a way as to bring about the achievement of our aims and desires. This is the tool-using dimension of our relationship to the world. For Habermas, strategic action is similar to instrumental action, except that it is action performed with speech acts, and is therefore a way of interacting with other beings, rather than just the physical world. In strategic action, we act so as to achieve our aims and desires, but in doing so we anticipate and take into account the thinking of at least one other goal-directed actor. This is the model of action that is most associated with certain features of utilitarianism in moral theory, and also underpins "decision-theoretic and game-theoretic approaches in economics, sociology, and social psychology."[13] Put simply, it is an objectivating attitude – an attitude that sees others not as beings with legitimate goals of their own that might trump our own aims, but that takes others into account

only insofar as their decision-making has an impact how we would go about achieving our own ends.[14]

To some, this kind of strategic thinking is simply what it means to be rational, and to be sure individuals who operate primarily in this mode are sometimes treated in popular culture as embodying rationality as such (Gregory House from the show *House* and Francis Urquhart/Underwood from TV series *House of Cards* spring to mind). However, as Thomas McCarthy puts it, "because we are as fundamentally language-using as tool-using animals, the representation of reason as essentially instrumental and strategic is fatally one-sided."[15] Our ability to use language opens up a further kind of action that is distinct from the instrumental or strategic: communicative action.

Another way of understanding the difference between strategic and communicative action is through J.L. Austin's distinction between *illocutionary* and *perlocutionary* speech acts. An illocutionary speech act is one in which the speaker wants what has been said to be understood on the terms of the content of the utterance itself. For example, "Give me that ice-cream," or "There is a cat in that hat," or "You shouldn't play with fire," when intended as illocutionary statements, can be understood purely in terms of the content of the sentences themselves. In other words, the meaning of illocutionary utterances "stand in a *conventionally* regulated or *internal* connection with speech acts."[16] While you may need background information to understand the sentence, in that it might draw on the shared lifeworld of the participants in conversation, the aim of an illocutionary utterance is to be *understood*, and not to *cause effects*.[17]

Perlocutionary statements, on the other hand, do not "follow from the manifest content of the speech act;"[18] they "remain external to the meaning of what is said."[19] For instance, saying "Do you know that person?" with the intention of stealing one of your fries when you look away, or "Your hair looks interesting today," with the intention of making you self-conscious about your appearance, are both instances of perlocutionary statements. The aim of the speaker is not for their speech act to be *understood*, but that it cause effects in the world. As such, it is a goal-directed action, and like other goal-directed actions its meaning can only be understood through a knowledge of the speaker's *intention*, rather than an understanding of the *utterance itself*.[20] When we describe a perlocutionary action, therefore, we need to "refer to a context of teleological action that *goes beyond* the speech act."[21] Perlocutionary speech acts may take the *form* of illocutionary acts, but a full description of the act needs to take into account the expectations held by the actor as to the effects that will be caused by the utterance in terms of the actions of the partner/s in conversation, rather than merely being intended as a description, order, request, recommendation, etc., alone. When we make this form of utterance speech is treated merely as an action like any other, in that its aim is to intervene in the world and to bring about states of

affairs. If we relate to each other on the basis of perlocutionary speech acts, we thereby relate on the basis of an objectivating attitude in which other individuals and their interests are subsumed under a description of the world in which they are also part of these "states of affairs".[22] Perlocutionary speech acts, therefore, underpin the strategic mode of interacting with others.

In contrast with this, illocutionary speech acts aim at an interpersonal relation in which participants "come to an understanding with one another about something in the world."[23] When we describe the content of an illocutionary act, there is no need to refer to causal effects in the world; rather, descriptions of illocutionary acts refer merely to the *life*world, the shared background of meanings, and in turn support and create this shared understanding.[24] The illocutionary speech act enables individuals to enter into a particular kind of interpersonal bond, in which all aims but that of reaching understanding are abandoned.[25] We coordinate our interactions "not through the egocentric calculations of the success of the actors as an individual, but through the mutual and co-operative achievement of understanding among participants."[26] This mode of engaging with others sees them as more than simply "complicated objects in a complicated routine;"[27] they are other beings worthy of concern on their own terms, and not merely in terms of how their actions can affect our own aims.

This distinction is a sharp one for Habermas. It is not merely that acts of communication (as opposed to communicative acts) can be seen under perlocutionary or illocutionary descriptions, and that he is "[using] the terms 'strategic' and 'communicative' only to designate two analytic aspects under which the same action could be described – on the one hand as a reciprocal influencing of one another by opponents acting in a purposive-rational manner and, on the other hand, as a process of reaching understanding among members of a lifeworld."[28] Rather, participants can "adopt either a success-oriented attitude or one oriented to reaching understanding,"[29] and hence acts of communication are *either* oriented primarily to success, and hence are strategic, *or* are oriented towards reaching understanding, and hence are communicative. We have two distinct forms of communication that lead to two definite ways of interacting with other beings capable of communication.[30]

Reaching Understanding

Of course, just because someone makes an illocutionary speech act, and the partner in conversation understands it, it does not follow that understanding is thereby reached on the issue that is the topic of conversation.[31] We can distinguish between the illocutionary act being successful, in that it has been understood as intended by the hearer, and it being successful in the sense of successfully bringing about understanding between the participants on a particular issue. So this raises the

question of what it means for individuals to reach understanding in the first place. The mere expression of an illocutionary utterance is not enough, in itself, to count as reaching understanding. Minimally the participants in the exchange must "understand a linguistic expression in the same way."[32] But more importantly, the hearer must accept the *warrant* of the statement being made. That is, insofar as speakers are trying to engage in a process of reaching reciprocal understanding, they make statements which rest on certain grounds, and they are asserting that their utterance is valid in terms of these grounds. The hearer can accept these grounds, and thereby view the utterance as valid, or reject them, and take the statement to be invalid.[33]

For instance, I might make the illocutionary statement that you are wearing your hat the wrong way around. But the question of whether your hat is being worn the wrong way around is not settled merely by my assertion that it is. This statement rests on certain grounds – it has specific criteria that determine whether or not my statement is a true one: there are facts of the matter, for instance, about the position of the hat relative to your head, as well as an understanding about what counts as the appropriate way for the hat to be worn. As the hearer, you must first must understand the content of my expression, and understand the above grounds on which my statement implicitly rests; but for understanding *between* us to be reached you must be able to accept the warrant I have offered that a) there is an appropriate way, *x*, to wear the hat, and b) that your hat is not positioned in such a way. Again, to *understand* my sentence you need to be able to comprehend the implicit criteria that form the warrant of the statement, but to *reach* understanding you must *accept* this warrant. If you do not, for instance, agree with my interpretation of what counts as the appropriate way to wear the hat, or if you agree with my interpretation but disagree that your hat contravenes this standard (perhaps I have been subject to an optical illusion, or a hallucination) or, indeed, if you do not agree that there is any settled way of wearing the hat at all, then you understand my statement, but we have not reached understanding. In short, every utterance is, at least implicitly, raising certain "validity claims". Participants have reached understanding when they understand the expression in the same way in terms of the validity claims that are being raised, and those claims go uncontested by all parties.

In many instances you might straightforwardly accept my statement and as a result embarrassingly adjust your headgear. But claims often do *not* go uncontested, in which case "the competent speaker always undertakes to argumentatively defend the criticizable validity claims raised by [their] utterance."[34] They do this through the use of reason, "reason" here being understood not in any transcendental sense, but rather the ability to offer and accept reason*s*. When they put forth any kind of validity claim, the speaker is asserting that, should they be required, reasons are able to be given in support of it. For instance, when I assert that a certain kind of hat ought to be worn in a particular way, this is presumably more than arbitrary whim on my part; if I could

not provide a reason as to why *x* is the right way the hat should be worn, then it is bizarre of me to make such a statement in the first place; it certainly would not be justified. I might say, for example, that the inventor of that particular style of hat decided that it should be worn a particular way, or perhaps that the hat is intended to fulfil a certain function (protecting one's face from the sun, for instance). Regardless of what particular reason I justify my view with, I nevertheless must have *a* reason for my opinion.

Since as a competent participant in communication one must know the "*essential conditions* under which [they] could be motivated by a speaker to take an affirmative position"[35] in regards to any particular claim, when the hearer rejects a speech act they are asserting that it has not met the essential conditions inherent in whatever kind of claim is being made. This response demands that, if the speaker expects the hearer to be persuaded that the conditions are, after all, being met, the implicit reasons in support of the validity claim be made explicit. At this point I must make clear my reason for holding that the hat should be worn a certain way: that it is intended to fulfil a certain function. This claim in turn raises validity claims of its own. But let us say, for the sake of argument, that you agree that the appropriate way to wear a hat is determined by whether or not it fulfils its intended function, and that it is also the case that the intended function of your hat is to protect your face from the sun. Since your hat is currently not able to fulfil this function in the way that you are wearing it, you can then reach agreement with me that your hat is being worn incorrectly.

This agreement is *rationally-motivated*, in that the agreement is based on reasons that both partners in conversation accept. The rationality of this kind of practice is determined by communicative agreement being "based *in the end* on reasons." When we interact, we "proceed on the assumption of an 'immanent rationality' shared by [participants]," in which "competent speakers have (at least implicit) reasons to offer in defense of their utterances."[36] The rationality of the participants is established by "whether, if necessary, they could, *under suitable circumstances,* provide reasons for their expressions."[37] Refusing to acknowledge that one's statements ought to be backed up with reasons is irrational, as is refusing to accept valid utterances on spurious grounds, i.e. their validity interferes with the possibility of our achieving goals external to that of reaching understanding.

Habermas takes this kind of communicative rationality to be a "universal presumption of the pragmatics of human language itself,"[38] and is based in the "'know-how' that every competent speaker utilizes in communicative practices."[39] Indeed, I think we cannot help but understand our behaviour generally in this way; after all, in order to understand human practices at all, "we must conceive of them as practices bound up with justifications; no matter what we think or do, we place upon ourselves (and

others) the demand for reasons, whether they are made explicit or remain implicit."[40] Can we even conceive of someone *not* acting on the basis of reasons, however mistaken those reasons might be? Or someone completely unable to justify their behaviour to others, even if such justifications are merely poor rationalisations? It seems that the formation of our individual wills is already guided by a form of argumentation similar to that of public argumentation. It does not seem to be a step very far from such internal argumentation to a public kind, which transforms the way we engage with others from imaginary interlocutors to actual.[41]

It is through this exchange of reasons, or at least the assumption that reasons will be forthcoming if they are required, that one enters into an interpersonal bond with others, in which we undertake to abide by the understanding that has been reached through such an exchange. This bond is formed from the "rationally motivating force of accepting the speaker's warrant of redeeming claims of validity."[42] In interacting in this way, rather than in the objectivating strategic mode, we agree that questions are "settled when a satisfactory answer is given," that we ought to "drop an assertion when it proves to be false; follow [our] own advice when [we] find [ourselves] in the same situation as the hearer; stress a request when it is not complied with; act in accordance with an intention disclosed by avowal, and so on."[43] In other words, when we interact communicatively we are motivated solely by the force of the reasons given, and not by any external forces, sanctions or rewards.[44] It is therefore only through an exchange of reasons and validity claims that true intersubjective understanding can arise.[45] Of course, if our actions do not affect others in any way, then intersubjective understanding may not be important; nevertheless, even to ourselves, even when no one else is involved, we assume that our actions are based on reasons.

Kinds of Reasons

Still, it isn't enough to simply state that we should be interacting on the basis of an exchange of validity claims, with an aim to reach understanding, and that we ought to be motivated by the rational force of the best reason, if we are not able to specify what *counts* as the best reason. We cannot understand communicative exchange as simply a process of gaining mere *consent* to the acceptability of reasons offered; the *reason itself* has a certain kind of force that presses on us, and a rational individual who is open to the force of the best reason would therefore find themselves *obliged* to accept it. Conversely, if the reason is a good one, our refusal to accept it can only be a sign of our irrationality. Of course, in practice we are all less than ideally rational, and we are often not responsive to the force of various reasons presented to us. Nevertheless, surely claims are valid or invalid independently of whether or not we happen to consent to their validity or agree or disagree in practice in less-than-ideal circumstances: "consent alone can never be a criterion of anything, neither of truth

nor of moral validity; rather, it is always the rationality of the procedure for attaining agreement which is of philosophical interest."[46] So then, what are the criteria that, if they were fulfilled, would rationally oblige us to assent to validity of the claim presented to us?

According to Habermas, there is not just one kind of validity claim with one criterion for validation; rather, there are three kinds of claim – truth, rightness and truthfulness – each of which relates to a different "world" – objective, social, and subjective – and has a corresponding form of rationality – cognitive-instrumental, moral-practical, and aesthetic-practical. Each validity claim therefore has its own inner logic which determines the criteria by which it can be validated,[47] a "[mode] of argumentation or critique that enable us to thematize contested validity claims and to attempt to vindicate or criticize them."[48] The mode of argumentation suited to one kind of claim would be inappropriate when applied to another. So, while claims to propositional truth can be contested and defended according to one set of criteria, they are joined too by claims that an action is "right or appropriate in relation to a certain normative context, or that such a context deserves to be recognized as legitimate" and that "an utterance is a sincere or authentic expression of one's own subjective experiences."[49] In this way Habermas' theory of communicative action "seeks directly to confront the tendency in modern philosophy to reduce reason to instrumental reason. He insists that normative, aesthetic and expressive utterances can be just as rational as factual or strategic ones, but differ from the latter in the manner of evaluating their rationality."[50] To treat and assess the rightness of an action on the same terms as one would assess the truth of a propositional statement about the world is simply to mistake the kind of claim that is being asserted and to apply inappropriate standards of rationality to it.

Obviously we do not typically form utterances that express only one of these kinds of claim; each statement contains *at least* one, and generally more than one, kind of validity claim. For example, "while some utterances emphasize truth and others establish or affirm intersubjective relations, every utterance necessarily performs both functions, that is, every speech act contains a locutionary component (in the form of a sentence containing a proposition about something in the world) and an illocutionary component (in the form of a performative sentence that establishes an intersubjective relation)."[51] Nevertheless, when we *disagree* with a statement that contains all three, we are pointing out that it is invalid according to one of three distinct criteria: that the utterance **"**has not fulfilled its function of securing an interpersonal relationship, of representing states of affairs, or of manifesting experiences." While it may fail at all three, the question of whether it is in agreement with "*our* world of legitimately ordered interpersonal relations," is separate from whether it is in agreement with "*the* world of existing states of affairs," which is in turn distinct from whether it is in agreement with "*the speaker's own* world of subjective experiences."[52]

A comprehensible linguistic expression generally simultaneously states something true about the objective world, refers to valid norms given the normative context, and sincerely expresses our subjective experiences. The acceptance of this speech act operates "simultaneously at three levels: the speaker and hearer agree on the truth of the propositional content with respect to the objective world; the speaker and hearer agree on the normative rightness of the speech act within the given normative context; and the speaker and hearer agree on the sincerity of the subjective states expressed by the speaker."[53] For example, if I were to request that someone pass me the salt, I am making a claim regarding the existence of the salt, and that it is an action that the other person is capable of performing; I am also making a claim that this request is appropriate given our shared normative context; finally, I am asserting that my request is a genuine one, does not have any ulterior motive, and rests on a comprehensible evaluation of the value of the salt. Each of these three claims are justified in a different form of discourse.

Why these three claims in particular? For Habermas, we already engage in practices that illustrate the existence of these three worlds. For instance, teleological action would be impossible without the existence of the objective world, we would not be able to engage in normatively-regulated actions without assuming the existence of the inter-subjective world, and self-presentations about our feelings, thoughts, desires, values, and so on, would not make any sense if we did not hold that there was a subjective world being expressed in such statements. What follows, then, is a description of these three kinds of claims, and how we justify them.

Facts and Cognitive-Instrumental Discourse

Propositional claims, or claims regarding means-end relations, are related to one world: the objective world of states of affairs that either obtain or that we could bring about.[54] This world is most apparent in the concept of teleological action, or action in which we try to "[attain] an end or [bring] about the occurrence of a desired state by choosing means that have promise of being successful in the given situation and applying them in a suitable manner."[55] If we did not hold that such a world of objective states of affairs existed, we could not make much sense of the concept of teleological action, as it "presupposes relations between an actor and a world of existing states of affairs."[56] We seem to have a basic cognitive capacity – a "cognitive-volitional complex"[57] – that enables us to "form *beliefs* about existing states of affairs through the medium of perception, and can, on the other hand, develop *intentions* with the aim of bringing desired states of affairs into existence."[58] Forming beliefs about states of affairs would not be meaningful if we did not already take there to be an objective world there that we were able to form beliefs *about*, and we would not be able to plan

how to bring about certain states of affairs if we did not take there to be an objective world of affairs that could be modified to make these plans a reality.

A rational actor, teleologically speaking, is one who can "make assertions that are *true* or *false*," and draw practical consequences from this such that they can "carry out goal-directed interventions that succeed or fail, that *achieve* or *fail to achieve* the intended effect in the world."[59] Thus, we assess validity claims that refer to the objective world either in terms of their *truth* or *falsity*, or in terms of their *efficacy*. Such assertions are more or less rational depending on how well the claim that they refer to states of affairs in the world, or would effectively about certain state of affairs, can be defended.[60]

If we make assertions that seem to propose that certain states of affairs obtain, yet refuse to accept that any evidence can, or should, be brought to bear to substantiate such claims when requested, we can hardly be said to be rational. As "facts owe their facticity to their being rooted in a world of objects… that exist independently of our descriptions of them,"[61] if I were to assert that there was a ghost in my closet, yet refuse that there need be any reasons, in terms of perceptual observations (for instance, perhaps there was an odd sound heard coming from the closet) that would lead one to hold such a belief – in other words, I am merely asserting that I believe there is a ghost in my closet because, for example, it would be interesting if there were – I would not be acting rationally, and I would not be relating to the objective world in an appropriate way.

Similarly, if I were to ignore contrary evidence when it were brought to my attention, I would also be irrational in terms of my "cognitive-volitional" capacity and my relationship with the objective world. For example, if I assert that there is a ghost in my closet on the basis of there being odd sounds emanating from it, yet continue to insist that there is a ghost even after someone has opened the closet and pointed out that the noises on which my claim is based were being made by a racoon, my assertion about the ghost would not be well-grounded. I would be acting irrationally in continuing to assert such a thing.

Finally, if I had good reason to think that trying to pick up the racoon would be an ineffective way of removing it from the closet – say, a trustworthy friend pointed out that their observations of the behaviour of racoons previously in relation to being touched by human beings suggested that they do not take well to it – yet I nevertheless attempted to pick up the racoon in order to take it outside, I would not be acting in a rational way in regards to choosing efficacious actions to achieve my goals. This is especially the case if I do not have any reason to offer in response to my friend's claim that their observation of racoons suggested that they did not react well to being grabbed – for instance, perhaps I could have myself observed racoons submitting to

being picked up – yet nevertheless continue to hold that this would be an efficacious way of removing the racoon from the closet.

On the other hand, a rational exchange here would be along the following lines:

Me: (Making a claim) There's a ghost in my closet

Friend: (Asking for reasons) Why do you think so?

Me: (Offering a reason) There is a mysterious sound coming from the closet. It sounds like a ghost.

Friend: (Criticising my reason) Perhaps the sound has another explanation?

<Opens the closet>

Friend: (Offering a reason why my view is mistaken) See, there's a racoon in the closet.

Me: (Responding to the reason) I see that there's a racoon, but that doesn't explain the noise.

Friend: (Responding to my response) But the racoon is *making* the noise.

Me: (Accepting my friend's reason) Ah, yes, you're right, I guess there was no ghost after all. (Proposing an action). Let's grab it and take it outside.

Friend: (Making a claim) It will bite you...

Me: (Asking for reasons) What makes you think that?

Friend: (Offering a reason) I know someone who tried to pick up a racoon, and she was bitten.

Me: (Criticising his reason) Perhaps that was an exception. I've seen Jane pick up a racoon without any problems.

Friend: (Responding to my reason) Jane raised her racoon herself; it's tame. It doesn't behave like wild racoons. This is clearly a wild racoon.

Me: (Accepting my friend's reason) Oh, I see. Let's find another way, then.

Aside from its stiffness and improbability, nothing in the above ought to be in any way surprising or unusual to anyone capable of teleological action. All of our goal-directed actions rest on the existence of the objective world. However, despite the constant reference to an "objective" world, it should be noted that Habermas' view is a consensus rather than correspondence theory of truth. Even objective agreement about something in the world, for him, is "dependent in fact on the creation of an *intersubjective* relation between the speaker and at least one listener capable of taking a critical position." [62] Truth is a dialogical rather than monological process. A correspondence theory, for Habermas, does not take account of the communicative nature of knowledge; the "linguistic conditions of interpersonal communication."[63]

We can see how this might function by looking again at the above dialogue. Truth is "not a predicate of propositions, but a predicate of claims made in speech acts."[64] That is, a proposition rests on certain claims, and we assess those claims as true or false, rather than the proposition itself. Hence, claims such as "There's a ghost in my closet" are not what we assess as being "true" or "false"; such predicative statements are *theories* that offer explanations for our observations. The observation here is that there is a sound coming from the closet, and that claim is being used as the grounds for the belief that there is a ghost; we *interpret* our observations in a certain way, based on our theoretical commitments. When we disagree, we are engaging in a dialogical, argumentative process of theory-to-theory communication. I say that a ghost is the most plausible interpretation of the data, and my friend offers a counter-theory that it is a racoon responsible for the sound instead.

While further observations are made in this case that are key towards my changing my mind, it is the fact that these observations undermine my theory – my inference that the sounds are explained best by a ghost, and therefore that a ghost is present – that is really at issue. That is, "even the most elementary observation statements are expressed in terms of some theory of language or other."[65] Language itself embodies tradition, in terms of the theoretical frameworks developed over time that are implicit in the language, and this tradition is itself a "matter of interpersonal communication, not of correspondence truth." [66] When we engage in discourse, we draw on this tradition, and we also continue to build on it.

If we relied entirely on observation in order to redeem these propositional truth claims, rather than argumentative reasoning, then we could only imagine theoretical progress in terms of the production of new experience. We would not able to conceive it as the reinterpretation of the same experience.[67] But clearly in the case above, it is my experience of hearing the noise that is being reinterpreted; the noise no longer *means* that a ghost is in the closet, rather, that meaning has been reinterpreted to indicate that there is a racoon in the closet instead. Our linguistic discourse is not, then, intended to directly *describe* the world, as a correspondence theory of truth argues –

truth cannot "inhere in observation statements simply as correspondence between statement and the empirical world"[68] – but our discourse is instead for "interpreting [the world] more and more 'adequately',"[69] through an exchange of perspectives. Generally, of course, we share an interpretation of events: "facts" have a taken-for-granted quality.[70] It is only when our interpretation is challenged that we need to move to the level of "theoretical discourse", in which we attempt to "come to an agreement about a disputed fact."[71]

But what is it that we mean by "adequately" interpreting the world? Adequacy is, of course, partly measured by experimental verification, but "also necessarily by argumentative reasoning from the truth of theoretical postulates formulated in the language."[72] But we should not overlook the fact that we are referring to an "objective" world when we talk about truth. Our experiences, certainly, are ones that occur in a shared, objective world (or at least, they typically do – experiences that seem to come from a shared world, but do not, such as hallucinations, are obviously not experiences that can count as arguments in a theoretical discourse about factual claims).

When we engage with each other in theoretical discourse, in an attempt to determine the facts of the matter, we need to adopt an attitude that is focused exclusively on the cooperative search for the truth of the matter. This is not a matter of perspective, but a truth that is shared generally. Participants should be "aiming to detach themselves, at least momentarily, from action and interest," and ought to "[commit] themselves to the [assumption] that they are accountable for the validity of their utterances."[73] Given an appropriate communicative context – the ISS – truth, in terms of propositional statements (and hence theories), comes from an open exchange in which we orient ourselves towards the *cooperative* search for what the truth is. What comes out of such an exchange *is*, at least to a certain degree, true, though "truth" as a final goal is never achievable. The closest we could ever come to "truth" in a settled sense would be the consensus formed by all beings capable of communication, in possession of all information, under ideal circumstances, with only the cooperative search for truth as their aim.[74] In practice, however, a new participant can always enter discourse, or new information can always come to light that might overturn the consensus. Furthermore, the ISS almost never, if ever, obtains: individuals who have an interest in the outcome might be excluded from theoretical discourse, or it might be that some participants are not aimed solely at the cooperative search for truth (and have the power to underwrite this lack). Hence, truth is a matter of more or less, rather than all or nothing. Even so, there is little to regret about this: in practice more or less true is all we really need to deal with real-world contexts.

In short, claims of truth and a relationship to the objective world are built into our concept of teleological action, which is part of our everyday practice. We take "well-grounded assertions and efficient actions," as a sign of rationality, and we

"characterize as rational speaking and acting subjects who, as far as it lies within their power, avoid errors in regard to facts and means-ends relations."[75] However, this is not all there is to our practice and the concept of rationality. Habermas believes that "the concept of propositional truth is in fact too narrow to cover everything for which participants in argument claim validity in the logical sense."[76] Hence, he thinks we need a more expansive account of validity that moves beyond mere truth.

For this reason the theory of argumentation must be equipped with a more comprehensive concept of validity that is not restricted to validity merely in the sense of truth. Both the instrumental and strategic forms of teleological action may only rely on there being the single world of objective states of affairs. (After all, though strategic action is more sophisticated than instrumental action, in that it takes into account others and adds decision-making systems to the world of physical objects, ontologically-speaking strategic action is no richer than instrumental).[77] However, for Habermas, "there are obviously *other* types of expressions for which we can have good reasons, even though they are not tied to truth or success claims."[78]

For example, our practice of morality rests on there being additional worlds than just the objective. If we were to relate to the world, and particularly to others, merely on the basis of the existence of a single, objective world, we would not be able to even *conceive* of moral problems. Strategic action is "informed by the perspective of an agent who takes his preferences and goals as his point of departure," and when we relate in this way "other persons are accorded merely the status of means or limiting conditions for the realization of one's own individual plan of action."[79] Under such a view, we are in conflict with each other, in that our individual ends can conflict, and while we can conceivably resolve some such conflicts in ways that are in the mutual interests of all involved – through strategic compromise, for example – we cannot conceive of these conflicts as *moral* problems, rather than just as practical challenges.[80] Hence, we do not call someone rational only when they are able to "put forward an assertion and, when criticized, to provide grounds for it by pointing to appropriate evidence," but also when they are following an established norm, for instance that one ought to apologise when accidentally bumping into someone on the street, and can "justify [their] action by explicating the given situation in the light of legitimate expectations."[81] That is, they can refer to a normative, *inter-subjective*, context.

In addition, according to Habermas, we also refer to someone as rational if they "[make] known a desire or an intention, [express] a feeling or a mood, [share] a secret, [confess] a deed, etc."[82] These two further kinds of activity – normatively-regulated actions, and self-presentations – are meaningful expressions, but they are not meaningful in the same way as propositional claims to fact or efficiency. To treat them as such is to mistake the kinds of validity claims that are being made when we use

them, as well as the criteria by which we judge the rationality of such claims. Instead, they refer to, in turn, the intersubjective world of norms, and the subjective world of experiences.[83]

Truthfulness/Evaluation and Aesthetic-Practical Discourse

As the objective world gives us truth and efficiency, the subjective world gives us claims of sincerity and aesthetic judgement or evaluation, where we assess whether "the first-person utterance of an experience to which he has privileged access is truthful or sincere."[84] Such claims can be distinguished from claims of fact due to this privileged access. For Habermas, subjects do not "'have' or 'possess' desires and feelings in the same sense as an observable object has extension, weight, color, and similar properties."[85] Rather, desires and feelings are treated as distinctive things that cannot be subsumed into a description of the objective world.

Claims of sincerity, while implicit, would never arise in ideal situations.[86] But in practice, in cases of "disturbed communication," they *can* arise, when individuals in discourse fail to live up to the standards implicit in discourse and "self-present" in a strategic way. However, even such strategic self-presentations (expressions that are intended to produce perlocutionary effects rather than to express subjective experience, but that are nevertheless presented *as if* the speaker was disclosing a subjective state) are evidence that we do hold that there is a world of subjective experience that is separate, and separately assessed, than the objective one.

While we could assess self-presentations according to the objective, teleological criteria of success and efficiency, if we understood all self-presentations as strategic in this way, they could no longer be effective in achieving their aims.[87] Strategic self-presentations are parasitic on honest ones, they *trade* on being honest self-presentations when they really are not; if we did not think it were possible to honestly present our subjective realm of experience – that is, if there were no difference in principle between presentations that honestly presented a subjective experience and ones that falsely did so – we could never take strategic self-presentations to be other than they are, and we would never be manipulated by them. Hence, self-presentations need to be assessed by their truthfulness in relation to the subjective world of experiences, and not as being true or efficient according to the criteria of claims to objective fact. We can legitimately ask, when someone makes a self-presentation of experiences that are accessible only to themselves (judgements, desires, feelings, and so on), whether they have really had the experiences they claim to have had, whether they really *mean* what they say, or whether they are "merely feigning the experiences" they express (or, indeed, whether they are self-deceiving).[88]

If I were to ask you to pass me the water pitcher so that I could fill up my glass, there would of course be questions relating to the objective world (usually not problematised because they are, in this case, rather trivial) regarding whether there is a pitcher of water to be passed, whether you are physically capable of doing as I request, and, perhaps debate over the best means to move the pitcher (sliding it, say, or lifting it, moving by holding the handle, or with both hands with the handle facing me). However, in addition to these issues, you could also question whether my desire is as I have stated; whether my self-presentation is *truthful*. Am I really asking for the pitcher just for the sake of the water, as I have (at least implicitly) suggested? Perhaps I am merely trying to distract you while an accomplice lifts your wallet from your back pocket. Perhaps I do not really want water, but I *do* want to illustrate to those nearby that I have more social status than you, and so can ask you to perform tasks for me I am perfectly capable of performing for myself. These are separate considerations from the objective considerations mentioned above.

How would we assess whether someone is being truthful? By matching their behaviour or their statements, past or future, to their self-professed subjective experiences; they need to "reassure critics in regard to the revealed experience by drawing practical consequences from it and behaving consistently thereafter."[89] For instance, it may be that in the past I have asserted that I dislike water. I only ever drink pop, and you have only seen me do so. In which case, when I request the water, you have reason to think that I was either not truthful about my professed aversion to water, I do not really desire the water now (I am lying about my desires), or there is more information required to make sense of my request. But given the contradictions in my self-presentations previously, it is understandable that you criticise my assertions on the basis of their truthfulness and ask me for further justification. Such a conversation might go like the following:

Me: (Request) Could you pass me that pitcher of water?

Friend: (Raising a claim of truthfulness) Eh? But you don't like water. I've never seen you drink it. You only drink pop, don't you?

Me: (Giving reasons) Usually that's true, but I'm flat broke. I can't afford any pop.

Friend: (Testing the reason) You can have some of mine, if you'd like.

Me: No thanks, I'd rather drink the water.

Friend: (Raising a further claim of truthfulness) But you don't drink water! What's your game?

Me: (Giving reason) Actually, I've been drinking too much pop, and my doctor says I have to cut back.

Friend: (Accepting the reason) Ah, well, fair enough then. Here's the water.

Of course, we are not required to self-present in an entirely consistent way. In this example, for example, I override my former self-presentations with a new consideration, namely a more recent concern for my health. Furthermore, there is no reason that we need to maintain consistency over time: I may grow to dislike pop, and it would be inappropriate for someone to criticise me for inconsistency merely because my tastes have changed. Nevertheless, if someone were entirely *in*consistent, not just between their self-presentations and their immediate behaviour – "I hate pop", I say, as I drink a can of cola, obviously either dishonestly self-presenting, or confused about my own desires and tastes – but over time as well, then we would have no basis on which to hold that they were honestly self-presenting rather than acting strategically. While we might be able to imagine such a whimsical being, someone who changes their preferences moment by moment, it is hard to imagine us interacting with them on a consistent basis, or even thinking of their self-presentations in terms of truthfulness or dishonesty: we would simply not be able to take their actions or self-presentations to indicate any kind of persistent attitudes, feelings, desires, and so on, and so we would not be warranted in attributing truthfulness to any of their self-presentations.

However, the match between action and self-presentation is only one dimension of claims relating to the subjective world. We can also criticise desires, values or evaluations *themselves* as irrational if, under suitable circumstances, it would not be possible for those expressing them to justify them. As Habermas puts it, "value judgments also stand in internal relations to reasons and arguments."[90] This, of course, seems like a dangerous path to go down: should we really be telling people what they can and cannot think and feel? But this is not what Habermas suggests we do; we do not expect someone to hold the same values as we do, or to evaluate things in the same way. We *can*, however, expect others to have reasons for their evaluations *themselves*. It may not be my place to agree or disagree with those reasons, but they exist nonetheless.

The hackneyed example of the man counting blades of grass can help to illustrate this. If we ask such a person *why* they like counting blades of grass, and they are unable to provide any further kind of justification, then their preference is so unintelligible to us that it is difficult to know how we should take it into account in practice. Furthermore, if they are unable to provide any kind of reason why they like to count blades of grass, then perhaps they themselves are deceived as to what they want. Of course, in plenty of cases it does not matter either way: the blade-counter may be able to continue

doing their thing without bothering anyone, and under such circumstances we have no reason to impose on them by forbidding their choice of activity. However, if their self-presentation is part of a conversation in which we are attempting to reach understanding and determine an appropriate course of action, then the grass counting *may* affect others, in which case, it is important to determine the truthfulness and reasonableness of the blade-counter's assertion that they like counting blades of grass.

Is such behaviour rational? Is it something we need to respect and take into account in our deliberations? This depends on whether the blade-counter can offer a reason as to *why* he likes to count blades of grass. What is it that he likes about counting blades of grass? If he refuses to offer any further justification, it is hard to see why we ought to respect it as rational or truthful. To simply want to count blades of grass is irrational. There needs to be some *reason* why one would want to do so. On the other hand, to say that we wanted to count blades of grass because we find the repetition soothing *is* to offer a reasonable justification for the desire.[91] Nothing more than this is required. Certainly, the grass-counter would not need to persuade others to join them in counting blades of grass for it to count as a rational activity. Merely identifying what they like about it according to comprehensible, shared standards of evaluation that makes the desire intelligible to onlookers is enough. A justification such as "the repetition is soothing" is "the bridge between the subjectivity of experience and that intersubjective transparency that experience gains in being truthfully expressed and, on this basis, attributed to an actor by onlookers."[92] For Habermas,

> in characterizing an object or a situation as splendid, ample, elevating, auspicious, dangerous, forbidding, dreadful, and so forth, we are trying to express a predilection and at the same time to justify it, in the sense of making it plausible by appeal to general standards of evaluation that are widespread at least in our own culture. Evaluative expressions or standards of value have justificatory force when they characterize a need in such a way that addressees can, in the framework of a common cultural heritage, recognize in these interpretations their own needs.[93]

We can be said to behave rationally in terms of our desires if we are able to use predicates to describe what we like or dislike about something. (Or would be able to use predicates *under suitable circumstances* – we may need self-reflection or therapeutic-style conversation in order to be able to articulate, even to ourselves, our reasons for valuing or desiring something, and we certainly would not want to discount people's views simply on the grounds that they are not currently in circumstances that would lend themselves to this kind of self-analysis. Though, we would certainly call someone irrational who did not consider it *necessary* to provide a justification for their desires or values). We would consider someone rational if they were able to "use predicates such as "spicy," "attractive," "strange," "terrible," "disgusting," and so forth,

in such a way that other members of their life-worlds can recognize in these descriptions their own reactions to similar (though not identical) situations."[94]

Why is it that the emphasis here is consistently placed on intelligibility to others? The main reason is that, for Habermas, we do not come to our desires and values entirely on our own. While we have an important role in determining what we take to be valuable, our particular projects and plans are "drawn from the sum of what has been handed down by the linguistic community of which [we are] a member."[95] Pauline Johnson points out that,

> from the fact that persons can only be individuated through socialization (i.e., they can only interpret their own needs and formulate their aspirations in the light of available cultural descriptions), it follows that their seemingly most individual reasons for action can be open to public discussion and to the elaboration of those shared traditions upon which they implicitly rely.[96]

Values in particular are not entirely subjective, as they refer to shared preferences that are "esteemed by the community of which one is a member."[97] Where else, after all, could they come from? If we were to hold that certain things were objectively valuable, then we have to ask from where such values arise. On the other hand, if we were to say that things are valuable *because* we value them, this seems to contradict our actual practice of valuing. That is, we typically want to say that we value things because they are themselves valuable – in deciding to value something we are merely responding to the value it already has. To say that they are valuable *only* because we happen to value them is to undermine their value in our own minds. For example, if I were to say I value equality, it is surely because something about equality makes it appropriate for me to value it; equality does not gain its value merely because I might choose, on a whim, to value it, and if I were to really believe that there is nothing about equality that makes it a more suitable thing to value than something else, I would surely reconsider whether I ought to value it at all.

Hence, judgements, desires and values, especially when raised in discourse, refer to shared standards. When we say that something is "beautiful, tasteful, or desirable," or that we ought to "prefer this policy because it advances our social and political values," then we are referring to shared standards.[98] With this in mind, the criticism of someone's evaluations, preferences, values and so on, on the basis of them being unintelligible, seems more understandable. Evaluative or aesthetic claims are not simply expressive, in that they are not merely "manifesting a merely private feeling or need."[99] While some evaluations, preferences, values, etc., may be *innovative*, none are entirely privatistic.[100] We can provide good reasons for evaluations: "The agent can, with the help of value judgments, explain to a critic his desire for a vacation, his

preference for autumn landscapes, his rejection of the military, his jealousy of colleagues."[101] If someone were *so* privatistic in their attitudes that they could never be explicated, even in ideal circumstances, by shared standards of evaluation, we would be justified in saying that they were not behaving rationally.[102]

But neither are evaluative judgements normative, in that they are not expected to have the generality of norms of action. Hence, standards of value are neither normative nor private. The fact that standards of value are shared and are embedded in the social and linguistic community does not mean, however, that such standards can never change, or that alternative conceptions of value and new evaluations are inexpressible. In fact, Habermas thinks that new values can be and often are expressed in paradigmatic works of art. However, as these new expressions are still tied to the social background from which they spring, we can never say that even novel expressions of value are entirely privatistic.

Rightness and Moral-Practical Discourse

Rightness, or the normative validity claim, is different again from both the instrumentally teleological claims to objective fact or efficiency, as well as claims that disclose the contents of the subjective world. While we could certainly say the claims to normative rightness are in some sense analogical to the other kinds of validity claim, they have a different structure, and so are similar in function rather than being identical.[103] Instead of referring to the objective or subjective worlds, rightness claims refer to the shared social – or inter-subjective – world. This sphere "consists of a normative context that lays down which interactions belong to the totality of legitimate interpersonal relations."[104] All those for whom the corresponding norms have force can be said to belong to a shared social world, which we can describe by reference to the existence of norms, as opposed to the existence of states of affairs in the objective world, or experiences in the subjective one.[105]

To say that norms exist, it should be made very clear, is not the same as saying that, for example, a dog exists, but rather that it enjoys social currency, and is "recognized as valid or justified by those to whom it is addressed."[106] This is a different sense of "exists" than we use when we discuss things in the objective world. According to Habermas, the view that moral discourse relies on the objectivity of moral *facts* – that there are *moral truths* as there are *factual truths* – rests on a "crucial misunderstanding of moral discourse." When we make moral judgements we are not referring to factual truth at all; "the question of the cognitive status of moral discourse turns, rather, on identifying a *distinctive* validity claim raised in moral judgments."[107] There are no moral "facts", if we take such things to be "out there" in the world. Rather, while "existing states of affairs are represented by true statements, 'existing' norms

[are represented] by general ought-sentences or commands that count as justified among the addressees,"[108] and nothing more. Furthermore, the generality of norms means that they are different again from the evaluations in the subjective world. When we believe a norm to be valid, we *do* expect that others ought to abide by it, whereas only intelligibility is required of evaluations. As such, norms are neither moral facts, nor are they merely subjective judgements.

The form of activity that is paradigmatically associated with the social world of norms is that of "normatively regulated action". This form of activity presupposes, ontologically, the existence of *two* worlds: the inter-subjective world of shared norms, and the objective world in which we act in accordance with these norms.[109] The inter-subjective world is something that forms an already-existing background – "there are always customs which are already laid down and norms already articulated." [110] These norms are used in our normatively-regulated practice, and are simultaneously renewed through it. If a norm has validity amongst a group of people, then they may **"**expect of one another that in certain situations they will carry out (or abstain from) the actions commanded (or proscribed)"[111] by it. This is not "expected" in the sense of *predicting* what someone will do, but "expected" in the sense that other members of the group are *entitled* to anticipate that certain behaviours be carried out. [112] Furthermore, these kinds of expectations are not expectations we have of others as if they were "basically solitary actors who come upon other actors in their environment," but rather to members of a social group who "orient their action to common values."[113] Norms therefore express an agreement within a social group as to which actions are appropriate under what circumstances, and which are not, and a member can be said to have violated the norm when the conditions under which the norm has application obtain, yet they behave otherwise.

However, while normatively regulated action is the paradigmatic activity connected with the inter-subjective sphere of norms, communicative ethics takes things a step further. As there is a difference in between what we hold to be a fact initially and what the reasoned process of theoretical discourse gives us as factual, or what one claims to be an appropriate value or truthful self-expression, but might not turn out to be so after engaging in aesthetic or therapeutic discourse, Habermas also asks us to consider which norms we hold might be rationally justifiable after undertaking practical discourse.

Though deontological, unlike Kant, Habermas does not ask us to consider "what I as a single rational moral agent can intend, or will to be a universal maxim for all without contradiction,"[114] but rather asks what principles we would recognise as valid after we engage in a mutual search for justification.[115] Hence, our norms ought to be rationally justified and justifiable to others. On reflection, this ought to be rather obvious, and the requirement for justification helps to capture our distinction between mere

conventions and duties. Conventions, which bind us due to custom alone, are not associated with moral claims. Wearing our hat the wrong way might show up our ignorance and embarrass us in polite company, but no one would claim that we have a moral *duty* to follow such conventions of behaviour. When we refer to things that *do* bind us morally, on the other hand, we expect that more ought to be given in defence of them than merely that they are customary; we assume that such norms rest on good *reasons*. Even in the case of deep-seated, generally unquestioned norms this must be the case. While we do not like being pushed on such norms, and might prefer to entirely avoid having to explain why such norms are valid, the very fact that we are made uncomfortable by the questioning of our unchallenged norms betrays the fact that we think that they *ought* to be rationally justifiable.[*] Norms, as opposed to customs, only create an obligation in us when we think that they are ultimately able to be justified with reasons (even if we have not actually undertaken this process of justification in practice).[116]

As with the other kinds of claims, we need to understand what makes a norm rationally justifiable if we are to raise normative rightness claims in discourse. We cannot simply assert that it is customary, for the reasons discussed above. Nor can we proclaim that it has widespread support and leave things there. If the norm had the support of all affected, then it would not have been raised as an issue in the first place – unquestioned background norms can happily remain unquestioned if there is universal agreement about their rightness, and if a norm is truly unquestioned then it never becomes thematised to begin with. Only those norms that do *not* have the consent of all those affected are raised in discourse, which then attempts to determine their rightness. The normatively regulated action based on unquestioned norms can be distinguished from the process of justifying the norms in the first place through discursive interaction. In short, either the norm forms the basis of normatively regulated action, in which case its justifiability is not an issue and we can proceed without engaging in discourse at all, *or* the norm is contested, in which case we need to engage in discourse in order to determine whether it is rationally justifiable. If the former, the widespread agreement about the norm is irrelevant to its justifiability, because its justifiability is not being raised as an issue, and if the latter then widespread agreement cannot possibly encompass all those affected (or we would not

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[*] It is the tension between the fact that we frequently cannot offer a reasoned defence of our deep-seated norms, while at the same time recognising that we ought to be able to offer some kind of justification, that makes us so uncomfortable with having their grounds questioned in the first place. For example, philosophers might be able to provide justifications for the norms surrounding free speech, but many of us, when pestered with continual "why"s about the topic, will end up irritated, and probably responding with "because they just are." We assume that the norms of free speech are justified with reasons, and are not happy when are shown up as having no ultimate grounding for this belief.

need to engage in the process of justification), and so arguing for the norm being rationally justified *because* it has widespread agreement begs the question.

Rather, to justify a norm we need to examine its universalisability. To do this, we look at how the norm would be applied in "typical broadly defined situations." This sense of universal is not context-free, however, and our justification "operates with a time and knowledge index," in which we "consider only current knowledge about our needs and the impact the norm in question has had on them in the past – or will likely have on them in the readily foreseeable future."[117] As part of this process, we are expected to engage in an intersubjective process of role-taking in which we share the perspective of all those affected by a norm. This gives us an impartial point of view, but not an impartial point of view like the monological idealisation of Kant or Rawls. We are not trying to idealise as if we could step outside of ourselves, take up a God's-eye perspective, or access a transcendental realm, but rather we are impartial in the sense that we are fully engaged in a dialogical process of reasoning with all of those affected by the norm.

The "impartial point of view" is not the property of an individual who is independently thinking impartially, but is the property of the community of interlocutors who are engaged with each other in a particular way. So long as those involved in discourse are genuinely engaged in exchanging perspective with others and are doing so under appropriate circumstances (the ISS), then we can say that an impartial perspective has been reached and that a norm is justified. A norm is justified, then, when all who are affected by a norm are included in discourse (in that they can raise topics, ask questions, make criticisms, etc., on an equal basis). Furthermore, interlocutors should be engaging with each other on the basis of a cooperative search for the rightness of an action, thereby giving rise to an impartial (though not God's-eye or transcendental) perspective as a result of the dialogical exchange between participants. Finally, it ought to be the case that while engaging in this way "all affected can accept the consequences and the side effects that [the norm's] general observance can be anticipated to have for the satisfaction of everyone's interests, and the consequences are preferred to those of known alternative possibilities for regulation."[118] If these conditions are met, we can say that a norm is rationally justified.

As with factual truth, however, this is a matter of degree, and not a matter of rightness or wrongness as a strict binary. The ISS conditions can be met to a greater or lesser extent, and as such a norm can be more or less justified. It is certainly unlikely that, in practice, a norm is ever fully justified in this sense. Nevertheless, we are able to continue interacting with these more or less justified norms, while holding in reserve the right to criticise the rationality of the norm due to the ways in which its process of justification was less than ideal. In addition, norms are always revisable: actual discourses are always actual, historical and particular, and so "norms justified in an

initial round of discursive consideration are not thereby inviolate from reconsideration, for their validation is always contingent upon the outcome of the next round of arguments."[119]

It is essential to note the importance of the ISS. It is not that a norm is legitimate just because we happen to agree in practice – Habermas' communicative ethics is not a contractualist theory that identifies moral rightness with actual, real-world agreement. We cannot simply read from the fact that a group of people may have, as it happens, contingently agreed on a particular norm that that norm is therefore justified. It is possible for norms to come out of real-world discourses that are *not*, in fact, justified, due to the fact that the ideal conditions have not been met. For instance, all in a society may, in practice, assert that women should not have the right to vote, but if this agreement has been reached under conditions in which women are being pressured into assenting to such a statement because of threats, social pressure, and so on, it can hardly be considered to be a legitimate norm.

On the other hand, neither is it the case that mere *hypothetical* agreement is sufficient, i.e. that we can imagine what someone *ought* to say under such ideal circumstances and proceed from there. The ideal conditions of discourse allow us to point out flaws in the justification of a norm, but the dialogical, inter-subjective nature of discourse means that *actual* discourses are required before we can say that a norm is justified. We cannot take up an ideal perspective from our armchairs and come up with moral rightness. For this reason, moral or political philosophy is not capable of "finding answers to substantive questions of justice or of an authentic, unfailed life."[120] This role belongs to the participants. Philosophy can help us to avoid confusions when we think about these issues, but when it starts to "[draw] up normative blueprints for an emancipated society," [121] or makes substantive claims about justice, then the philosopher "steps back into the role of an expert who makes proposals from the perspective of a citizen participating in the political process."[122] In other words, in practical discourse we are engaging with *concrete* others under *ideal* circumstances: only those affected can express how a norm is likely to impact on their needs, and only in real-world discourses can we say that the reasoning is truly dialogical, rather than merely being monological, with the role of the other being formed out of our own imaginations.

Of course, if this were all there was to practical discourse, this "universal" justification of norms could be easily criticised. If we assumed that we could simply apply norms, which are universal and have a general character, to messy, real-world situations unproblematically, we would run into difficulties. In actual moral disagreements, often what is at issue is not the validity of the norms involved, but rather which norms apply to the case at hand. Merely justifying our norms does not give us an answer to this concern. A "universal" justification for the norm is not enough for us to be able to

actually act in accordance with the norm in the majority of cases. Either our norms are general and universal, then, and we cannot read from the norms what we ought to do in actual, real-world cases, or they are so specific, contextual, and hedged with caveats that they lose their general character.

Fortunately, communicative ethics can get around this problem with its distinction between application and justification. As Habermas puts it, "the principle of universalization that regulates discourses of justification does not exhaust the normative sense of the impartiality of just judgement. A further principle must be adduced to guarantee the correctness of singular judgements." [123] That is, the universality of the norms that come out of the process of intersubjective justification is only possible because we justify them in a decontextualised form.[124] As abstracted norms, however, we can only apply them in "standard situations whose salient features have been integrated from the outset into the conditional components of the rule as conditions of application."[125] In other words, unless the situation in which the norm is being applied is already captured precisely in the norm itself – there are no competing considerations or potentially morally-relevant features of the case at hand that are not already built-in to the norm as conditionals – then we cannot just "apply" the norm as if this could be done casually and unproblematically.

The process of deciding whether or not a norm is *justified* is separate from deciding whether the norm is *applicable*, though both are dialogical, intersubjective processes that are properly undertaken in discourse. When we *apply* norms, still as impartial judges in the sense above – intersubjective participants engaging in a process of role-taking with concrete others, in which the impartiality is a property of the community of interlocutors reasoning dialogically – we "begin by taking into account all of the normatively relevant features of the situation from the standpoint of all affected parties."[126] After this, we must "arrive at a single description of the situation that best incorporates all of these perspectives," then "show why some of these features are especially weighty."[127] As a result of this we will be able to "assess which of the competing norms of action – whose validity has been established in advance – is most appropriate to a given concrete case once all of the relevant features of the given constellation of circumstances have been accorded due weight in the situational description."[128]

Hence, practical discourse – that discourse that refers to claims made in the intersubjective world – has two activities: justifying the prima facie validity of a norm, and applying norms to the concrete case at hand. We can separate these from each other as practices, in that we can engage in discourse to establish which norms of those that we already take for granted, or that we have already justified through the universalisation procedure, are appropriate in a given case, without engaging with the question of whether the norms themselves are justified. Similarly, we can justify a

norm without needing to discuss whether it might apply in any particular cases. Nevertheless, for an action to be fully rationally justified, it must be based on a justified norm, and that norm must be identified as that which captures the morally relevant features of the case at hand through the appropriate intersubjective procedure.

Conclusion

Communicative ethics is fundamentally a cognitivist moral theory, in that it holds that moral issues can be resolved through rational argumentation. It asks us to engage with others in a cooperative search for truth, in which we justify and criticise validity claims of various kinds, each has an independent criterion for its warrant. While only one of the three kinds of claim – claims of fact or efficiency – can be said to be a matter of *truth*, the other two – normative and evaluative – are nevertheless fundamentally rational, in that they involve claims that can be defended against criticism.[129]

Communicative practice requires all three claims – it "presupposes language as a medium of uncurtailed communication whereby speakers and hearers, out of the context of their preinterpreted lifeworld, refer simultaneously to things in the objective, social, and subjective worlds in order to negotiate common definitions of the situation."[130] While other kinds of action show us that the various worlds with their various validity claims are real, only communicative action incorporates all three and refers "simultaneously to things in the objective, social, and subjective worlds in order to negotiate common definitions of the situation."[131] Once we are able to treat factual, evaluative and normative claims on their own terms, and understand how such claims can be valid or invalid – can be grounded without mistakenly folding one into another (for example, treating all normative claims as if they were merely about efficiently achieving our ends) – we can understand how to go about engaging with each other in an attempt to reach understanding, and we can do so while treating others as beings worthy of respect. We no longer take an objectivating attitude towards others: we join with them in creating a normative context that is based on a shared understanding, and we can take their expressions of need and their evaluative judgements as statements that need to be taken into account when we decide, together, what we ought to do.

If we are to propose alternatives to these three kinds of validity claims, the new kinds of claims must fulfil certain criteria. For one thing, they must be *illocutionary* rather than *perlocutionary* in their character – that is, while the process of understanding them can refer to a *lifeworld* background, it cannot refer to a background context of action, i.e. the meaning has to be in the expression itself, and not in the effects it causes in others. Otherwise, we can only be acting strategically, rather than communicatively, towards others.

Secondly, the claim must refer to a separate world, and hence have an independent criterion for validation. In the same way that claims of rightness refer to an inter-subjective world of norms, claims of fact refer to a shared objective world and desires, feelings and evaluations refer to a subjective world that we have privileged access to, new claims must refer to their own worlds. As we have *our* world of legitimately-ordered interpersonal relations, *the* world of facts, and *our own* world of feelings and desires, such that each world allows us to alternatively secure interpersonal relationships, represent states of affairs, and manifest experiences, our new claims must fulfil a separate function not covered by these three.

In the first case, a norm is *right* if it secures the needs and interests of all affected, and so "all affected can accept the consequences and the side effects that [the norm's] general observance can be anticipated to have for the satisfaction of everyone's interests, and the consequences are preferred to those of known alternative possibilities for regulation."[132] In the second, a fact is *true* if it refers accurately to states of affairs in the world (something we establish through a discursive process). In the third, a self-presentation is *honest* if our behaviour is consistent with the self-presentation, and we are able to describe our evaluations using shared evaluative standards. So, in the case of any subsequent validity claims, we must determine what the conditions are under which they could be valid or invalid.

If a claim does not refer to an alternative "world", and have its own criteria of validity, it cannot be considered separate from the three already identified. Furthermore, without the claim a) being illocutionary in character, and b) able to be decided as valid or invalid through some procedure, we cannot achieve rationally-motivated agreement, in that our agreement does not rest on mutual understanding about the topic at issue. If we aim for perlocutionary effects, we are not attempting to establish interpersonal relations on the basis of mutual understanding, and we are failing to treat others as beings worthy of respect. If there is no means to settle the validity of the claim raised in the utterance, then the question cannot be settled with an exchange of reasons, and we are left merely with authority, tradition or force to ground our statements. If we are to interact communicatively, then, all the claims that we make must be able to be settled according to certain criteria, and such criteria must be internal to the statement itself (illocutionary rather than perlocutionary). Without this, we cannot possibly achieve rationally-motivated agreement and mutual understanding.

In short, any new claims proposed must be distinctive, in that they refer to worlds different from the subjective, inter-subjective and objective, must have their own criteria of validation, and such criteria must be internal to the claim and not refer to

perlocutionary effects of the utterance. If a claim can fulfil these criteria, then we can consider it a legitimately new kind of validity claim.

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[107] Ciaran P. Cronin, "Translator's Introduction," in Jurgen Habermas, *Justification and Application: Remarks of Discourse Ethics* (Cambridge, Mass.: MIT Press, 1994), p. xiv

[108] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 88

[109] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 89-90

[110] Charles Taylor, "Language and Society," in Axel Honneth & Hans Joas, eds., *Communicative Action: Essays on Jurgen Habermas's* The Theory of Communicative Action, Jeremy Gaines & Doris L. Jones, trans. (Cambridge: MIT Press, 1991), p. 25

[111] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 85

[112] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 85

[113] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 85

[114] Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992), p. 28

[115] Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992), p. 28

[116] Jurgen Habermas, *Justification and Application: Remarks of Discourse Ethics* (Cambridge, Mass.: MIT Press, 1994), p. 41

[117] David Ingram, *Habermas: Introduction and Analysis* (Ithaca: Cornell University Press, 2010), p. 140-1

[118] Jurgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: MIT Press, 1991), p. 65.

[119] Johanna Meehan, "Introduction," in Johanna Meehan, ed., *Feminists Read Habermas: Gendering the Subject of Discourse* (New York: Routledge, 1995), p. 5

[120] Jurgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge: MIT Press, 1994), p. 176

[121] Jurgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge: MIT Press, 1994), p. 176

[122] Jurgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge: MIT Press, 1994), p. 176

[123] Jurgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge: MIT Press, 1994), p. 129-130

[124] Jurgen Habermas, *Justification and Application: Remarks of Discourse Ethics* (Cambridge, Mass.: MIT Press, 1994), p. 13

[125] Jurgen Habermas, *Justification and Application: Remarks of Discourse Ethics* (Cambridge, Mass.: MIT Press, 1994), p. 13

[126] David Ingram, *Habermas: Introduction and Analysis* (Ithaca: Cornell University Press, 2010), p. 140-1

[127] David Ingram, *Habermas: Introduction and Analysis* (Ithaca: Cornell University Press, 2010), p. 140-1

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[129] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 16

[130] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 95

[131] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 95

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Part II

Alternative Explanations of Different Claims

Chapter 3: Validity Claims and Relativism

So far I have argued that discourse ethics is the way we ought to interact with each other, as it is through discourse ethics that we can establish a shared basis for action that is non-coercive. One of the points in discourse ethics' favour is that, due to it being a procedural approach to morality, it allows for a great deal of diversity of moral views. After all, we establish the right thing to do in a certain context, with a certain group of people (those potentially affected by the actions) as the only ones who have a say, rather than setting down universal moral rules about how we ought to act generally. For instance, if I were to interact with one group of people, and were to engage in a discourse that establishes, say, under what conditions we might consider it okay to harm someone in self-defence, this has no immediate bearing on what other groups should do, or even what I should do myself when interacting with the second group. As Johanna Meehan puts it, while "the ideal criteria which structure discourses are universally valid, actual discourses themselves are always historically located."[1] It accomplishes this room for the historically-situated nature of discourse by pushing back the means for establishing the right action, or the right norms to govern our actions, to certain procedures; specifically discourse undertaken in the ideal speech situation. Discourse is therefore made possible by the fact that we have certain specific kinds of validity claim – fact, norm and self-expression – and that we have an understanding about how to use these claims in discourse to come to agreement.

Discourse ethics, through its procedures, makes it quite clear what is morally acceptable and what is morally wrong. That is, actions that do not receive the consent of those affected through discourse (when there is disagreement about the actions) that takes place in the ideal speech situation, to the extent that the discourse falls short of this ideal, are morally wrong. Hence, discourse ethics is not a moral theory that leads to any deep kind of moral relativism. For instance, a decision to confiscate a group's land, undertaken based on rules, norms and laws that the group has not consented to, and has played no part in forming, is clearly and unambiguously wrong. Despite permitting a great deal of contextualism, despite shying away from making substantive universal claims regarding morality, and despite the significant role that consent plays in establishing the appropriateness of an action or norm, not anything goes. The typical fantasy scenarios about genocide and the like being permissible, often used to criticise consensus-based theories of ethics[*] are only possible in discourse ethics given human beings that are so fundamentally different from us they would be almost unrecognisable.

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[*] Though, it is important to note, discourse ethics is not strictly a consensus-based moral theory, in that agreement does not strictly make something true, but merely identifies it as being so

Nevertheless, while discourse ethics might avoid the problem of moral relativism by putting procedures at the forefront, all this does is push the question of relativism back one step: discourse ethics "shifts the burden of the moral from the content of judgment to the form of judgment."[2] That is, if we make it so that actions and norms are able to vary according to context by making morality about procedures, we need to ask whether or not the *procedures themselves* might vary according to context. If so, then we have not avoided the pitfalls of moral and cultural relativism at all, we have merely moved the fulcrum of relativism from substantive moral claims to the realm of the procedures. There does not seem to be any reason why procedures – procedures based in a particular conception of rationality – might not vary between cultures and groups. If so, we face the same dilemma as when we ask whether or not substantive moral claims might legitimately vary: either certain procedures are the correct ones and variants are wrong, or there is no way of distinguishing between good or bad, or better and worse, procedures.

Unlike with substantive moral claims, since we are already talking about procedures we cannot push things back a step further (or if we can somehow move things back to yet deeper procedures or values, the same question arises once again). Hence, we have to either accept that there are no standards whatsoever that establish whether a procedure is better or worse, and in turn accept all of the deficiencies that are associated with "moral relativism", or we must provide an argument for why certain procedures are the right ones.[*]

I do not intend here to argue for the basic rules of logic. For instance, I am going to take it as read the idea that "no speaker may contradict himself" and that we need to be consistent, in that we ought to "[apply] the same predicate to actions, events, and objects that resemble one another in relevant respects."[3] Similarly, I assume that all human beings "simply by virtue of the fact that they are human," have the capacity for induction, i.e. the capacity to learn from experience.[4]

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[*] It may appear here as if there is a third way, in which there are differences in the procedures between different societies, but not such great differences that they are totally outside the other's framework. In such a view, we would understand enough of the other's view that we are able to presume value in it, even though we do not fully understand it. This is not a ridiculous idea, and in fact captures some of what I mean by "context" later in this chapter. However, surely we do want to say that certain procedures are *not* acceptable – determining that Barack Obama is a secret Muslim Socialist on the grounds that it just kind of *feels* right, for instance, is not acceptable. Whether you *like the sound* of a fact is surely not an appropriate procedure for determining the validity of facts. In which case, if we want to *exclude* some procedures, then surely there must be some broad understanding of what counts as acceptable or unacceptable. As such, we could see considerable diversity in real-world practices, while nevertheless recognising that this diversity of practices is underwritten by particular criteria for what makes a procedure acceptable or unacceptable, or better or worse.

I have also already spent some time arguing for the idea of discourse and the ideal speech situation, so I do not intend to revisit this question here. While there may be practical differences in how people actualise the ideal speech situation – different etiquette, for example – and while the reflexivity of discourse ethics allows for some degree of modification to its basic presuppositions, I have made my case for this feature of the theory already.

What are more up in the air, however, are the kinds of validity claims that make discourse itself possible. I have touched on some of the reasons why we ought to have the ones that we do, but more needs to be said.

Ultimately, in response to the real-world experience of many people, and with special regard for indigenous peoples, I will argue that we should expand the number of varieties of validity claim beyond fact, norm and self-expression. However, in order to do so I need to establish that the three kinds of claim already discussed are universal. Habermas certainly thinks so: as he puts it, "validity claims… presuppose a world that is identical for *all possible* observers, or a world intersubjectively shared *by members,* and they do so in an abstract form freed of all specific content."[5] That is, there are shared standards against which these kinds of claims can be assessed. While there may be some variation in matters such as etiquette, and while some ways of caching these claims out as a matter of practice might be favoured differently in different contexts, in the end, at the most basic level, facts are facts in the same way everywhere; norms might differ, but what makes them valid is the case regardless of context; and while we might need local knowledge to appropriately judge the truthfulness of self-expressions, the *way* we do so is universal.

Not establishing the universality of these claims could lead to a proliferation of kinds of claims unique to each society: for instance, there could be American facts and Indian facts and Japanese facts and Māori facts, not in the sense that the information held by different people is unique, but in the deeper sense that what it is that facts *are* differs between groups. In such a view, "individual 'rationalities' are correlated with different cultures, worldviews, traditions, or forms of life," and each of them is viewed as internally interwoven with a particular understanding of the world." [6] These rationalities lead to incommensurable senses of "fact", "norm" or "self-expression". If that were the case, not only would discourse become impossible, for reasons I discuss later, but the natural explanation for unusual (for classical discourse ethicists) claims made in discourse would be that they are merely, for instance, the kind of fact that is found in that society, rather than being a unique category in themselves (and thereby allowing me to increase the set of kinds of reasons in an interesting way).

In contrast to this, I argue that all local variation in facts, norms and self-expressions is either superficial, the same basic idea playing out differently in different contexts, or,

perhaps less frequently, a simple misunderstanding regarding what is essential to these different kinds of claims. To say, therefore, that different groups can have different facts, in the sense that they have a variant, incommensurate, but equally legitimate sense of what it is that a fact *is* – and how we establish whether or not something *is* factually the case – is mistaken. Similarly, while discourse ethics is perfectly compatible with the idea that there are different norms in different societies, I argue that we cannot say that different societies can have different (legitimate) ways, at the most basic level, of understanding the legitimacy of norms themselves. The same is true of self-expressions. In short, facts, norms and self-expressions are universal kinds of validity claim, and there cannot be culture- or context-specific versions that are fundamentally incompatible with the basic nature of these categories.

Of course, it may be the case that facts, norms or self-expressions are not universal in the sense that every society actually utilises them. It is conceivable, for instance, that one or more of these categories is something unique to the "Western" culture I am drawing on in my elucidation of the basics of discourse ethics, and these claims are not found elsewhere. Conversely, if I am successful in showing the existence of entirely different kinds of claims in certain societies, it may be that they are *only* found within those cultures. I think that both of these things are unlikely; it is difficult to imagine a society that does not have facts, norms and self-expressions. Since "validity claims of various kinds, such as to truth and rightness, are already implicit in our very basic concepts, such as when we distinguish between appearance and reality,"[7] it would take a society that had no such concepts to avoid these kinds of validity claims. One would have to straightforwardly deny the existence of the external world, see it as completely arbitrary, and refuse to act in any way in order to avoid having a conception of factual validity. Perhaps a global sceptic would qualify, but as we know acting as if global scepticism were true on a continued basis is simply impossible in practice.[8] Analogously, refusing to acknowledge moral demands *at all* would be the normative equivalent of trying to discuss empirical matters with someone who refused to accept the world of perception around us.[9] With the possible exception of sociopaths, no such persons exist. Finally, to deny self-expressions would involve genuinely holding that everyone else were some form of automata. While the problem of other minds is an interesting philosophical conundrum, to find someone who truly held this view, and lived their life on the basis of it, would be disturbing. An entire society of such people is difficult to conceive of. So, it would certainly come as a surprise to me if these three kinds of validity claims were not found in all cultures.

Similarly, I am willing to bet that any "new" kinds of claims identified in this project are also found more widely, even if they are used more sparingly, or are less well recognised. Still, certain claims being unique to particular societies is not an impossible idea, and there is no need for me to rule this out at the start.

However, whether or not any of these claims are universal – in the sense of being found everywhere – does not actually matter a great deal to my argument. If it turned out that one or more of the three already-discussed claims were uniquely "Western", or were not found in particular societies, it would be of little account. Conversely, if it turned out that any of the "new" claims I hope to identify were unique to the culture I find them in, this would not undermine my argument in any way. When I say that claims are "universal", I do not mean that they are actually found everywhere, but rather that anywhere that they *are* found, they are, or should be, the same. They are universal in principle, not necessarily in practice. So, anywhere that has the concept of facts, and uses it in discourse, is tapping into the same basic category that all other societies with facts are. The main idea is that any variety of validity claim is singular; it is the same everywhere, even if it is not *actually used* everywhere.

If a kind of claim is *not* used everywhere, so long as any society that uses it can communicate the criteria for their validity to the other society they are interacting with so that the latter group are able to assess particular claims, then such claims are able to be used in discourse *regardless* of whether that other society uses that kind of validity claim themselves. If it turns out, for instance, that my intuitions are wrong about the claims I discuss later in this dissertation being found in my own society, I would nevertheless need to understand them and accept their use for the purposes of interacting with any society that uses them. Those claims would be universal, then, in that what makes particular claims in that category valid or invalid is the same both for the group that uses them in day-to-day life with each other, as well as for the society that does not.[*] Whatever makes any instance of the new kind of claim valid does not just make it valid for whoever uses it, but makes it valid universally.

To summarise, in this chapter I argue that we ought not to be tempted by the kind of relativism that sees "facts", "norms" and "self-expressions", or at least the procedures at the fundamental level for establishing the validity of claims made in these three categories, as legitimately different in different societies. Certain kinds of variation in practice are perfectly fine, and are to be expected, even approved of. But ultimately facts are facts, norms are norms and self-expressions are self-expressions everywhere.

In order to argue for the universality of these categories I show why relativism is problematic. In order to do so, first I address epistemological relativism more generally by addressing one of the reasons why people might be initially attracted to a view that

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[*] In saying this I am not suggesting that there are anything like clear boundaries between societies or cultures. I am simply not interested in trying to establish any such thing; it does not really matter either way so long as you interpret any of my comments about things happening "cross-culturally" or "between societies" as meaning simply between people who think a particular thing about people who think something different. This is possible regardless of whether there are such things as "cultures" with firm boundaries; all I am referring to is difference *in regard to the particular issue being discussed*.

holds that different societies have different, equally legitimate, but incommensurate epistemological systems. In the same way that moral relativism appeals to some because of the way it seems to (though in fact does not) fit with an idea of tolerance, similarly epistemological relativism might appear, especially given the history and current relationship between colonial settler nations and the indigenous peoples they have displaced and exploited, a more enlightened and respectful view. However, I argue that this is mistaken.

Epistemological relativism makes it impossible for us to distinguish between what we would like to consider valid views of indigenous peoples, our own Western ideas of truth and the like, and positions that we would probably want to consider more outré, such as support for Young Earth Creationism on the basis of the word of the Bible, the belief that Obama is a secret Muslim on the grounds that it *just feels right*, or the epistemologically dubious assertions of conspiracy theorists. Further, epistemological relativism actually ends up advocating for a position that in important ways is in some cases condescending of, and *dis*respectful to, indigenous world views. Hence, while I do not demonstrate in this first section specifically that epistemological relativism is wrong, I do remove one of the main reasons, I would aver, as to why someone might be attracted to this position to begin with.

In the second section, I argue for the universality of the three claims I discussed previously: facts, norms and self-expressions. I show why the view that different societies can have different "versions" of these kinds of claims (in terms of their nature, not content) is a mistaken one. Specifically, holding this kind of view for facts leads to straightforward contradictions, for norms it shuts down moral discourse, and it is difficult to see how this kind of approach would even work for self-expressions. All of these three categories must, of course, be highly sensitive to context in various ways, but we ought not to take this to indicate support for out-and-out epistemological *relativism*.

Epistemological Relativism

It is surely important to not to be too wide-eyed when it comes to different forms of knowledge. This is especially the case when the form of knowledge seems to closely resemble another one, but leaves us unable to engage with one another. This is most apparent when it comes to facts. For instance, there are large numbers of Christians who truly hold that the Earth is a mere 6,000 years old, that angels walk among us, that evolution is bunk, and that Satan influences world events. They even have evidence in favour of these claims: the Bible says so. But we would be doing the concept of knowledge a disservice if we were to accept this method of determining

truth – and it *is* claims of truth being made here, factual claims[*] – merely because it is the practice of a certain group of individuals.

Similarly, we can point to the phenomenon of "Fox News facts", whereby the truth of a statement is determined not by how well it matches reality, but by what Stephen Colbert calls its "truthiness", or how true it *feels*. We cannot, surely, claim that this method of determining the truth of a proposition is equal to actual observation, evidence, or scientific enquiry. Yet we may be forced to hold this view if we accept an epistemologically relativistic position. After all, on what grounds are we saying that, for instance, unusual (for Western settler cultures) *indigenous* forms of knowledge are legitimate, yet fundamentalist Christian or truthiness proponents' forms of knowledge are *not*, when all we can say for or against either is that *people practice it*?

Arguments for the Relativism of Indigenous Views Only

If we were trying to argue for epistemological relativism, but wanted to distinguish between indigenous forms of validity and less desirable kinds of pseudo-knowledge, what could we say? One quite understandable approach may be to point out their distinct histories and context. That is, "War on Christmas" aside, those who subscribe to the Fox News-facts means of establishing truth are not subject to any kind of sustained attack on their culture; the power relations between this group and mainstream society are relatively equal. On the other hand, indigenous peoples in all English-speaking colonies at the very least have been subject to centuries of colonists attempting to, subtly or brazenly, destroy their culture; the erasure of their cultures in the name of "integration" has been a consistent theme, and the power relations between indigenous societies and the mainstream settler ones has been, for a long time, far from equal. To take just the example of Canada, fairly typical in terms of settler/indigenous relations, and perhaps even better than some,

> while the terminology has varied among 'assimilation', 'integration', 'civilization', and 'moving into the mainstream', the policy remained virtually unaltered for generations after the first *Indian Act*: First Nation individuals were to be prepared for absorption into the broader Canadian society. It was to be expected that eventually First Nation individuals would shed their Native languages, customs and religious beliefs, and would become self-sufficient members of the modern Canadian society and labour force.[10]

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[*] In fact I do not think that many, perhaps even most, Christians are making factual claims when they tell such stories from the Bible. But certainly many *do* take such stories as literal truth. Otherwise, why would they insist that Creation Science be taught side-by-side with evolution is schools?

Why might this matter? There are a number of different reasons: 1. one could argue that treating indigenous cultural forms as special and beyond criticism in certain respects is the *very least* – truly the bare minimum – that settler societies owe to indigenous ones as compensation.

2. Relatedly, as Will Kymlicka argues, [11] given the damage to indigenous cultures over such a protracted period of time, treating them as distinct and beyond criticism gives them space to recover their cultural resilience.

3. Keeping in mind the relative power between indigenous cultures and the surrounding settler cultures, indigenous cultures are subject to criticism in a way that the mainstream culture is not. That is, any criticisms raised by indigenous people against the mainstream settler culture can easily be shrugged off due to the settler culture's relative indifference to indigenous concerns. But when things are the other way around criticisms are backed by a culture that, as a matter of fact, wields a significant amount of power over the individuals being criticised, in a way that simply is not true in reverse. Given this, the dominant society can safely ignore, as a matter of practice, issues raised by indigenous people, though indigenous people cannot do the same when it comes to the majority settler culture. Hence, if one were to be sensitive to this situation, we would hopefully be inclined to restrain our judgments.

4. Once again with the power differential in mind, it is very easy for settlers to gain a platform to criticise aspects of indigenous cultures, without being required to actually put much effort in to understanding them. Indigenous peoples are typically not in the kind of position where they can expect or demand that those outsiders who engage with them critically operate with a sufficiently deep understanding of their cultures to make said criticisms any more than expressions of distorted power relations. Hence, settlers ought to be extremely circumspect in their criticisms, as they keep in mind that there is a strong chance that they are operating either through misunderstandings of their own, second-hand misunderstandings, or simply a generally shallow appreciation for the views that are being criticised. Given their greater power, the same considerations do not apply to criticising the worldview of, say, fundamentalist Christians, as even if we wanted to, it is difficult to avoid at least some exposure to such views.

In short, we could argue that we can distinguish between indigenous, or otherwise worthwhile, forms of knowledge and those that we ought to be loath to call knowledge (such as the fundamentalist Christian worldview containing the contention that the world is 6,000 years old, and damn the evidence otherwise) by recognising that such a distinction is a duty owed by settlers towards those they have harmed both as reparations, and as a way of allowing weakened cultures to reassert themselves free from a continued assault by the very same group who weakened them in the first place.

Similarly, as a *pākehā* (New Zealand settler) New Zealander, for instance, I ought to be aware of the difference in power between myself and the indigenous Māori, in terms of my ability to make myself heard, and wary of criticising cultural forms that I probably do not well understand, and have little need to unless I decide to for my own reasons (as opposed to the practical necessity for Māori of learning of and adapting to the dominant *pākehā* culture). This is a power dynamic that is not present in the case of Fox News facts or fundamentalist Christians, and so we can distinguish them in this regard.

In my view there is a lot going for the above considerations, and as a matter of fact we ought to keep them in mind when engaging in moral dialogue across cultures. But we need to ask whether this allows us to avoid the trap of relativism. I would argue that it does not. In fact, I hold that such a view is, when unsupplemented, actually somewhat condescending. This is because, if our attitude is one of *tolerance*, then all of the above reasons, with the possible exception of the last one, rest on the assumption that these alternative, non-Western forms of knowledge are *wrong*. "Tolerance" is typically premised on the idea that we ought to adopt an attitude of restraint in responding to… wrong beliefs and practices.'[12] It is no wonder then that people typically do not like to be "tolerated": "toleration is only partial acceptance, the acceptance of the right of a person to lead a certain life or entertain certain beliefs; it does not extend to the practices or beliefs themselves."[13] So rather than respecting these other forms of validity claim, we are asked to merely *put up with* them.

For instance, Māori cultural forms are not being respected because they are worthy of respect; instead they are engaged with in discourse merely to repay a debt, or as a practical means towards an admittedly admirable end. But if indigenous forms of knowledge are to enter into discourse *with respect*, it should not be a grudging admission, an entrance generously permitted by the dominant, Western gatekeepers of True Moral Discourse. Rather, such forms should play a role in discourse because they *demand* to play a role, because they *ought* to be included on their own terms, for reasons entirely limited to the fact that they are *perfectly legitimate and valid forms of knowledge.* As Marie Battiste and James [Sákéj] Youngblood Henderson put it, "most Indigenous peoples also want to belong with dignity to humanity and to be at home in the global community. They want to participate in the future on an equal basis with others and to have their worldviews and heritage respected."[14] Toleration does not give them this.

To take one example: when Māori claim that there is a *taniwha* (a kind of spirit animal) in a river, it is undoubtedly the case that, given that decisions made on this basis by settlers are likely to impact on the Māori who hold this view, giving this kind of claim a place in the discourse, for whatever reason, is preferable to deeming it nonsensical due to its misfit with the three kinds of claims typical of Western colonial culture.

Excluding it from discourse in the wider public sphere of the settler culture that Māori have to interact with would be a mistake. However, if we, as settlers, *only* accept it for the above reasons, we are saying, in effect "I do not think there is a *taniwha*, I do not think there *could be* a *taniwha*; in fact, I do not even think that your statement that there is a *taniwha* is meaningful. However, I will *pretend* that it does because of the debt I owe you." Arguably this kind of condescension is better than being ignored, but it should not be the ultimate goal. Rather, we want to be at a point where a claim that there is a *taniwha* in a river is *understood*, on its own terms; where all who are participating in a given discourse are able to see how such a statement is meaningful, the terms by which such a statement can be valid or invalid, and are forced, by the evidence or arguments at hand, to agree that there really is (or is not, depending on the particular case) a *taniwha* in the river.

Another way to put this point is to imagine a likely distant, but hopefully not impossible, future scenario, in which an indigenous people – let us use the example of the Māori again – have reached parity with the dominant settler culture. In this scenario, land that ought to be returned is returned or compensated for, the considerable moral debt owed by settlers to those they colonised has been repaid, and Māori culture ostensibly has the same status and power in the wider New Zealand public sphere as the currently-dominant *pākehā* settler culture (this might or might not include formal political independence). If such a world came to be, and the *only reasons* a claim such as the existence of *taniwha* was able to be included in moral discourse was in repayment of a moral debt – which has now been repaid – to allow space for a culture renaissance – which has now taken place – or to recognise a power imbalance – which no longer exists – then there *no longer seems to be any reason to take seriously* a claim such as the existence of a *taniwha*. But this is surely not what we want. Parity between Māori and *pākehā* ought to mean that Māori thought has a *greater* place in moral discourse, not a *lesser* one. We can see, then, that unless the above reasons are supplemented by an actual regard for, and understanding of, distinctive indigenous knowledge claims, we are doing a disservice to indigenous peoples. Any inclusion of indigenous knowledge claims in discourse on the basis of mere "toleration", while perhaps better than nothing, can be seen to be ultimately condescending.

Unfortunately, however, rejecting toleration potentially takes us back to where we started. That is, we are faced once again with the question of epistemological relativism, and we are unable to adequately distinguish between claims that are merely unfamiliar to the dominant worldview in discourse, but that have a force of their own that ought to be recognised, on their own terms, due to their nature as legitimate knowledge, and claims that would surely undermine the very idea of knowledge itself. How do we distinguish between the claim by fundamentalist Christians that the world was brought into existence mere millennia ago, and, for instance, the Lakota story of the White Buffalo Calf Woman?

Relativising to Culture

One option is to accept relativism and give up on the insistence that, for example, *taniwha* meaningfully exist whereas Biblical creation does not. We could say that *all* such claims are valid *merely* because they rest on forms of knowledge that are practiced by a cultural group (and as discussed above, as much as we ought not to treat indigenous peoples as just another cultural group, this only takes us so far). As Ciaran P. Cronin puts it, as an alternative to universal kinds of validity claims based in a shared rationality, we could argue for "an arbitrary affirmation of one's own – or adopted – traditions and ways of life… as unconditionally valid." [15] But there are three reasons that we might want to avoid this: a) though undoubtedly those who are excluded by the distinction would disagree, we surely *do* want to prevent references to the Bible by fundamentalist Christians, or truthy facts taken from the gut by those who subscribe to a Fox News-facts worldview, from playing a legitimate role in public discourse, and certainly a role that beats out scientific evidence or actual observation. For myself, I would hesitate to dismiss a claim of *taniwha*, or the validity of the story of the White Buffalo Calf Woman, without at least understanding their context better. But I feel few compunctions about stating confidently that evolution *is* true in a way that Biblical creation is not, or that climate change is simply a scientific reality, Fox News punditry notwithstanding. We ought not to take claims to the contrary particularly seriously in moral discourse.

Further, b) if we truly take seriously the idea that forms of knowledge are relative to a culture, then we undermine the very idea of moral discourse. Discourse is premised on the idea that we relate to each other consensually, rather than through force, through an exchange of reasons. In the words of Habermas,

> Reaching an understanding functions as a mechanism for coordinating actions only through the participants in interaction coming to an agreement concerning the claimed *validity* of their utterances, that is, through intersubjectively recognizing the *validity claims* they reciprocally raise. A speaker puts forward a criticisable claim in relating with his utterance to at least one "world"; he thereby uses the fact that this relation between actor and world is in principle open to objective appraisal in order to call upon his opposite number to take a rationally motivated position. [16]

But if it is impossible to ever say that the reasons others give are mistaken (which would certainly be very difficult, to say the least, in a world in which reasons are true by virtue of their being held to be true by a culture), we can never truly come to an understanding with one another. That is, since we cannot even "understand reasons

as reasons unless [we are] able to take a positive or negative position on them,"[17] and since it is impossible to take a positive or negative position on something that is affirmed essentially arbitrarily, in which there is nothing I can possibly say that would put the validity of a statement at risk, then understanding cannot be reached. We cannot reach agreement when reasons given have a nature such that it is literally impossible to disagree with them. If I cannot possibly understand how a reason presented to me can be invalid, there is no way that I can ever be truly persuaded that it is valid either; I simply do not have the tools by which I can be *persuaded* of what my interlocutor is trying to convince me of. In Pauline Johnson's words,

> In so far as speakers wish to engage in a process of reaching reciprocal understanding, they are implicitly raising grounds in terms of which the validity of their utterances may be understood and, in principle, criticized by their hearers.[18]

But if something is true purely by virtue of the fact that it is held to be true – if there are no further standards available, then no grounds are actually raised, implicitly or otherwise. For someone to understand the meaning of an utterance, we need to know the "essential conditions under which he could be motivated by a speaker to take an affirmative position."[19] According to this kind of view, there are no such conditions. We just have to [feign to] accept what people say, and that is the end of it.

Without the ability to question, to know the essential conditions and the grounds of the validity of an utterance, the utterance takes on a perlocutionary rather than illocutionary character. If I merely accept what you say *because you happen to believe it*, we have abandoned understanding between us. Reaching understanding is a two-way process; it does not consist of assertions that are unable to be responded to in any way but acceptance.

Lastly, c) epistemological relativism conflates belief and knowledge, i.e. we end up "counting as knowledge whatever may pass as such in a given society or for a given audience."[20] It is certainly not a bad idea, when confronted with an unfamiliar form of knowledge, to step back and consider it sympathetically. But this is something very different from taking knowledge to be *whatever* someone or some group happens to believe. If we were to turn over "the standards of critical judgments... to the subjective tastes of empirical actors,"[21] when I assert the truth of something I cannot be saying anything more than that I believe it. But when I say that something is so, I expect you to understand by this that I am making a claim stronger than that; I believe the truth of my assertion *for a reason*, and, in theory at least, you are able to assess the strength of that reason or reasons. But if epistemological relativism is true, this is not what I am doing after all; all I am doing is saying that something is my belief, and that is the end of the story. Why I believe it is not relevant, the important thing is that I happen –

quite arbitrarily – to do so (after all, we are unable to distinguish between good and bad means of coming to know something). But if someone were to raise the claim in discourse that a *taniwha* lives in the river, surely they do not want me to take from this statement that *it just so happens* that they *believe* there is a *taniwha* in the river. Rather, they expect me to understand that this statement indicates a reality outside their mere belief – there is a *reason* they hold this belief, and this reason is a good one, that there really *is* a *taniwha* in the river. Moreover, they would certainly hope, surely, that this reason is good enough to establish to me, if I engage honestly and openly, the truth of their assertion. In other words, in making statements in discourse we are surely saying more than *just* that we believe something, yet that is all that is possible to say in the context of epistemological relativism.

Relativism and Contextualism

There is one way of understanding relativism such that it avoids the problem of condescension, and perhaps, too, avoids the issue of conflating belief and truth: if we hold strictly to relativism, we can claim that it is not that the standards of other cultures are meaningless or arbitrary to us, but that they are genuinely and legitimately valid *for them*, if not *for us*. We would understand the different ways of legitimising validity claims in other cultures not through the eyes of tolerance, but as facts, for instance, that are *as true as* our own facts, but are merely true in a different way. If this were the case, I would no longer be deeming the views of others meaningless and merely *putting up with* them, but would be acknowledging their independent truth. Similarly, we are not saying that there are *no* standards of knowledge – the standards are simply relative to a culture – and so belief is not the same thing as knowledge, and not anything goes.

This may sound like the way to go, but as I argue here I do not think we would be wise to go down this route. Below I examine the three original kinds of validity claim in turn and explain why seeing them as having an incommensurate multiplicity of different varieties between different cultures is problematic.

Truth

To begin with I look at whether it makes sense to relativise factual statements. According to a fully relativistic view perhaps we *can* point out that someone is mistaken when it comes to truth claims – claims of fact – as they can meet or fail to meet the standards held by the culture of which they are a member, even if we are of a different culture and they meet or fail *our* standards. This would be a form of agent-based epistemological relativism. If we could do this, then we would also no longer need to *put up with* their incommensurate variety of facts – we could see exactly why

and how something is true or false, even if the reason why it is so is not *our* reason. Similarly, since we can assess truth claims as true or false – we can respond to them meaningfully by accepting or rejecting them – they arguably lose their perlocutionary character.

However, this positions leads to the view that something could be both *true* and *false* at the same time. A statement might be true according to the standards of one culture, and false according to the standards or another.

To say that something is true *for a culture*, but false for another is different, however, from saying that claims can be *contextual* – that is, saying that something is true in a particular context, and false in another. The following is an example we can use to see the difference between contextual and relative: if we were to say that damming a stream reduces the salmon population due to interfering with their runs, we could contextualise it by noting that damming *this* stream has such an effect, but that damming *that* stream does not have such an effect. It may be that damming the stream in the territory of one group of people has an effect on the run, and damming the stream in the territory of a nearby group of people has no effect. We are then able to say, in a certain sense, by avoiding more general statements about the effects of damming rivers, that the fact that damming the river affects the salmon population is true for one group, and not true for the other.

However, this is merely contextual, and not particularly controversial. If knowledge was relative, on the other hand, we might not just have to say that damming one stream in one context has a particular effect, and that damming other streams in other contexts has different effects. Rather, we might have to say that damming *this* stream affects the salmon population (according to the beliefs of one group), but that at the same time, *damming the very same stream* does not affect the salmon population (relative to the beliefs of another group). Not only is it difficult to say what "for one group" actually means in this example, but we also have to claim that damming the one stream has an effect and also does not have that effect at the same time. This would, I contend, be very strange; irrational, even. Based on the observations and information we have access to, we might disagree about whether or not damming a particular stream will reduce the salmon population, and we might subsequently disagree about whether damming the stream *has* reduced the population based on the differing information we receive. But surely it will happen to be the case that the dam will or will not, or did or did not, have such an effect. It cannot be the case that something did or did not occur simultaneously.

Contextuality, however, is a very different affair. For instance, if we were to say that forest fires were damaging, as a general statement about all places, we would be being insufficiently sensitive to differences in context. This may seem obvious, but this

sensitivity is not always something Western scientists practice. For instance, as Eric M. Riggs points out:

> Native cultures in areas prone to fires, such as in the southwestern United States and northern Mexico have long known that fires are normal and as such should be allowed to burn. Recent studies confirm the traditional knowledge that frequent, patchy natural fires keep the ecosystem healthy and also keep the largest fire size to a minimum. The older scientific data, which led to the current and unfortunately entrenched practice of total suppression, was gathered in European forests and grasslands that simply do not exist in the arid Southwest, whereas the more recent studies have been motivated by observations of fires on lands managed by native populations in arid environments. Native populations know the land better and understand its behavior. Whatever the spiritual meaning or interpretation of these fires, the native cultures understand that they are not just destructive; they are necessary.[22]

Criticising scientists and policymakers for thoughtlessly applying Western ideas of forest management to the context of the southwestern United States, especially when there is such a depth of indigenous knowledge to tell them otherwise, is certainly justified. But we can do this without making the claim that the effect of forest fires is one thing (as opposed to being believed to be that thing) for local indigenous peoples, but is another thing for the settler scientists. It is undoubtedly the case that the dominant view of what counts as truth in a society "govern[s] (that is, modif[ies] or conduct[s]) the circulation of statements, or what is taken seriously; what *passes* for true."[23] But this does not make it possible for this power to, as Barry Allen puts it, "gear up, as it where, and make it go true that black is white, or two and two are five."[24] We ought to be cautious that we are not overly-generalising from our own experience, but when it comes to statements of fact having the criteria for validity relative to a culture does not seem to make much sense.

We can certainly have a wide range of different ways of coming to know that something is the case, but each method will be better or worse than others, or better or worse in different situations, or will be roughly equally as good in particular contexts. But such methods of coming to know something, and the criteria by which something is factually the case or not, are distinct. For instance, we might come to know something through long-term observation based on a deep and ongoing interaction with the land, and the sharing of such information within a group of others who also interact with this space: this is one form, perhaps, of indigenous science. On the other hand, we might attempt to ascertain certain facts by applying the scientific method(s), trying to isolate the relevant features of the situation and running experiments: in other words, what we typically take to be Western science. It is likely that each of

these methods is best suited to particular situations, and I imagine that they also interact with each other in complex and interesting ways. In addition, there are probably other methods besides these two that need to be taken into account. Nevertheless, they are not in conflict when it comes to what *makes something true*, i.e. observation with concomitant theorising about the relationships between what is observed; basically, the process of induction.

Ideally in discourse all information from various methods will enter into the conversation and help to determine the facts of the matter. However to say, as the relativist does, that the result of a discourse in which all the relevant facts have entered into play, all who have something to contribute are included on an equal basis, and all participating are engaged in an honest pursuit of the truth rather than strategic ends, is fine for *one* society, but that listening to one's gut, or the word of the Bible, is okay for *another* society, and that the conflicting results are both true at the same time, is just a logical confusion. One might certainly, though in my view implausibly, argue that the Bible is a *better way* of reaching the truth than practical discourse, but one cannot plausibly argue that the words of the Bible in relation to matters of fact are true for some cultures, while observation and practical discourse is true for others. This would undoubtedly lead to an insoluble contradiction between the two different criteria for truth in many real-world instances.

For this reason I assume that whenever people speak of something being factually the case *for us*, and something contradictory being the case *for others* – for instance, that a certain being is a god for me, but not for you – they are being contextual, rather than relativistic. If they were not, it would lead to a straightforward logical contradiction that is, I would argue, untenable regardless of one's worldview. Of course, it is undoubtedly the case that different groups of people have different *theories* about the relationship between observations, and it is even likely that the conceptual structure through which the observations are filtered initially differs between cultural groups. Certainly I am sympathetic to the idea that how we categorise the world around us at a very basic level comes down in part to ideology and in part to our practical needs. For instance, as Barbara Hernnstein Smith puts it, there is an "interrelatedness and high degree of mutual determination [between] *conceptual-discursive* elements (ideas, definitions, distinctions, predications and so forth) and… *perceptual-cognitive dispositions* (observations, classifications, interpretations, and so forth)."[25] That is, our pre-existing categorisations determine *what* sense information we pay attention to, as well as *how* we pay attention to it. Our categorisations are not solely determined by our sense impressions; both are mutually constitutive. This is what Jacques Rancière refers to as the *partage du sensible* (the partition/distribution of the sensible), the "system of self-evident facts of sense perception that simultaneously discloses the existence of something in common and the delimitations that define the respective parts and positions within it."[26] This *partage du sensible* is not conscious; while it is the

interpreter who "selects, from among the superabundant potential [impressions] conveyed… which ones are to be counted as relevant, which ones are to be discounted, and which ones he will take no account of," it is nevertheless the case that this operates on a level beneath our conscious control, that is "a great deal of the criteria determining these selections… remain beyond the grasp of the [perceiver's] intentional will."[27] Allen says something similar, arguing that "only because we have always already mastered a commonly intelligible but contingent human world of scientific equipment and paradigms can there be the 'pure discovery' of what is merely present."[28] But when there is a dispute about factual claims, and something important rests on such claims, it seems to me that there is no reason in principle why these differences cannot be worked out through practical discourse.

In short, it makes sense to say that factual claims can be contextual; we ought to be wary about making overly universal claims. Furthermore, there are undoubtedly different techniques for gaining knowledge about the world. It is also highly plausible that the conceptual structures and theoretical systems different groups use to make sense of the world around us differs between cultures and societies. However, to live by the thought that each of us, or each group of us, has our *own* truth, in the sense that what makes something true or false is determined by entirely unrelated criteria – in other words, to be an epistemological relativist about factual truth – is not a very coherent or attractive position.

Norms

A similar distinction between contextualism and relativistism can be made when it comes to norms, though in some ways the situation here is more complex. According to discourse ethics, it might very well appear that we can be relativistic about norms. For instance, it could be that something that is (justifiably) permissible in one society is (justifiably) impermissible in another. For instance, one group can assent to a particular norm in the ideal speech situation, but that very same norm is denied by those in another culture. However, once again this is a confusion between contextualism and relativism. The reason *why* something is permissible in one society is because it was agreed to by all affected in the ideal speech situation[*] (or a situation approaching it in relevant respects) based on the interests of those affected and a process of imaginative role-taking, but not agreed to under these conditions in another. In both cases the *criteria* for why a norm is or is not acceptable is the same – that it has or has not been agreed to by all affected in the ideal speech situation. The criterion by which a norm is valid, then, is not relativistic, and it would be more accurate to say that norms are contextual.

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[*] This is an overly simplistic account, but there is no real need to go into more detail here.

Could it be the case, though, that the very criteria of validity for norms could be relative to a culture? Certainly we can see that this is the case descriptively. For instance, in different cultures the degree to which norms are formed by dominant groups rather than through discourse varies. In Western culture it has long been noted that a great deal of sexism, racism, classism, and so on, is a result of norms being constructed by dominant groups, typically in the interests of white, heterosexual, middle-class men.[29] But of course, as that very example illustrates, there is a distinct difference between how norms are *in fact* constructed, and how we can determine whether or not a norm is justified. I would expect that most philosophers would tend to the view that norms being constructed in a context where there is a power imbalance, and where the extant norms clearly seem to favour those who are on the more influential side of the imbalance, is an argument against such norms, or at least a reason why we might be suspicious of them.

Nonetheless, could we say that it is fine for one society to hold that norms are justified by whether or not they have been assented to by all affected, engaging as equals, but that norms are justified in another society instead by whether or not they have been promulgated by, say, the King? Again, I do not think we can make sense of such an idea. It may be that I am wrong about discourse being the appropriate way of establishing whether or not a norm is valid; it may turn out that being determined by an authority is the correct criterion of validity (though I would hope that the almost two and a half millennia since the Euthyphro dialogue was written should have put paid to this idea).[30] But regardless it seems that norms can only be justified in one way or the other, not both simultaneously.

A Multiplicity of Justifications?

I argue that norms can only be justified in a single way for a range of reasons. Perhaps, as with facts, multiple means of justification could lead to a logical contradiction. Imagine that one society legitimates norms through authority, while another does so through discourse, and a particular norm in the first society would be, for instance, legitimate according to the authority, but illegitimate according to discourse. If so, how do we establish whether or not the norm is really justified? If we take an appraiser-centred account, then for the first society, the norm is justified *to them*, yet for the second society, the norm is *not* justified, not just for them, but also for the first society. There is a fundamental disagreement about what it is that makes norms binding, in which one group is saying *a*, and the other not-*a*.

Maybe we ought to adopt agent-centred relativism instead. Perhaps *a* is justified in a particular context, given the method of justification that is relevant in that context, and it is not justified in a different context, given the method of justification relevant

in *that* context. This would mean, of course, that we are really using the word "norm" homonymously. That is, if Society A justifies their "norms" using authority, and Society B justifies *their* "norms" using discourse, then we are really talking about two different things entirely. We may call the outcomes of these disparate activities in Society A and Society B "norms", and they certainly share some similarities, particularly in their bindingness, but in fact they are two separate kinds of entity.

But surely the kinds of justification of normativity that societies hold is not an all or nothing business. Is there any society that, as a matter of fact, has *only* norms that are derived from egalitarian consensus, or *only* norms that are set by the power of authority figures or dominant classes or groups? Perhaps, though it is difficult to imagine, and my own is certainly a mix of the two. Not only that, but *individual norms* are in fact constituted through a combination of authority and consensus – if they were not, then it would be meaningless to contrast the Ideal Speech Situation against a non-ideal speech situation; would we even need to talk about an Ideal Speech Situation if we already lived in an egalitarian utopia in which power had no influence on the construction of norms? So it seems implausible to say that societies each have their own, distinctive means of justifying normative claims. Instead, it appears more likely that any particular society is a mix of different kinds of justification, with each norm itself likely a particular mix of the different modes.

The reality of a mixed means of justification raises a range of questions: If both authority and consensus exist as justificatory methods in any given society, then does this mean that both methods are valid? If so, how do they interact with each other? We surely do not want to claim that a norm is valid merely because it is held to be so. In which case, we need to ask what particular mix of authority and consensus gives us a truly justified norm in a particular society. Furthermore, it is difficult to know how we should proceed if there is a *conflict* between the two kinds of justification. If the consensus view leans more towards one norm, yet the authority-derived view favours an opposite norm, how do we establish which one to follow? This raises interesting problems for all societies, including indigenous ones. As Gordon Christie notes,

> Just as different groups within any particular Indigenous community will likely have different ideas about how "traditions" should be understood, identified and re-created, different groups within many communities will also have different ideas about the nature of the community, about where it has come from, about how it should be understood as presently constituted, and about how it should make decisions about how it will move into the future. Ideas about the meanings of "tradition" and "Indigenous" in contemporary life are contestable and contested within Indigenous communities, as a result of a long and continuing history of

colonial state practice. To varying degrees in Indigenous communities across Canada, there is a lack of consensus on fundamental matters.[31]

When you have different groups in a society with different views about what we ought to do – surely the case in any society, no matter how monolithic it might seem to outsiders – who have or lack authority to varying degrees, we need some method of adjudicating these differences of opinion. When it comes to deciding on which norms are valid, and different people have differing views, whose gets to decide, and why?

The Possibility of Moral Dialogue

Another reason why we should not hold the view that different societies have distinct methods of justification for norms is that it seems to contrast with how we typically view moral dialogue. That is, when we engage with those in other cultures about something being wrong or right, we at least *seem* to be speaking about the same kind of thing. It at least *appears* to be the case that we can discuss moral issues with one another: "despite our perceived and, at times keenly felt, differences, we humans continue to discursively engage, interact, and arrive at broad agreements with one another. This generalized communicative capacity does not call upon any special talents or philosophical commitments."[32] Though progress – in the sense of changing peoples' views (or having our own views changed) is often difficult, it is at least implicitly the ultimate aim of such exchanges. If there were distinct and incommensurate means of justifying norms, however, this kind of conversation – conversation between groups about what is right and wrong, appropriate and inappropriate – would simply be meaningless. This is not to say that we will agree on what is right and wrong, or that we even *need* to agree on what is right and wrong in all cases, but unless we are talking about the same *thing* we cannot even claim to be having a conversation about such questions at all.

Of course, as I mentioned before, it may be the case that discourse ethics is not the correct way of establishing what we ought to do and what we ought not to do. In previous chapters I have tried to provide reasons why discourse ethics is the theory we should hold, but perhaps I am mistaken, and in fact we can do a utilitarian calculus, or reason from the categorical imperative, or some other such method, in order to find out what is appropriate and inappropriate. Nevertheless, what draws all these different theories together is that they are trying to work out what *morality is*. I might be wrong about the nature of morality myself, but despite significant disagreement, we typically have enough in common to engage with one another productively (at least in principle) across cultural boundaries.

If we were to say, on the other hand, that for one society what is right is what all affected can agree on in the ideal speech situation, for another what is right is what leads to the most happiness overall, for another what is permissible under the categorical imperative, and for a fourth what the King says, and that *all are correct* in holding their differing views, then what are we even talking about when we talk about morality? There can be no conversation at all between these different groups: "where different peoples differ, there can be no dialogue, if normative relativism is right."[33] Whenever they *seem* to be talking about the same thing, they are actually merely talking past one another.

This is not, of course, a knockdown argument. While some, such as Kwasi Wiredu, hold that "the fact alone that [relativism] is incompatible with intercultural dialogue in conditions of diversity is a sufficient reductio ad absurdum of the theory,"[34] it may be that this kind of dialogue simply *is* impossible. If so, we really are just being foolish and misguided when we think we are discussing morality with people from different cultures. Habermas acknowledges as much, pointing out that "discourse ethics is as vulnerable as liberal theories of justice to objections that appeal to the contextuality of *all* conceptions of justice and practical reason, including the procedural."[35] But if we were to accept this, we run into some serious practical problems. For one thing, obviously, there can no longer be any criticism – or at least only a very limited form – between people in different societies. At first blush this might seem to be an appealing feature of this theory; after all, arguably colonial societies have, and have had for a long time, a bit too much to say about indigenous practices, and an approach that restricts this activity is perhaps not one to scoff at. However, it needs to be remembered that this is a two-way street: if colonial societies can no longer engage in criticism of indigenous ones, similarly indigenous people are not able to legitimately criticise the practices of the majority settler culture.

Again, though, we might be fine with such an outcome. Why can we not each keep to ourselves? Well, for one thing, as Godfrey B. Tangwa puts it, there is the phenomenon of globalization, which "has led to increased contact between the various peoples and cultures of the Earth," with increasing "interdependence of the various parts of the world…. It arises also from the simple deduction from this last consideration that the dangers facing the world as a whole, even if emanating largely from only a small part of it, can best be tackled only from a global perspective."[36] This is no less true for indigenous peoples than for anyone else. In fact, in some ways it is more so: the Intergovernmental Panel on Climate Change notes that "indigenous peoples are particularly vulnerable to the effects of global warming because their adaptations are based on eco-systems that are often exposed and very fragile."[37] Climate change is, quite obviously, an issue that cannot be solved by merely keeping to ourselves.

So we would have no clear way of engaging with one another when the actions at issue affect people in more than one society. To take the indigenous/colonial case, whose concept of morality should be the one that we use in cases of disagreement and conflicting recommendations? Aside from compensatory normative obligations that I argue we have towards indigenous peoples as colonists – obligations that we have due to the normative commitments of our own culture – which are not operating on the same level as the current discussion, there does not seem to be any good reason to subject either group to the morality of the other.

In reality, of course, in the case of indigenous peoples, "self-determination is complicated by the fact that indigenous peoples are rarely alone within their territories. In many situations, they are also mixed ethnically through inter-marriage."[38] But even putting this aside, if we were to imagine that indigenous groups had their land returned, were fully compensated, and achieved complete political autonomy, they would still need to engage with people in other societies. Quite aside from the fact that isolating themselves completely is probably undesirable to begin with, they would most likely need to interact for trade and the like, so disputes between individuals or groups in different cultures are always likely to occur. As Henry Mine, et al. point out, "globalisation undermines the simple dichotomy of internal versus external self-determination, as the internal can no longer be shielded from processes than occur externally."[39] Even if an indigenous society developed an entirely autarkic economy and completely isolated itself geographically from the rest of humanity, given the existence of problems such as climate change, the effects on the use of rivers up- and down-stream from other communities, not to mention air pollution, conflicts between societies would *still* be practically inevitable. Hence, as Pauline Johnson puts it, "in the face of seeming intractable difference and the apparent loss of the grounds for communicative interaction," the idea that "we have the choice of simply 'going off in peace'" is "not a meaningful choice, for there are problems that are inescapable and can only be solved in concert."[40] If it really were the case that we could not meaningfully engage with others outside our society when discussing morality, we would be in serious trouble.

Would it really be in the best interests of indigenous peoples in such cases to have no way to profitably criticise the more powerful colonial societies when settlers engage in such detrimental activities?

Inconsistency and Criticism

Let us assume for the sake of argument, however, that we cannot directly criticise the norms of other societies, even when they affect us, because we each have incommensurate standards for their justification. We might think that "the most that

a potential disputant can do is to point out that some proposition accepted in his culture is not accepted in another culture or vice versa. And that would be an end of the matter, as far as intercultural communication is concerned." [41] Nonetheless, perhaps in such cases we could still engage in *some* criticism of those outside our own society. Even if we all have our own ways of legitimising norms, maybe we can critique other societies for being *internally inconsistent*. That is, we say that those in the society we are criticising hold a range of norms that do not follow from, or conflict with, other norms or values they claim for themselves. It would be possible to do this without reference to our own views, even if we held entirely distinct ideas of what it takes to justify a norm.

Certainly there is nothing wrong with criticising on the basis of inconsistency, and it could well be an extremely effective method of causing people to change their views. I would imagine that it would tend to be more fruitful in practice to point out the confusions in peoples' own worldviews than to attempt to thrust *your own* worldview on them. But we need to question whether it is enough. After all, while it might be that the theft of land ends up being unjustifiable according to *pākehā* social norms, when they are pushed to be made consistent it could very well end up that the opposite is true; that taking land from Māori was perfectly justifiable according to the best and most coherent explication of *pākehā* norms. This is especially the case given that this method, and the changes in perspective that are hoped to accompany criticism on the basis of one's interlocutor's own views, tends to rely on a kind of reflective equilibrium. Is there any guarantee that, when pressed about a conflict between the acceptability of taking land from indigenous people and another norm or value, the interlocutor will abandon the view that taking land is acceptable, rather than the norm or value that conflicts with it? It does not seem like we can make such a guarantee.

As such, while it has its place, criticism based entirely on the method of justification held by the outside group one is criticising is simply too limited to capture the kinds of moral exchanges that we typically think are valuable, and is too weak to prevent certain counter-intuitive and undesirable outcomes. Of course, once again, this latter concern is not in itself a reason to abandon a relativistic theory that rests its inter-cultural moral exchange purely on this kind criticism – it might be our intuitions that are wrong rather than the relativistic theory. But I would argue that it provides at least a strong reason to be suspicious of it.

Furthermore, not only, I argue, can we not really engage in deep criticism under a regime that permitted only criticism based on internal coherence, but it is also difficult to make sense of the idea of *solidarity*. For one thing, as Benhabib puts it, such a view makes it difficult for us to "distinguish their emphasis upon constitutive communities from an endorsement of social conformism, authoritarianism and, from the standpoint

of women, of patriarchialism."[42] If in our society women are considered less than men, and their opinions and concerns are relegated to secondary status, not only might it be *justified* in our society that women have such moral status, but women in *other* societies who might want to offer common cause, also cannot stand in solidarity with us. If their society does not treat women as equals, for instance, then bonds of solidarity between women who resist this situation are only bonds between the iniquitous. In holding a position that believes that women have the same moral status as men, such women are acting incorrectly, morally speaking (unless such a view is a more consistent rendering of that society's worldview; but can we always count on this being the case?). Solidarity between these women would be more akin to, for example, solidarity between gangs of thieves; not something we should be praising. That is, such women would have bonds of solidarity, but those bonds would, in actual fact, be based in, and an attempt to bring about, immoral states of affairs. While we want to praise some aspects of the idea of "honour among thieves", if we step back then clearly the entire enterprise, which is what gives rise to this bond of solidarity between the thieves, is morally compromised.

On the other hand, if women have claimed equal moral status in another society, those women *also* ought not to stand in solidarity with our women. If they were to think things through carefully, women in the more equal society would appreciate that while it is morally correct for them to be equal in *their* society, it is morally *wrong* for the women in our society to be equal (as that is not what our worldview, given our particular system of justification for norms, tells us). This kind of relativism means that women would be "so deeply rooted in monadically self-enclosed contexts that cannot be transcended from within that they *imprison* the subjects who have been born and socialized into them."[43] An appreciation of diversity is certainly important, but "such a view cannot allow for a total pluralism… it needs to acknowledge the limits of pluralism which are required [to challenge] a wide range of relations of subordination."[44] This is certainly something of concern to many indigenous women. For instance, in a report by the women of the Metis Nation submitted to the Canadian Royal Commission on Aboriginal Peoples, in response to cultural views that place them in inferior positions, they demand the right to ask "Whose tradition?" and "How often is tradition cited to advance or deny our women's positions?"[45] Why should non-indigenous women not be able to stand in solidarity in such cases? Conversely, why should indigenous women be fundamentally incapable of standing with women in settler societies when they ask similar questions, and fight similar oppressions? This seems like quite an important capacity, and perhaps something we would not want to give up.

Culture

The above points are not the only reasons we should be disinclined to hold a view that makes it possible for different societies to have entirely different concepts of morality with differing means of establishing the legitimacy of moral norms. There is also the question of exactly where we draw the boundaries of a culture. Is there any way to settle who is inside and who is outside a particular culture definitively? Surely this is something we would need to resolve in order to know which conception of morality and normative validity to use in a particular case. There are also difficulties when it comes to people who straddle the border between cultures. Is a second-generation Indian New Zealander a member of a Western *pākehā* culture, or a member of an Indian culture? How do we determine the answer to this question? Maybe they are a member of both cultures, or a member of a third hybrid culture. If the former, and the views of morality in both cultures conflict, what is such a person to do? If the latter, then does this mean that cultures will proliferate such that each individual is a member of their own culture, made up of their own unique histories? If cultures *do* multiply in such a way, then moral dialogue, already difficult across the more obvious, larger boundaries of cultures, becomes more and more impossible.

Furthermore, cultures are not monolithic entities when it comes to norms. If there is disagreement inside a society about how we ought to understand the nature of the justification of norms, whose voice gets to determine which method of justification is the right one for the culture as a whole?

Either we say that one group or the other gets to decide, or we avoid the problem by dividing what we originally took to be a single society into further ones. If we take the first option, and hold that one group's view determines the overall view for the society as a whole, we run into some tricky questions, not least of which is why *they* should be the ones to decide for all what morality is. Why is it them, and not the other group, who has their way? Surely we cannot simply say that majority rules when it comes to questions like this. Not only does it seem odd in the extreme that something such as the nature of morality – what makes a moral norm binding – could come down to effectively a majority vote, but we also run into the familiar resistance to change that famously characterises cultural moral relativism.

It certainly seems puzzling that the nature of morality could be determined by mere opinion. It is one thing to say that norms themselves might be decided by some process of consent and agreement. But to say instead that the question of *what morality is* is able to be settled in the same way, by a democratic raising of the hands (or some such similar method) seems, even if we do not believe in moral facts, almost as puzzling as the view that the reality of climate change is determined one way or the other by what the majority believes. It seems to get the causation wrong: in the same way that the nature of reality *out there* puts conditions on what we can conclude about the existence of climate change, similarly there seems to be something to *discover* about

what it is we talk about when we talk about morality, even if we cannot claim the existence of moral facts when it comes to whether a particular action is right or wrong. So in terms of the first point, if we want to resist the counterintuitive implication that, when there is disagreement, the nature of morality in a society is determined by a majority vote, or some such related procedure – to avoid the arbitrariness that such a view implies – we probably want to say that there is something about the dominant view *aside from* the support people have for it that makes it the appropriate one for all in that society.

If the nature of morality is determined by some kind of vote or opinion poll, then this makes social change and moral improvement impossible, or at least puzzling – we can return to the familiar (in the context of moral relativism) example of slavery. If one view of morality is the majority view, and this view implies that slavery is morally acceptable, yet a minority with a different conception of morality support, and agitate for, a position that suggests that slavery is morally forbidden, then the minority group is, by definition, wrong. Slavery *is* morally acceptable in such a society, and holding a view that leads to the opposite conclusion is at the least incorrect, and at worst is pernicious itself.

Moreover, even if there were a sudden sea change in the society, perhaps thanks to the agitation of the minority, we are left with some odd implications: a) the new dominant view is correct, and the old view incorrect, *only because* opinion has changed, and not because of anything to do with the views themselves; b) the new view cannot be said to be an improvement over the old, as there is no criterion by which we can judge such things; and c) the old view is not actually incorrect: certainly it is incorrect *now*, but it was genuinely morally correct in the past. It was not just the best that people of the past could come up with, given their milieu; it was in fact entirely, unassailably morally correct at that time. But of course typically we like to think that progress in our understanding of morality is a possibility, even if we debate about whether it is happening in practice. A society without slavery is *better than* a society with it, and not just according to the criteria embedded in our current society, but according to some criteria that held in the past as well, even if we could not see so at the time. So it seems that such a view forecloses the possibility that it is possible to better or worse understand the nature of morality (and hence shuts down the possibility of certain kinds of moral progress).[*]

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[*] I do not discount, of course, the possibility that we can have moral progress *within* a certain conception of the nature of the bindingness of moral norms, in that we can come to better understand the implications of our particular conception. But this does not allow the possibility that we can find that we are mistaken about the conceptions themselves; moral progress is only better working out a particular idea of morality, and does not allow us to entertain the notion that there are other ideas that might be more worthwhile.

Hence, we can take one of two paths: first, as discussed above, we can abandon the idea that the nature of norms and moral bindingness is settled by the views people happen to have on this issue. Instead, a particular society can settle differences of opinion on this question by determining which of the two (or more) sides has the *better* view. If this is so, however, while the fact that a position is widespread might indicate that there is something valuable in it, we still need to argue rationally for our view of morality. We might be right, or on the right track, or we might be wrong, but we determine which through rational enquiry and engagement. If it is not the fact that people think it valid that makes it so, then it seems that it must be the case that the correctness of an idea of morality is amenable to rational inquiry. After all, there is something *about* morality that we can discover in order to determine which of the competing views is the one all should adhere to (the recurrence of a Euthyphro-like argument in this context should by now be becoming predictable). In which case, why rest there? Why not apply the same kind of rational enquiry to disagreements about what morality is *between* societies? Might it not be the case that one, or the other, or all views are found to fall short if we follow through on this?

If there is some way of assessing the strength of different views, this would suggest that there is something that morality *is*. According to discourse ethics, difference in moral norms is due to different elucidations of the basic moral procedures (rational discourse under conditions of equality and non-coercion) in varying contexts. In a similar way, acceptable difference in the understanding of the nature of morality can only be due to a basic conception of morality somehow played out in different ways based on the context. In which case, again we have (potentially at least) contextualism, but we have to definitively reject relativism, which, in taking the nature of morality outside rational enquiry, makes it arbitrarily based on what people happen to believe.

However, there is a second way we might understand what happens inside a society when there is disagreement as to the nature of morality. If there really *is* such disagreement, then we have to conclude that we were mistaken about the fact that there was a single society there in the first place. In fact, where we thought there was a single society, all along there were two or more different societies that only *appeared* to be one. As such, we can avoid the problem of conflicting views in a single society by dividing the society along the lines of disagreement.

But of course, this only makes more acute the problems I identified earlier, that is, the inability to criticise and to resolve conflicts with those outside one's group. And why stop with this first division? Why not continuing dividing what appeared to be one society into finer and finer subdivisions based on disagreements as to the nature of morality? We might end up with a small number of groups – perhaps there are only a few positions, and people gravitate to them and stick to them closely – or perhaps there is a very large number of differing views. There might even be as many

perspectives as there are people. In which case, the above difficulties become so acute that we might as well stop talking about morality entirely. After all, if we can no longer deal with *any* conflict intersubjectively, what is morality good for? If we take the route of dividing societies based on these kinds of disagreements, there seems to be no reason in principle why we might not end up in this position.

In summary, the idea that there can be different criteria of validity for norms in different societies leads to contradictions and severely hampers moral dialogue. This can only be to the detriment of indigenous peoples, given that settler societies have greater ability to make decisions that impact on indigenous interests than the reverse.

If we were to hold this kind of epistemologically relativistic position, we might be able to allow for some small amount of moral dialogue, in that others can criticise us based on inconsistencies within our own worldview. But this is a very limited form of moral exchange, and there is no guarantee that the results of the process of increasing the coherence of our worldview based on such criticism will in any way lead to the kind of outcome those who criticise us might desire.

In addition, such a limited kind of criticism also makes solidarity impossible. After all, if those I would otherwise feel solidarity with in another culture really *do* deserve their inferior status, by that society's lights, then I would be mistaken to see any solidarity between us. Solidarity implies a common struggle, but in a world where I can only criticise based on inconsistency, a coherent worldview that relegates those I would otherwise have solidarity with to an inferior social position gives me no meaningful way to connect to them on these terms.

There are also difficult questions about where to draw the boundaries of a culture. Who counts as a member of a culture? How do we deal with people who are difficult to categorise? Furthermore, we run into problems when there is disagreement inside a culture. If we hold that one side is right, then there has to be an overarching conception of what it means to answer the question more or less correctly. Otherwise, perhaps the dominant group, in power or numbers, gets to decide. But why should they? Why are they able to fix the nature of morality for all? Our final option is to split the society along the lines of the division. But then we have increasing problems with an inability to engage in moral discourse in contexts with greater and greater real-world integration and mutual involvement.

It would seem, then, that having a diversity of conceptions of the validity of norms leads to a range of difficult problems, and has some rather unappealing consequences. As such, I would argue that we should hold instead that, whatever it might be, and whether or not I am correct that we ought to understand them in terms of discourse ethics, there is some one thing that norms are. There might be a proliferation of

different norms in different contexts, but they are all connected by being the same *kind of thing*, justified or not according to the same criteria.

Self-Expressions

As with facts and with norms, self-expressions are, at the core, a single category, regardless of what society a person might happen to be in. This should really be fairly uncontroversial, as it is clear that self-expressions refer to peoples' thoughts and feelings, and whether or not I really think or feel a certain thing is not changed by what people think I might be thinking or feeling. That is, to take a simple case, if I really enjoy eating chocolate, then someone else, or even *everyone* else, being of the opinion that I do not really enjoy eating chocolate does not of course make it the case that I am a chocolate-hater.

There are two dimensions to self-expressions as reasons: therapeutic discourse, and the honesty of the self-expression. In terms of the latter, it may be thought that I am making a statement about my feelings and attitudes that does not accurately represent what they actually are, i.e. "there is the question whether at the proper moment the actor is expressing the experiences he has, whether he *means* what he *says,* or whether he is merely feigning the experiences he expresses."[46] I might be pretending to adopt certain attitudes or feelings in order to act strategically, for example.

Or, I might actually be confused myself about what my own feelings are; we are usually, but are not always, the best judges of our own thoughts, feelings and desires. Michael A. Gilbert points out that "goals can be hidden from the person who holds them. We can be unknowingly self-destructive or self-defeating. We can be provocative or antagonistic without realizing that we are trying to evoke a particular reaction. We can think we are doing one thing for one reason only to realize later, with or without help, that we are completely wrong."[47] Hence, I might enter into therapeutic discourse with others in order for them to help me better understand my own internal states. Finally, I might not just be confused about what I *do* want/feel/think about something; I also might be confused about what I *ought to* want/feel/think about something. For instance, I may not fully appreciate the implications of my desires. This is similar to the incoherence-criticising aspect of cross-cultural moral discourse; I might think that it is consistent to desire both to become a great philosopher and watch television instead of studying philosophy, but of course it is not. Someone can then point out that these two self-expressions are incoherent, and I can change my desires accordingly.

What is in common between these two dimensions of self-expressions is that we are only able to engage in this way through an assessment of others' actions, both speech

and otherwise. When someone makes a self-expression, we can always ask whether their actions before and after indicate that they are a person who truly feels/thinks/wants the thing they claim to feel/think/want, or, given how this expression might conflict with their other actions and self-expressions, whether they ought to want that thing at all. This means that a great deal hinges on our ability to interpret peoples' actions, and in turn means that, as a matter of practice, the honesty of self-expressions is highly contextual (but is not relativistic).

To take an example from my own experience, New Zealanders are far less enthusiastic applauders than Canadians. This is not because they enjoy things less, but rather it just so happens that the same level of enjoyment in New Zealand and Canada is expressed by different levels of applause; for instance, a New Zealander in New Zealand clapping as enthusiastically as a Canadian in Canada to express moderate enjoyment would be considered to have enjoyed the show a great deal. Conversely, a Canadian in Canada applauding the way a New Zealander would to express moderate enjoyment would be thought to have not enjoyed the show much, or perhaps that they are acting somewhat snobbishly.

Now, if we were to bring a Canadian to New Zealand, and a New Zealander to Canada, the Canadian might initially think that New Zealanders were unusually tough crowds, and the New Zealander might think that Canadians had odd standards of taste (in that they enthusiastically applaud things that are only moderately good). But of course both would be mistaken; they would not be sufficiently appreciating the context when assessing the import of others' behaviour. In actual fact, the same level of appreciation is just being expressed differently. We would surely not say that because applauding to a certain level means a certain amount of appreciation in Canada, therefore it is correct for the Canadian to interpret New Zealanders' behaviour according to the same standards, and vice versa.

Naturally, self-expressions are not just contextualised by culture (though common standards play an important role in determining how people typically express their thoughts and feelings, even if from the point of view of the individual their expression seems spontaneous) but there are also idiosyncrasies between individuals. People might express the same feelings in very different ways. It would be mistaken, therefore, to make general rules and form assumptions along the lines of "If I felt a certain way, I would express myself like *x*. Since that person did not perform *x*, then they cannot feel that way."

We can see, then, that self-expressions are highly contextual, and highly complex. However, nothing so far has indicated that there might be various different incommensurate varieties of ways to ascertain the validity of someone's self-expression: the category is a single one, and shared by all. We would likely not say, for

instance, that in one society self-expressions are assessed in terms of an interpretation of the expresser's actions, whereas in another they are assessed by a consultation of the I Ching, or by reading tea leaves, or by what the interpreter had for breakfast. Self-expressions are a single category, and that category is shared in all societies, despite all of the complications of contextuality.

In short, what makes something an honest self-expression *everywhere* is due to its consistency with the prior and subsequent behaviour of the individual who performs the self-expression. Just because we need to be highly sensitive to the context of the self-expression when we attempt to determine its consistency with the expresser's behaviour does not mean that the self-expressions are *relative* to a society or a culture; the criterion is still consistency between observed behaviour and self-expression. Similarly, when we engage in therapeutic discourse the consistency between values, desires and feelings is even more clearly non-relativistic.

Conclusion

In summary, we might like to hold the view that the criteria for truth, normative validity and honesty of self-expression are relative to culture, but a criteria-less permissiveness that sees practice as sufficient justification for validity (a critique that takes in, or is even particularly apposite to, dominant Western epistemological practices as well) allows for too many problematic views. Perhaps it is arrogance, and maybe others do not share my confidence here, but I am fairly certain we want to be able to safely reject at least a subset of the views of religious fundamentalists, or those who will believe what suits them, regardless of what evidence there may be.

In saying this, we should definitely, as settlers who have committed a great wrong, recognise our obligations to indigenous people and cease opposition to the inclusion of worldviews that might make us uncomfortable due to their difference. However, mere tolerance is not enough. If we have only tolerance, then many claims become perlocutionary – if they are meaningless to me, if I allow them out of mere toleration, I can no longer be persuaded of them – and the consensual basis for action is lost. In addition, such a view conflates belief and truth: as far as I know, no one takes themselves to be merely *believing* when they assert the truth of something; typically we hold that our beliefs refer to a reality outside of our own heads.

We can avoid these problems by abandoning tolerance and moving towards understanding, but if we do this in a genuinely epistemologically relativistic way, then we run into some deep problems. While it can be tempting to hold the view that there can be different kinds of facts, norms and self-expressions in different societies, and while it may be even true that there *are* native norms, deep differences in modes of

self-expression, and local preferences in the practices of establishing the truth of facts, we should *not* make the mistake of thinking that such things are anything but the contextual environment of the singular categories of facts, norms and self-expressions. As Boaventura de Sousa Santos puts it, "relativism, as long as it is regarded as an absence of criteria for the hierarchies of validation, is an untenable position, since it makes impossible the very conception of a meaningful relation… If everything is equally valid, and equally valid as knowledge, all projects… are equally valid or (which is the same) equally lacking in validity." [48] To hold that there are many equally legitimate standards of truth leads to contradiction. To believe that the justification of norms is plural shuts down dialogue, solidarity and inter-cultural criticism, and takes away the tools required to resolve differences through anything but force. To see the interpretation of self-expressions as anything but contextual makes it difficult to understand what self-expressions even are.

With this in mind, it should be clear that truth, normative validity and honest self-expression are unitary categories. Things that appear to be similar are either false – i.e. thinking that one's gut instinct makes climate change a reality or not, establishing the honesty of someone's self-expressions by rolling dice, or, I argue, insisting that the will of a monarch makes a norm justified or not. Or, alternatively, there is simply diversity within these categories – i.e. various different methods by which we might come to know facts such as Western science, Traditional Ecological Knowledge (TEK) or oral history; the multiplicity of ways we might try to formalise open dialogue and fairness in our institutions; or the variety of ways different people might express the same feelings, thoughts and desires.

No matter what society we are in, therefore, if we have the concept of truth, then we are talking about the same kind of thing as any other society that has the concept of truth. If we have norms, these are the same category of entity as any other society with norms. If we possess the idea that someone can honestly or dishonestly express their felt needs, desires, feelings, thoughts and the like, then we share that with others who also have that notion. These categories are universal, at least to the extent that people in various societies interact with the physical world, govern their interactions with each other according to norms, and take each other to have internal states that are only accessible to those who possess them. In other words, I argue that these three categories are shared across all societies.

This raises a further question, however: what do we say about the diversity that we *do* find in practice? If these categories are unitary and universal, does that mean that only one (or potentially none) of us have got things right when it comes to differences in practice that cannot be accommodated due to contextual factors (assuming that such differences actually exist)? I argue in the next chapter that while this is probably the case, it is missing something important: specifically, while we cannot say that there

are facts-for-me and facts-for-you, or norms-for-me and norms-for-you, i.e. different incommensurate varieties of what seem to be the same category, filling the same role in a society, there may instead be *different kinds of claims entirely*. That is, if something appears superficially to be a statement of fact, but seems to have different criteria of validity, it is possible that it is just a confusion, in the same way that referring to the Bible to determine factual truth is a confusion. However, it may be that it is a different kind of entity entirely; not a fact, nor a norm, nor a self-expression, but something that refers to a different "world" entirely, and is not even trying, our mistaken interpretation otherwise, to express any of these three kinds of claim or refer to any of these three "worlds". If this is so, then we may need to populate discourse with additional, non-factual, -normative and –self expressive kinds of validity claim.

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[45] Women of the Metis Nation, "Women Who Own Themselves: The Final Report of the Conference on Metis Women and Governance," brief submitted to the Royal Commission on Aboriginal Peoples. Available in the RCAP files, National Archives, Ottawa, 1993

[46] Jurgen Habermas, *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 93

[47] Michael A. Gilbert, *Coalescent Argumentation* (Mahwah, N.J.: Lawrence Erlbaum Associates, 1997), p. 69

[48] Boaventura de Sousa Santos, João Arriscado Nunes & Maria Paula Meneses, "Introduction: Opening Up the Canon of Knowledge and Recognition of Difference," in *Another Knowledge is Possible: Beyond Northern Epistemologies*, Boaventura de Sousa Santos, ed. (London: Verso, 2007), p. xlviii

Chapter 4: Alternatives to a New Kind of Validity Claim

Introduction

Up until now I haven't spent a great deal of time discussing the kinds of things that might be suitable candidates for validity claims that lie outside the tripartite fact/norm/self-expression set. While I have mentioned, somewhat offhandedly, things such as the belief in *taniwha* as being possible candidates for being alternative validity claims, it is necessary now to be much more explicit about what kinds of things might fill this role.

In the previous chapter I argued that, since facts and norms and self-expressions are, while contextual, definitely not relativistic, this excludes one possible alternative explanation for statements that do not appear to fit any of the categories I have already discussed. That is, when confronted with something that may appear a bit like a fact, but that nevertheless has some differences as well, it is tempting to declare it as a unique *kind* of fact, leading to the view that different societies might have very different, incommensurate conceptions of what a fact consists in. In such a case, we have certainly accounted for those fact-like-but-not claims in non-Western and indigenous societies, but as I have argued, not only is such an explanation ultimately incoherent, but it is also dangerous and disrespectful, to indigenous peoples above all. Since such a view leads to an inability to engage discursively and non-coercively about issues that affect both parties, and since indigenous peoples are typically the ones in less powerful positions, they are unlikely to come out better off if we act based on such an understanding.

Nevertheless, there are certainly a number of different possible explanations for statements that do not fit into the three categories discussed. If I intend to persuasively argue that such statements are examples of different kinds of claims entirely, then at the very least I have to provide plausible reasons why we ought to consider this explanation more likely than competing ones. In order to do *this*, having a clear idea of what kinds of things I am referring to when I talk about candidates for alternative validity claims is essential. Hence, in the first section of this chapter I discuss three possible candidates: animal subjectivity, magical forces, and myths.

Following from the discussion of animal subjectivity, magical forces and myth, I assess the candidates in terms of possible alternative explanations, of which I consider there to be four: 1) that such claims are simply nonsensical – there is such a confusion that people are saying things that do not even really have any meaning; 2) that such claims actually fit within discourse ethics' standard categories, but those using these claims

in practice are just doing so poorly, i.e. claiming that there is a ghost when there is really no such thing; 3) that such claims are actually metaphors – they are not intended literally, and we should not take them as such; 4) that such claims are actually not intended as illocutionary acts, but are actually fundamentally perlocutionary – or strategic –, i.e. they are used in discourse because they are known to be effective by those who use them in getting what they want, even if they do not actually take them seriously as illocutions themselves.

Unsurprisingly, I reject all of these alternative explanations when applied to the kinds of statements mentioned above. Not only are all of these explanations, with the possible exception of 3), actually insulting to indigenous peoples, but they are also not well supported by evidence or argument. In the second section of this chapter I hope to demonstrate the fallacies in these ways of interpreting statements of animal subjectivity, magical forces and myth.

As near as I can tell, these four explanations, along with the fifth from the previous chapter – that there are many different versions of facts, norms and/or self-expressions that are relative to a culture – exhaust the possible alternatives to my own favoured interpretation: that the existence of unclassifiable claims means that we should rethink our classificatory system, in particular by adding one or more "new" kinds of validity claim into the framework (though in practice they are of course much less new).

Possibly Uncategorisable Statements and Concepts

Animal Subjectivity

In many indigenous societies, animals are conceptualised very differently than in Western societies. According to the typical Western understanding, "animals are 'resources' more akin to objects than to persons" and "knowledge about them must be objective and empirical."[1] In contrast, some indigenous peoples view animals as "active individuals capable of intentional social interaction that can be understood via the same basic relational concepts used to conceptualize human social interaction… such as reciprocal exchange, and are in this sense different from (or more technically, members of a different ontological category from) passive objects that react mechanistically to physical forces."[2] Many indigenous Canadians, for instance, hold the view that animals are persons in the same way that people are (though, of course, with different abilities and responsibilities). This worldview holds that animals are in the same ontological category as humans, and that they are "conscious, sentient beings who possess volition, plan and deliberate, interact socially and communicate with each other and with humans."[3]

This is quite a widespread view. For instance,

> The Rock Cree… believe that animals possess *ahcak*, "the seat of identity, perception and intelligence", just as humans do.[4] The Waswanipi perceive that animal persons "act intelligently, and have wills and idiosyncrasies, and understand and are understood by men".[5] The Makah, Inuit and Inupiat conceive of whales as volitional beings, more intelligent and powerful than humans.[6] The James Bay Cree word for person, *iiyiyuu*, applies equally to humans and animals.[7] The Gitxaala, likewise, conceive of no distinction between humans and animals; both are considered "social beings".[8] The Ojibwa ontology also includes a "person" class for which "neither animal nor human characteristics define categorical differences in the core of being".[9] The Chipewyan believe that animals are persons inherently possessing *inkonze* – "power and knowledge" – that they teach to humans.[10] The Mistassini envision human-animal relations as "[exchanges] between persons [at an] equivalent level.[11]

It is important to note here that this isn't a symbolic or metaphorical sense of being a person. For the Kluane people, for instance, it is not that animals are *like* people: they *are* people.[12]

So why is this interesting, from the perspective of validity claims? Essentially, because this claim, that animals are people, does not seem to me to be a factual claim, nor a normative claim, nor a self-expression. Now, naturally the personhood of a being is something that is not amenable to solely empirical analysis. The question of what beings count as people is a philosophical problem, not a scientific one. So on the one hand we could certainly think that treating the assertion that animals are people like an assertion of fact is missing the point. It could be the case, after all, that in Western societies we simply have a very different idea of how to define "person" to indigenous peoples, and this is what leads to the disagreement between us.

However, I am not fully satisfied with the idea that discussions of the personhood of animals are entirely about how we would define personhood. Certainly the definition of personhood is important, and different cultures may disagree significantly on what is entailed by it. The Ojibwa, as seen in the quote above, conceptualise personhood in a way that is far less anthropocentric than in Western society. The Rock Cree concept of *ahcak* could even be plausibly interpreted as resting on a philosophical distinction. To this extent, then, the dispute is one of how we define "person". But another disagreement is not just about what counts as a person, but about what actual powers and abilities animals have, i.e. the issue is not whether or not we should have a definition of personhood that incorporates animals, but more about whether or not

animals actually have the characteristics that make up that definition to begin with. So even if we ended up agreeing about what it means to be a person, we might still disagree about whether animals really *are* people after all.

The Gitxaala view that animals are social animals surely is at least conceivably interpreted as making some empirical claims about their actual powers and abilities. After all, the capacity for social life that we are capable of as humans surely partly rests on our having certain biological characteristics. Without the kinds of brains we have, for instance, we would be unable to live as social beings. So we could ask the empirical question of whether the animals to which the Gitxaala attribute the same kind of ability to interact socially with humans and each other actually have that capacity biologically. Similarly, the Waswanipi belief that animals "understand and are understood by men"[13] is surely something that we could go out and test, at least in theory.

So claims of animal subjectivity are not just about personhood, but are also plausibly interpreted as making factual statements about what animals can actually *do*. In which case, we can test these claims, and they may or may not turn out to be justified. However, if this testing was undertaken by indigenous peoples who held this view, or if results of credible experiments were presented to them, how likely is it that the people in question would then change their view? It is certainly possible that some might, but I would be willing to bet that the number would be few. Possibly this is due to the stubbornness, bias and motivated reasoning that affects all people, though I think this is a lazy explanation and there is good reason to think otherwise. More likely, to my mind, it is due to the fact that these empirical facts are simply not *relevant* to the question of whether animals have subjectivity and personhood. Certainly there may be an increasing amount of scientific evidence that animals *do* have social and mental abilities beyond what Westerners have traditionally attributed to them, but can we extend such powers to, for instance, the ability to use human language? Indigenous people have access to the science that has so far failed to produce any concrete evidence that animals have the ability to use human language, but many still hold the view that they *can*. As such, I want to suggest that interpreting these statements as statements of fact is missing something important.

In short, it seems to me that animal subjectivity is something that is not simply a matter of philosophical disagreement. But neither are claims of fact and empirical study obviously relevant to settling the question, despite some of the claims themselves appearing a bit like facts. While there are some alternative ways to explain statements of animal subjectivity that I will discuss in the second section of this chapter, it seems that the idea of animal personhood is nevertheless a possible candidate for a claim that has a different kind of validity altogether: facts do not trouble it, so it is not a fact; while it has some normative content, in that the notion of personhood has some

connection to normativity, the discussion of animal subjectivity is not purely a debate about the understanding of the concept of "person"; and given that it is about other beings and seems to be, in some sense, asserting something about this world, fairly obviously the claim of animal subjectivity is not merely a self-expression of the subjective world of those who hold this view.

Magical Forces

The second candidate for an example of a new kind of claim is one I have already raised in the previous chapter: the existence of *taniwha*, as an example of a belief in magical forces/beings. This is somewhat similar, in many ways, to the previous claim: in the context of animal subjectivity, animals are being imputed to have certain mental capacities, a particular kind of inner life. In the context of magical forces, what I as a Westerner would take to be natural, inanimate objects or forces are seen to be conscious, volitional beings. According to Leo Schelbert, "some of these [forces] are viewed as of immense power such as the sun, storms, and rains; others are delicate such as the butterflies and the ants, or humble as the moles underground, yet knowledgeable of the world below that of humans." Hence, the world is filled with beings of various kinds, including sacred forces. Indigenous peoples who hold this view, then, see the world as brimming with people, "four-legged people… two-legged people… crawling, swimming or winged people… people that are green, or stony, or soft… trees are called standing people."[14] In this kind of worldview, there is no such thing as "nature". That is, in a world of volitional beings of all sorts – in contrast to a world with human society and inanimate/non-conscious nature as something separate – the distinction between nature and culture breaks down.

Of course, it is not always the case that these magical forces or supernatural beings are merely natural forces such as storms, or natural objects, such as mountains, conceptualised with subjectivity. I also include here other mythical beings, such as the *taniwha* from Māori mythology. (Though I use the term "mythology" here with some hesitation, and recognise that it is a loaded term that frames the discussion from a Western point of view. I hope to complicate the discussion of the term somewhat below.)

Taniwha live in the ocean, lakes, rivers, and caves. They are often serpent-like, though while some "[are] like giant lizards, sometimes with wings… others [are] reptile-like sea creatures. Or they [take] the shape of sharks or whales, or even logs of wood in the river. Some [can] change their shape."[15] While they sometimes help humans, this is not guaranteed, and they frequently kidnap women, or kill and eat people. But regardless of whether we are talking about natural forces with volition, or beings like

taniwha, we are still talking about a world populated by magical forces[*] and beings that have subjectivity and act for their own reasons and according to their own interests.

Just as I am hesitant to classify animal subjectivity as fitting into one of the three kinds of claims discussed, so I am hesitant in the case of magical forces, and for similar reasons. There are clearly fact-like claims being made, in the sense that it is surely true that for a storm to have consciousness, it requires certain physical characteristics that it may or may not have, and for us to believe that a *taniwha* exists and acts in the world it seems we ought to rest that belief on actual observations. Again, philosophical disagreements about the nature of personhood surely come into things to some extent, but on the one hand, regardless of its validity, a belief in magical forces seems to be asserting a claim of fact. On the other hand, though, this seems odd. It seems unlikely to me that engaging with those who believe in magical forces of any kind on a factual basis is likely to be a fruitful way of changing their mind on the issue. This might be because they choose to ignore countervailing facts. But it seems more likely to me, as I will discuss in the second section of this chapter, that this is because countervailing facts miss the point; they are just not relevant ways of engaging with the claim that is being made, because it *is not itself* a purely factual claim. But since it is clearly neither a normative claim – in that it clearly seems to be referring to the existence of certain things in the objective world, rather than in the inter-subjective world of norms – and since for the same reason it cannot just be a self-expression, then given the possibilities I have already ruled out in the last chapter, we have some reason to think that it might be a different kind of validity claim entirely.

Myths

The final kind of statement I will look at in this chapter is myths. Myths are a bit different from animal subjectivity and magical forces, both of which shared certain features, though arguably we might be able to draw some parallels with myths as well. Myths, such as creation myths, explain, in a certain sense, how things came about. Since myths are always about people, whether human people, or animal people, or spiritual beings, or natural forces, we might think of them in some sense as history personified; animals have personhood, as do trees, natural features of the landscapes (such as the Māori view that mountains located in their lands are members of their extended family), and natural forces. Similarly, the history of the way things came about is also based in the actions of persons of various kinds, whether we are talking

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[*] Again, I want to draw attention to the limitations of the terminology here. "Magical forces" are of course only magical from a European point of view; to the indigenous person who has them as a perfectly ordinary part of their worldview, they are just "forces". The term "magical forces" is intended, therefore, not as a means of dismissing these claims, but more as a means of identifying those forces that are categorically not in the European worldview.

about social history or natural history (and in many instances in indigenous cultures this is not a meaningful distinction to make).

We could take the original Māori creation myth as a good example of this kind of thinking. In this myth (in the more widespread telling; there are local variations), Ranginui, the sky, and Papatūānuku, the earth, were once joined. Their children were trapped between them in darkness. But the children decided that they wanted to bring light into the world, so the children forcibly separated their parents, which thereby led to a world in which we have Ranginui above, Papatūānuku below, and a space for us to live in between.[16]

Moving forward in time, we have a situation in which Tamanuiterā, the sun, moved through the sky so quickly every day that people did not have enough time to do anything properly. A man named Māui decided that this state of affairs was unacceptable and so, after collecting a large quantity of flax and weaving it into flax ropes, he led a number of people on a long trek to the pit where the sun rested at night, always hiding during the day so that Tamanuiterā would not see them approach. The group finally arrived at the pit, and laid the ropes across it. As the sun awoke and began to rise, Māui and his companions tightened the ropes and trapped the sun. It tried to escape, but after being struck with Māui's magic jawbone, it gave up. Māui instructed Tamanuiterā to travel more slowly across the sky, and only then did Māui release him. This is how we came to have the current length of the day.[17]

Finally, we have the creation of the North and South Islands of New Zealand, Te Ika-a-Māui (The Fish of Māui) and Te Waka-a-Māui (The Canoe of Māui). As the name suggests, the North Island of New Zealand was fished up by Māui in the deepest part of the ocean, using a fishhook made from his Grandmother's jawbone. The geography of the North Island is understood to be caused by Māui's brothers cutting up the fish unevenly. The South Island, on the other hand, is Māui's canoe.[18]

Once again, we can see these histories as collapsing the distinction between the natural and the social. Unlike in animal subjectivity and magical forces, though, the historical figures who created our current world are not always able to be interacted with (though for Māori, and possibly for others too, the repetition of the creation stories can be seen as a creative mimicking of the original events,[19] and in the Māori view among others some beings in these stories continue to exist in and impact the world). For reasons I discuss in the next section, like the previous two kinds of statements it is not obvious that myths easily fit into any of the three categories of validity claim.

Possible Explanations

Until now I have only briefly considered competing explanations to the difficult-to-categorise statements. My thought, that they are instances of a different kind of validity claim entirely, is just one possible interpretation. In this second section, I will consider several alternative interpretations and then provide reasons why we might want to discount them. One thing to keep in mind throughout is that it is very difficult to demonstrate conclusively that any of the competing theories is mistaken. Instead, I provide reasons why certain interpretations are less plausible, and why my own is more so.

The Claims are Meaningless

The first possible interpretation, and by far the least plausible, is that statements of animal subjectivity, magical forces and myths are just plain nonsense. They are not even asserting anything in the first place, so we do not need to find a way of explaining their content. In other words, these kinds of statements are in fact pure gibberish – there is nothing to understand, and so I am wasting my time in trying to interpret such statements; this whole discussion is about a non-problem.

This explanation is, to be frank, extraordinarily ungenerous, not to mention lazy. It also does not seem to have any real arguments in its favour. The entire view seems to me to rest on the idea that if one is not able to make sense of something someone else is saying, then one ought to conclude that the reason for this is that no sense can be made of it, rather than that attributing this to a lack of knowledge on one's own part. Certainly for me the idea that the top of Mt. Taranaki, for instance, is the head of a Taranaki iwi ancestor stretches my comprehension. Similarly, I struggle with the view that Wakan Tanka created the first god, Inyan (rock), then with Inyan he made Maka (earth) and then mated with that god to produce Skan (sky).[20] But this difficulty should not be, on its own, reason to think that these beliefs are mere nonsense.

This is especially the case considering that the people who talk about animal subjectivity, magical forces and creation myths at least act as if they are making meaningful statements. The argument here is in some ways, I think, analogous to the problem of other minds. That is, we can never conclusively demonstrate that other people are thinking beings like we are. It could always turn out that everyone but myself is a philosophical zombie.[*21] But other people certainly seem to *act* as if they have minds, and since there does not seem to be any reason aside from a general

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[*] I am aware that it is debateable whether or not philosophical zombies are even conceivable, and the answer to this question might change some of the details of the analogy I am using here. I am using this analogy as a rhetorical device only.

scepticism to suppose that other people do not have minds, surely the fact that they act as if they have minds gives us enough of a reason to at least assume, barring future evidence, that they do in fact have them.

Similarly, I may not be able to fully understand the meaning behind discussion of the Dream Time by indigenous Australians, but the fact that *they* seem to speak about it as if it were meaningful should, given that there is no real reason to suppose otherwise, lead me to assume that such a discussion is, after all, not nonsensical. And as Patricia L. Kaiser points out in reference to the Lakota, though this is a point that applies generally, "[they] are just as capable as Western people of experiencing Western reality and of thinking systematically about the physical world around them."[22] If people appear as perfectly rational agents in all other respects, why would we conclude that they are somehow incapable of thinking properly in one particular realm.

Holding the view that all of these discussions are nonsensical is also, as I have mentioned, rather ungenerous, and only really possible given a position of power. After all, settlers are in a position to make sweeping statements about natives speaking nonsense, but would be unlikely to be amenable to the reverse. Nevertheless, unless one were to somehow demonstrate a superior epistemic position on the part of settlers (something that has, I feel confident in saying, conclusively not been done), there is no reason why indigenous peoples could not make exactly the same argument about aspects of Western thinking that *they* find difficult. If *my* confusion, as a settler, is enough to conclude that aspects of indigenous thought are nonsensical, why is it not also true that an *indigenous person's* confusion about aspects of *my* thought is enough to conclude that *I* think and speak nonsensically? This kind of double standard is really quite untenable.

Of course, just as it may turn out to be the case, in the end, that everyone but me is a philosophical zombie, it may also turn out to be the case that certain other people's thinking is so confused that they are really speaking nonsense when they talk about certain things. But surely this should be the *final* interpretation – the last resort theory – once all other options have been taken off the table. It should hardly be anyone's go-to, first choice explanation.

The Claims are Mistaken

A second explanation, one only slightly more kind, is that the statements made about animal subjectivity, magical forces and myths make sense, but the content is mistaken. For instance, when an indigenous person attributes certain capacities to an animal that we have no empirical evidence that they have, and that there is good reason to think that they do *not* have, then this is a statement of fact, but is an invalid one. We have

no trouble understanding which category the statement fits into, and we know exactly what criteria it needs to fill in order to be valid. It just happens not to meet that criteria.

As an explanation for isolated claims the "mistaken claims" explanation has a lot going for it. After all, all of us are sometimes wrong about things. In fact, often whole groups of people believe things that are manifestly false, given the available evidence. Climate change deniers, for instance, given the evidence that is available to them, are mistaken in their views. For myself, if it turned out that every single thing I held to be true was in fact true, this would make me one of the most remarkable people ever to have existed. No one, settler or indigenous, escapes being wrong from time to time. And as is demonstrated by climate change deniers, or those who truly believe in the power of astrology, or those who are certain that Barack Obama is a secret Muslim Socialist, usually for various sociological reasons we can even have mistaken views that are widely shared among large numbers of people, or even entire cultures.

So it is not out of the realm of possibility that all talk of animal subjectivity, magical forces and myth is explicable as assertions of fact, but that they are just, as facts, incorrect. We might ask, though, whether this is the most likely explanation. Put in these terms, there are arguments for each side: on the one hand, we might suggest that since these views are such a deep-seated part of many indigenous cultures for such a long time, and are also so widespread within them, is it really likely that indigenous peoples have somehow failed to think carefully about these claims before Westerners were able to come along and generously point out their failings? On the other hand, being a deep-seated part of a culture is often a reason why people *do not* think about things carefully; questioning certain ideas might be too threatening, either to someone's self-identity, or to the social fabric. Certainly human beings everywhere are subject to motivated reasoning, as evinced by libertarians in the US and elsewhere taking the falsity of climate change as an article of faith, despite all the evidence to the contrary, because of the way that the solution to the issue involves the kind of government intervention to which they are ideologically opposed.

It would be a huge mistake – albeit one that has been made with consistency over the last few centuries – to assume that indigenous people somehow lack the same intellectual capacities as Westerners and others. But similarly we should not hold a view that assumes that indigenous people lack the intellectual fallibility of all non-indigenous peoples the world over. In which case, it might be that indigenous people, generally speaking, hold their views about animal subjectivity, magical forces and myth as facts, and are mistaken to the extent that these factual claims are unsupported by, or contradict, the evidence. But it equally well might be the case that they are not assertions of fact at all (or are facts that turn out to be correct). If we hold a view in which indigenous intellectual capacities are no better or worse than anyone else's, then we really cannot come to a conclusion either way.

What we might want to do, though, is to think about what kind of attitude we want to have towards those in other cultures, and towards views that we might not understand. We can, as far as I can see, have two, mutually exclusive stances: first, when we encounter a view that seems wrong to us, or that we do not fully understand, we could approach it sociologically – that is, we can try to understand how that person or people came to hold that view in the first place; we can try to *explain* it. Second, we could approach (apparently) wrong-headed or confusing ideas by trying to come to terms with why, from the inside (to the extent that we are able to enter into this different mode of thinking) they hold such a view – what are their *own* reasons and explanations; we can try to *understand* the view. It may, of course, still turn out that the view is mistaken, and then we can move to the sociological view in order to explain it. But I am fairly confident that most people would prefer others to try to understand them rather than explain them when the shoe is on the other foot, so it would again be a disingenuous double-standard not to approach others in the same way.

If it seems incontrovertible, given both our own empirical evidence and the evidence provided to us by the indigenous people with whom we are engaged, that as a matter of fact there is not a giant, lizard-shaped *taniwha* living in the river, then we ought not to just assume they are mistaken and immediately try to explain how they came to be so confused. So instead of being puzzled by indigenous people asserting what seem to be mistaken factual claims, we ought to instead try to instead understand claims such as the existence of the *taniwha* on their own terms, as they are intended by those who speak about and relate to them. If they are not exactly claims of fact, then perhaps, as I suggest, they are instead claims of other sorts, either norms, self-expressions, or something else again.

Another consideration in favour of such statements not being straightforward claims of fact is in the attitude of those who use them in response to countervailing evidence. As I mentioned above, the view that animals can use human language, for instance, is not necessarily subject to refutation by countervailing facts. This unresponsiveness to factual evidence is different, I argue, than the inability to refute climate change deniers, or creation scientists. Creation scientists, for example, frequently try to speak the language of science. They attempt to poke holes in evolutionary science in order to leave space for creationism as a competing theory. They may engage with evolutionary science poorly, but it is engagement nonetheless. In fact, they see the truth of their theory and evolutionary theory as on the same level; two explanations for the same

phenomena. So long as evolutionary theory is true, creationism is false, and vice versa.[*]

It is not obvious to me that creation stories, for instance, are necessarily in conflict with other accounts of how the universe came about. Or, at least, it seems to me that it is generally not the case that they are; there may very well be some, or even many, indigenous people who see their creation stories as facts of this sort, and as being in direct competition with the big bang as an explanation for how the universe came into existence. Obviously there is likely to be a great deal of diversity when it comes to how different indigenous people in the same society interpret and understand the significance of their own stories. Nevertheless, I would argue that it is commonly the case that the story of Ranginui and Papatūānuku is not seen as in competition with the theory of the big bang, and nor does the theory of the big bang invalidate the story of Ranginui and Papatūānuku. They can both be true without any great difficulty, in the minds of many Māori. Similarly, I expect if I pointed out to a Māori that no *taniwha* had ever been captured on film, for instance, or that activities attributed to taniwha could more easily be explained in another way, they would either shrug or sigh in exasperation at my missing the point. Such considerations are just not relevant. The sun can be a giant ball of nuclear fusion, as well as a person and a participant in Māori history, without any kind of contradiction.

Now, it is certainly necessary to be a little careful when rejecting statements as non-factual. Given the fact that, "despite the recent flurry of interest in traditional ecological knowledge, the ways in which local people understand [the world]… [are] not considered altogether credible, unless this knowledge can be translated directly into a scientific vocabulary,"[23] it is important to be careful about not conflating factual knowledge with Western, scientific knowledge. Science is far from the be-all and end-all when it comes to fact, which is ultimately based in observation and theory-building, whether that theory-building is undertaken implicitly in our everyday lives, or more explicitly through indigenous science or Western science.

The Claims are Metaphors

I would argue that the first two options for making sense of animal subjectivity, magical forces and myth – that indigenous people are confused, and that they are just wrong – are in somewhat bad faith. But the third possibility, that these kinds of statements are really metaphors, is a bit more promising, and seems to be quite a popular interpretation when faced with puzzling or difficult-to-understand statements

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[*] Of course, I recognise that there are a large number of different ways to be a Christian and to relate to the claims of the Bible. I am not suggesting that all Christians, then, take the Bible to be asserting claims of fact; many Christians are *not* creationists. But here I am specifically referring to those that are.

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by indigenous peoples. For instance, Barry Allen holds that "the myths of nonurban peoples are stories, not beliefs in the theoretical sense of rational commitments to propositional attitudes. Getting a native to tell you his people's stories is not an expression of his or anyone's belief." [24] When Westerners find that they cannot understand, or cannot take seriously, the oral traditions of indigenous peoples, this is because, says Jay Hansford C. Vest, we take a "literal interpretation of narrative based upon the methods of a literate mind." [25] We tend to "create a simple location or positivistic reading of narrative as facts of time rather than as metaphorical references to nature. The result is the generation of misplaced concreteness whereby these simple locations take on a historical life of their own when, in fact, they are abstract concretions born of a modern misreading." [26] Similarly, Joseph Campbell and Bill Moyers suggest that "mythology is not a lie, mythology is poetry, it is metaphorical." [27]

So what we take to be straightforward claims of fact are no such thing. Instead, they are metaphors. Perhaps in some cases the stories are along the lines of parables, and so they contain normative claims. In other cases, perhaps they are figurative expressions of other facts entirely. Conceivably they could also be articulating, in a metaphorical way, people's own self-expressions, their hopes and fears and so on. But whatever the real content of the statements, we ought not to take them at face value.

There is something to be said for this way of understanding animal subjectivity, magical forces and myth. Attributing human intelligence to animals, for instance, could be seen to be a metaphor for the millions of years of adaption that have given them such an intimate instinctual knowledge of their ecological niche. This is hardly a stretch; after all, when discussing evolution, it is common to speak of natural selection in the metaphorical terms of evolution "choosing" an adaptation, even though, strictly speaking, there is not any kind of choice taking place. So why could we not understand the subjectivity of animals as this same kind of figurative anthropomorphisation? Similarly, we might take the claim that there is a *taniwha* in the river as a metaphorical expression of the sheer power of the river, its ability to claim unwary human life. Why could we not understand the story of Ranginui and Papatūānuku in the same way that many Christians understand the Book of Genesis? While some Christians really do believe that the world was created by God in six days, I would be surprised if this were currently the most common view. Not only do you sometimes hear Christians trying to relate it to the big bang and understand the Book of Genesis as a metaphor for that process, but we could also perhaps take some normative content out of it as well; just off the top of my head, the appropriate relationship between human and non-human life, and the importance of time for rest and contemplation.

In fact, human beings, no matter where they are, speak figuratively all the time. According to George Lakoff & Mark Johnson, it is one of the defining features of human communication. While, they say, "metaphor is for most people [a] device of the poetic

imagination and the rhetorical flourish – a matter of extraordinary rather than ordinary language," in actual fact "metaphor is pervasive in everyday life, not just in language but in thought and action."[28] For this reason few people have any real difficulty understanding others when they speak figuratively, and a theory of discourse which excluded metaphor would be so far from the way that human beings interact that it would hardly be worth considering. So on the one hand, I am quite certain that statements about animal subjectivity, magical forces and indigenous myth are, like almost all instances of human expression, absolutely riddled with metaphor. Even philosophical and scientific discourse, as much as we try to rid ourselves of figurative language, is not exempt. So the idea that these difficult-to-understand statements might be metaphorical is, on one level, a rather obvious thought; *of course* they contain metaphor – they are communications between human beings.

Just because we recognise something as a metaphor, does not mean that we can thereby limit what it could be a metaphor *for*. If a myth can contain metaphors for factual, normative and self-expressive claims, there is no reason, in principle, why it could not also contain metaphors for other kinds of validity claim as well. So understanding animal subjectivity, or magical forces, or myth, as metaphor does not, in itself, demonstrate that I am wrong in asserting the existence of validity claims outside of facts, norms and self-expressions. But I will acknowledge that, as a matter of parsimony, it does seem more likely that, if we can understand statements as being metaphors for one of the three standard kinds of validity claim, there does not seem any particular reason to postulate the existence of a new kind. That would be increasing the population of entities beyond what we actually need to explain the phenomena at hand, and is a strong consideration, all other things being equal, against my view.

But I claim that other things are not equal. While, like a lot of human communication, indigenous statements of various kinds undoubtedly contain a great deal of metaphor, this hardly exhausts the content of the statements. For one thing, some indigenous scholars,[29] such as Vanessa Watts, assert explicitly that when they speak of things such as their myths, they mean them quite literally. When describing Haudenosaunee & Anishnaabe thought, she points out that their "understandings of the world are often viewed as mythic by 'modern' society, while our stories are considered to be an alternative mode of understanding and interpretation rather than 'real' events."[30] However, when describing the Haudenosaunee & Anishnaabe creation stories, she insists that "…these two events took place. They were not imagined or fantasized. This is not lore, myth or legend. These histories are not longer versions of 'and the moral of the story is….'. This is what happened."[31]

Now, obviously we could not take a single author in one indigenous community as representing the views of all indigenous peoples in that community, not to mention

indigenous people throughout the world. Both between and within communities there is disagreement about the actual status of mythical and other spiritual claims.[32] But on the other hand, as a settler I would hardly be engaging in good faith if I dismissed something an indigenous person has said about their own culture in a fairly unequivocal way on this basis. While I am certain that there is, like in any culture, disagreement in indigenous societies about their own culture and its meaning, and while the issue of stories being literally true is likely to be a matter of debate, there is nevertheless *a* view that supports the contention that animal subjectivity, magical forces and myth are not *simply* metaphors. Once again, it is a matter of engaging on the basis of understanding rather than explanation. If we are not willing to believe someone's own description of their own mind, beliefs and practices, then are we not assuming that indigenous people are unreliable narrators in ways that we do not think of when relating to non-indigenous people, and that we would hope others do not apply to us?

In support of the view that indigenous people mean what they say in a relatively straightforward way are the actual practices of indigenous peoples. To take the topic of animal subjectivity, for instance, some indigenous peoples in Canada engage in rituals in relation to the killing of animals. But if we do not assume that they really believe that the animal has the same kind of consciousness as human beings, then it is difficult to make sense of these rituals. The rituals have no *purpose* outside of this understanding. After all, these cultures "do not typically kill animals for the purpose of undertaking a ritual; rather, the ritual is an inherent part of killing the animal, necessitated by obligations owed to the animal (or to its species as a whole)."[33] Why engage in a ritual that shows respect for the slain animal as a person, if you do not actually think that it *is* a person? These rituals are "components of a wider pattern of reciprocal animal-human relations only conceivable according to the culture's social ontology,"[34] an ontology that holds that animals have human-like subjectivity.

Of course, as has been typical throughout the anthropological study of indigenous cultures, we could *explain* these rituals as merely the mindless repetition of ritualistic activities by rote. Such a view, though, is phenomenally condescending, takes an extremely dim view – based on, from what I can see, no good evidence – of indigenous intelligence, and is hardly worth taking seriously. It seems clear to me that, without engaging in completely spurious and patronizing explanations of indigenous culture, we cannot understand such rituals as anything but an honest way of morally engaging with animals required for food and other purposes, conceptualised as equals with similar intellectual capacities to human beings.

This kind of disagreement about the nature of animal subjectivity seems frequently to find its way into court cases as well. The Musqueam in British Columbia, Canada, have found that court cases that do not take into account beliefs in animal subjectivity as

being held to be literally true end up completely misrepresenting Musqueam practices. For instance, a court case that refers to Musqueam salmon fishing as "taking" (a word we would apply to a resource) as opposed to being "given" the salmon (by the salmon themselves; something that is only possible if the salmon have the capacity to gift themselves to the Musqueam) has very real consequences for their way of life. [35] The Musqueam do *not* relate to salmon as a resource, but as a partnership between equals, in which Musqueam support and live beside the salmon, and in exchange some salmon sacrifice themselves as a gift that allows the Musqueam to live. If the Musqueam *really* believed that salmon were actually a resource, and were only *metaphorically* gifting themselves, then their behaviour would surely be quite different. Why act as if salmon have consciousness if you do not actually really hold that they do?

Similarly, the idea that the Ngāti Naho *hapū* (secondary tribe) would oppose the construction of a highway in the Waikato, New Zealand, due to it affecting the habitat of a *taniwha*, or that *hapū* near Ngāwhā, Northland, New Zealand would oppose the construction of a prison in the area due to its potential to impede a *taniwha* named Takauere's ability to travel between his home in Lake Ōmāpere, Ngāwhā Springs and other geothermal areas seems almost inexplicable if we do not take these claims quite literally.[36] Why would these *hapū* make such claims unless they genuinely held them to be true?

One possibility is that descriptions of *taniwha* in this context are metaphors for normative claims. For instance, claiming that a prison should not be built in an area due to *taniwha* activity could be a way of indicating that the New Zealand government are trying to build on land that they should not be, and that they are therefore violating some kind of normative understanding; they are not fulfilling their obligations, either in terms of consultation, or in terms of sufficiently respecting the interests of those who have historical or current connections to the land.

But then, why speak about *taniwha*? Māori are hardly naïve about the reception such talk will receive amongst the wider New Zealand population, who tend only to have patience for Māori culture so long as it does not actually affect them materially, or trouble their understanding of the world. So why speak in metaphor at all? *Especially*, why speak in metaphors that have such a large degree of specific detail? In this case, the claim by the local *hapū* is that the construction of the prison impedes Takauere's capacity to travel between various specific places. If all they want to say is that building a prison violates their rights in some way, why not say just that? Why the specific detail, and why would Māori, who are frequently highly politically savvy of necessity, couch their statements in terms guaranteed to be politically damaging to their cause? Rather than speaking in metaphors, then, it seems much more plausible to me that we ought to take claims about *taniwha* at face value. If Māori assert that there is a *taniwha* living in a river or lake, then we should take them to be saying just that.

Myth seems on the surface to be a little different than the other two when it comes to the balance between metaphorical and literal content. But even putting aside Watts' assertion as exceptional that her own myths are intended as literally true, it still seems to me that we frequently have good reason to take myths at face value as well. For example, if we listen to Anishinaabe Elder Fred Kelly's description of his stories, we can see that they need to be taken literally in order for Anishinaabe action to make sense. Kelly says that

> if you understand Sacred Law and the Great Law, that you are an integral part of Grandmother Earth, then is it conceivable that you could sell her? Firstly, to sell her is tantamount to selling yourself. Can you do that? Not under Great Law, not under Sacred Law. So therefore, you can't sell your Grandmother. It's just not allowed. Let me put it another way – it's unconstitutional. It's against the law - it's illegal. So under Indigenous law it is not possible to sell any part of Grandmother Earth, because we have a sacred relationship to her. You are a part of that.[37]

It just does not make sense that it would be wrong to harm Grandmother Earth as if she was a person, as if she were your actual Grandmother, unless it were literally true that she *is* your actual Grandmother. This does not appear to be metaphor, but a literal description of how things are from the Anishinaabe perspective.

Similarly, Whakapapa Māori (Māori genealogy), "include[s] not just the genealogies but the many spiritual, mythological and human stories that flesh out the genealogical backbone."[38] That is, there is not necessarily a clear distinction between human ancestors in the recorded genealogical records, and ancestors appearing in myths and stories, all the way back to Creation. Whakapapa "is a taxonomic framework that links all animate and inanimate, known and unknown phenomena in the terrestrial and spiritual worlds."[39] Some Māori take these latter features of genealogy as being metaphorical: R.N. Himona holds this view, saying that these aspects of the genealogy are "a metaphor for the act of Creation and for the evolution of the Universe and all living creatures within it."[40] But since in the Māori world view "the spiritual and physical realms are not closed off from each other as it is in a Western context," and whakapapa "generally links each individual, animate and inanimate object,"[41] it is not obvious that this is the only possible way of relating to myth. So to return to Watts', while indigenous stories, "are often distilled to simply that – words, principles, morals to imagine the world and imagine ourselves in the world,"[42] it is likely just as common that these stories are "commenting [on]… historical events that took place in a particular location, at a particular time."[43]

It would be truly remarkable if, unlike every other non-indigenous society, there was no disagreement in indigenous cultures about the literal vs. metaphorical truth of claims of animal subjectivity, magical forces and myths such as origin stories. So while undoubtedly some indigenous people do treat these things as metaphors, while like most human communication they surely *contain* a great deal of metaphor, and while indigenous myths certainly operate on many levels at once – and therefore include figurative meanings as well – nevertheless many do assert that they hold these things to be literally true. Not only this, but attitudes and behaviour, such as the rituals I have described above, or treating harming Grandmother Earth as harming an actual ancestor, strongly suggest that these beliefs are not just metaphorical.

The Claims are Strategic

If statements of animal subjectivity, magical forces and myth are not metaphors, then, the final possibility (aside from my favoured one) is that when indigenous people speak about animal subjectivity, magical forces and myth, they are not asserting beliefs, but are merely making perlocutionary statements with the intention of influencing others.

To my mind, as with the view that indigenous statements are nonsensical, the assertion that such statements are strategic rather than honest self-presentations does not need to be taken particularly seriously. Nevertheless, in some quarters it is taken very seriously indeed, and so at the very least I need to engage with it, if only to dissuade those readers who might be inclined to such a view.

The view that indigenous statements about animal subjectivity, magical forces and myth are perlocutionary and strategic finds its most recent and popular incarnation in the infamous 2008 work of Frances Widdowson & Albert Howard.[44] They had two explanations for these kinds of claims (in their work they focus more on TEK), depending on who is asserting them: first, there is the bulk of indigenous peoples themselves, who are still "at such an early stage of economic and social development"[45] and have such "difficulties in developing abstract reasoning"[46] that they are simply confused – effectively, for most indigenous people, they are being either fooled, or they just cannot tell the difference between reality and fantasy. Then we have the "Aboriginal Industry", made up both of *comprador* native leaders, and white academics, lawyers, and so on, who strategically use these claims both in order to manipulate the unwary indigenous, and to "justify a self-serving agenda… [to] keep natives isolated and dependent, thus perpetuating existing social pathologies and, not incidentally, justifying demands for more funding and programs for the Aboriginal Industry."[47]

Obviously, it is very difficult to take such views seriously. A position that holds that indigenous Canadians lack "forethought, discipline, and cooperative labour"[48] might reasonably be thought to "[disclose] a rather visceral contempt for First Nations peoples in Canada."[49] This does not even mention that the argument of the book "[avoids] the overwhelming majority of current social science research and the scholarship of every reputable Indigenous academic in North America" thereby constructing "an insanely trite caricature of "Aboriginal culture," which they then proceed to attack."[50] Furthermore Widdowson & Howard's position rests on the theory that "at the time of contact aboriginal peoples in what is now Canada were in an earlier stage of cultural development in comparison to Europeans"[51] – in other words, an extremely dubious, groundless and outdated idea of social evolution and the hierarchy of civilisations.

Despite all of this, even extracting from this mess – putting their broader framework aside – simply the claim that indigenous peoples might not be entirely honest, given certain incentives, in professing their belief in their traditional culture, we can still reject this idea fairly comprehensively. Of course, since this assertion really amounts to the discursive claim that indigenous peoples are not honestly self-expressing, then we have a clear means of assessing it. The best way to assess it is to match the claims being made against behaviour. Though we cannot directly access the minds of others, and so can never have firm, incontrovertible evidence that they are honestly self-presenting, the closer we look at this situation, the more farfetched the idea that indigenous people are making purely strategic statements seems.

Here are some considerations we might want to keep in mind, many of which I have already mentioned:

1. As discussed in reference to metaphor, indigenous peoples' practice seems to match their speech. Why engage in ceremonies that are premised upon the subjectivity of salmon unless you honestly believe that the salmon has consciousness? Engaging in all of these kinds of activities might be part of some complex plot to defraud settler governments and taxpayers. But if so, it is really rather than elaborate way of going about things.

2. This method is not even particularly effective. If there is one thing that is guaranteed to put the back up of large numbers of settlers, it is hearing claims based in what many consider to be superstitious, imaginary entities, such as *taniwha*, or stories from natives' oral histories. Even oral history itself has had a long – and incomplete – road to gain acceptance in courts in Canada, and in many places is still not taken seriously. Even in some regions of Canada, as Raynald Harvey Lemelin points out, Traditional Ecological Knowledge "continues to be marginalized and dismissed."[52] Given that there are discourses that are much more likely to be effective in prosecuting their

political aims – the discourse of human rights comes to mind, which has wide acceptance amongst the intended audience of these so-called strategic statements – why would indigenous peoples utilise the much less reliable discourse of "traditional knowledge", unless they did so because they are actually expressing the reasons that they themselves hold?

3. Discourses about "traditional knowledge", to the extent that they *are* effective, have only become so recently. Yet indigenous peoples the world over have been making the same sorts of claims for centuries, or even millennia. As a cunning plot to trick settlers, the groundwork must have been laid an awfully long time ago. Given how long in the past indigenous people would have had to lay the basis for such a plan, it is both amazingly, and implausibly, forward-looking, as well as odd, in that it completely failed to work for quite a long time. So we might ask how indigenous people knew that assertions of traditional knowledge – including animal subjectivity, magical forces, and myth – would eventually become such (supposedly) powerful tools for them, as well as why they would select a plan with such a distant payoff.

4. It presumes a fairly extensive conspiracy to keep the plan hush-hush. Given how well people can act in concert, without forethought and planning, in situations where they have shared interests (I am thinking here of cases where the media follows the government line without needing to be told to, or of situations in organisations where the incentives put down by management lead people to act in a certain way, without explicit coordination) this is not a completely impossible thought. But if these claims *are* part of a giant scam, it would have to be one of the most widespread and remarkable cons in history.

While we can never be one hundred percent certain that others are honestly self-presenting, it does seem remarkable that entire societies would collectively decide to do so. Furthermore, the contortions one has to go through in order to avoid the view that indigenous people are just expressing what it is they truly think seem increasingly implausible the closer one looks. In short, there does not seem to be any real evidence that indigenous people speak disingenuously and strategically when they talk about animal subjectivity, magical forces and myth, yet a good many reasons why we might think they do not. Hence, the idea that indigenous people are using these kinds of statements in a perlocutionary manner seems more and more like a tool for the disparagement of native culture, people, and their legitimate interests, and less like a serious way of understanding statements that are difficult to categorise (for Westerners).

Conclusion

In this chapter I have looked at four possible ways of understanding what might be for Westerners difficult-to-categorise statements, relating to animal subjectivity, magical forces and myth. While it is impossible to definitively rule out these views, I have provided some reasons why we should consider them to be highly unlikely.

The idea that these kinds of statements are meaningless, for instance, seems a fairly bad-faith way of engaging with difference. It may be the case that we can resort to this kind of explanation as a final option, once all other possibilities have been excluded. But since all other possibilities have *not* been excluded, there does not seem to be any good reason why we should hold this view as at all likely. Taking this option seriously involves a substantial double-standard in terms of how we ought to relate to each other, in that we would hope that others would engage with us as if we were speaking with meaning, yet this option involves refusing that courtesy to others.

The idea that indigenous people, when they talk about animal subjectivity, magical forces or myth, are doing nothing more than engaging in a cunning, strategic ploy against settlers in order to manipulate them into giving them more resources, or skew interactions in some way in their favour, is equally unlikely. While it is in the nature of aesthetic-practical discourse that we can never be absolutely certain of the honesty of another's self-expressions, the evidence against the idea that indigenous people are engaged in a large-scale deceit is overwhelming. It would be both a phenomenally involved and widespread conspiracy, an implausibly long-term plot and – both historically and today – a fairly ineffective one, especially given the likely greater efficacy of discourses such as human rights.

The same kind of double-standard applies to the idea that these controversial statements are mistaken. That is, if a view seems directly contradicted by all the available evidence, we can either conclude a) that the person lacks the ability to appreciate the evidence, either due to a lack of innate capabilities, or due to motivated reasoning; or, b) that we simply do not yet appreciate what they are really saying. The first possibility leads to us "explaining" difference, and the second to "understanding" it. Surely we would prefer others to take the second option with us, so we ought to extend the same courtesy to others.

Additionally, unlike with things such as climate change denial, in which those who hold the view actively engage with their opponents in scientific debate – in other words, that the issue is an all or nothing one involving interpretation of the available evidence – the existence of *taniwha*, Wakan Tanka, or the Dream Time do not seem to be in conflict with alternative "factual" explanations. In fact, scientific fact in many cases seems simply irrelevant. These entities or phenomena do not seem to be *competing* explanations for the same thing. This seems to me to be evidence in favour of the

thought that animal subjectivity, magical forces and myth are not considered to be facts, or at least not facts in quite the same way.

Finally, there is the idea that claims of animal subjectivity, magical forces and myth are metaphors. This is, to my mind, the most plausible of the options so far, but nevertheless I would argue that it is also mistaken. Undoubtedly these kinds of statements are no less multivalent than any other complex instances of human communication and culture – and one could even argue are more so – so there will be a metaphorical component. But this is not, I suggest, the full story. After all, not only do some indigenous people say straightforwardly that they do *not* intend these things as metaphors – and it seems odd to reject the meaning that the speaker themselves claims for their statements without good reason – but it also makes other activities inexplicable. If people say that they think that animals have human-like subjectivity, for instance, and act as if animals have human-like subjectivity, then it is hard to think of better evidence in favour of the contention that they actually hold that animals literally have human-like subjectivity.

Of course, to a certain extent all of these possibilities are likely to be present. After all, "human beings that make up societies are capable of abstract thought and will inevitably have heterogeneous normative commitments, views and interpretations," and "Aboriginal societies are no exception to this."[53] That is, some indigenous people probably do intend claims about animal subjectivity, magical forces and myth in terms of fact, and see these explanations as in competition with scientific ones. I do not doubt that many also think of these things *purely* as metaphors. Given that, again, indigenous societies are made up of *human beings*, it is even likely that some *do* intend these things solely as strategic claims, though I would imagine that the number would be quite small. Especially when we consider the phenomenal diversity *between* indigenous societies throughout the world, as well as the diversity *within* societies, it is not possible to make a categorical statement that applies to everyone on this matter.

But there are nevertheless clearly people – and I do not imagine they would be in the minority – who hold that animal subjectivity, magical forces and myth are both literally true, and also not amenable to being disproved by, for instance, scientific experiment.[*]

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[*] Though again, I am not thereby claiming that "science" has a monopoly on the realm of facts, merely that it is in the same sphere as other methods that exist to determine fact, such as indigenous science or Traditional Ecological Knowledge (TEK.. When we discuss facts we have an obligation to take into account all of these techniques, so Western science is relevant to establishing claims of fact just as much as indigenous science is (and vice versa); they are both relating to the objective world of facts. If we reject this, then we arrive at the relativism that I discussed in the last chapter. Naturally, indigenous science and TEK are going to be, in certain areas, far more sophisticated than Western science, and if we are genuinely interested in establishing the facts of the matter we need to realise this. The suggestion here is not, then, that we need to put all facts in the language of Western science, simply

As I have argued above, given that we ought to presume *prima facie* that positions that we do not understand – of which these would be, for many Westerners, examples – are coherent, then we need to do what we can to try to appreciate the nature of this thought. If something is fact-like and literally true while not being a fact in certain respects, then it seems to me that the most promising question is to ask whether there is any room between something being "literally true" and "factually true". If so, then whatever we find in between these two ways of intending something seems like a prime candidate for a new, separate kind of validity claim: something that is not a fact, or a norm, or a self-expression, but something else entirely.

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[1] Andrew Brighton, "Aboriginal Peoples and the Welfare of Animal Persons: Dissolving the Bill C-10B Conflict," *Indigenous Law Journal* 10:1, 2011, p. 7.

[2] Andrew Brighton, "Aboriginal Peoples and the Welfare of Animal Persons: Dissolving the Bill C-10B Conflict," *Indigenous Law Journal* 10:1, 2011, p. 10.

[3] Andrew Brighton, "Aboriginal Peoples and the Welfare of Animal Persons: Dissolving the Bill C-10B Conflict," *Indigenous Law Journal* 10:1, 2011, p. 10.

[4] Robert Brightman, Grateful Prey: Rock Cree Human-Animal Relationships (Berkeley: University of California Press, 1993), p. 118.

[5] Harvey A. Feit, "The Ethno-Ecology of the Waswanipi Cree" in Bruce Cox, ed., Cultural Ecology (Toronto: McClelland and Stewart, 1973) 115 at 116.

[6] Robert J. Miller, "Exercising Cultural Self-Determination: The Makah Indian Tribe Goes Whaling" (2001) 25 Am. Indian L. Rev. 165, pp. 237-38.

[7] Colin Scott, "Science for the West, Myth for the Rest?: The Case of James Bay Cree Knowledge Construction" in Laura Nader, ed., Naked Science: Anthropological Inquiry into Boundaries, Power, and Knowledge (New York: Routledge, 1996), supra note 73, pp. 72.

[8] Charles R. Menzies & Caroline F. Butler, "Returning to Selective Fishing Through Indigenous Knowledge" (2007) 31 *American Indian Quarterly* 441, p. 461.

[9] A. Irving Hallowell, "Ojibwa Ontology, Behavior, and World View" in Stanley Diamond, ed., Culture in History: Essays in Honor of Paul Radin (New York: Columbia University Press, 1960), 19 at 35.

[10] Henry S. Sharp, *Loon: Memory, Meaning, and Reality in a Northern Dene Community* (Lincoln: University of Nebraska Press, 2001), p. 66, 73

[11] Adrian Tanner, Bringing Home Animals: Religious Ideology and the Mode of Production of the Mistassini Cree Hunters (London: Hurst, 1979), supra note 112, p. 153.

[12] Paul Nadasdy, "The Gift in the Animal: The Ontology of Hunting and Human-Animal Sociality" (2007) 34 *American Ethnologist* 25, supra note 74, p. 31.

[13] Harvey A. Feit, "The Ethno-Ecology of the Waswanipi Cree" in Bruce Cox, ed., Cultural Ecology (Toronto: McClelland and Stewart, 1973), 115 at 116.

[14] Leo Schelbert, "Pathways of Human Understanding: An Inquiry into Western and North American Indian Worldview Structures," *American Indian Culture and Research Journal* 27:1 (2003), p. 67.

[15] "Taniwha", *Te Ara: The Encyclopedia of New Zealand*, http://www.teara.govt.nz/en/taniwha, 2012

[16] Te Ahukaramū Charles Royal, "Māori creation traditions," *Te Ara: The Encyclopedia of New Zealand*, http://www.teara.govt.nz/en/Māori-creation-traditions, 2012

[17] Ministry of Education, "How Maui Slowed the Sun," *Māori Myths, Legends and Contemporary Stories*, http://eng.mataurangaMāori.tki.org.nz/Support-materials/Te-Reo-Māori/Māori-Myths-Legends-and-Contemporary-Stories/How-Maui-slowed-the-sun

[18] Te Ahukaramū Charles Royal, "Whenua – how the land was shaped - A dramatic landscape," *Te Ara: The Encyclopedia of New Zealand*, http://www.teara.govt.nz/en/whenua-how-the-land-was-shaped/page-1, 2012

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that the findings of Western science are going to be relevant as well – to some extent, at least – when establishing fact, both within and outside indigenous communities.

[19] Te Ahukaramū Charles Royal, "Māori creation traditions," *Te Ara: The Encyclopedia of New Zealand*, http://www.teara.govt.nz/en/Māori-creation-traditions, 2012

[20] "Wakan Tanka", *Myths Encyclopedia*, http://www.mythencyclopedia.com/Tr-Wa/Wakan-Tanka.html, 2015

[21] Robert Kirk, "Zombies," *Stanford Encyclopedia of Philosophy*, http://plato.stanford.edu/entries/zombies/, 2015

[22] Patricia L. Kaiser, "The Lakota Sacred Pipe: Its Tribal Use and Religious Philosophy," *American Indian Culture and Research Journal* 8:3 (1984), p. 16.

[23] Dorothee Schreiber, "Salmon Farming and Salmon People: Identity and Environment in the Leggatt Inquiry," *American Indian Culture and Research Journal* 27:4 (2003), p. 93.

[24] Barry Allen, *Knowledge and Civilization* (Colorado: Westview Press, 2004), p. 256

[25] Jay Hansford C. Vest, "Myth, Metaphor, and Meaning in 'The Boy Who Could Not Understand': A Study of Seneca Auto-Criticism," *American Indian Culture and Research Journal* 30:4 (2006), p. 42.

[26] Jay Hansford C. Vest, "Myth, Metaphor, and Meaning in 'The Boy Who Could Not Understand': A Study of Seneca Auto-Criticism," *American Indian Culture and Research Journal* 30:4 (2006), p. 42.

[27] Betty Sue Flowers, ed., *Joseph Campbell: The Power of Myth* (New York: Doubleday, 1988), p. 163.

[28] George Lakoff & Mark Johnson, *Metaphors We Live By* (University of Chicago Press, 1980), p. 4

[29] Kenneth Maddock, *Past and Present: The Construction of Aboriginality* (Canberra: Aboriginal Studies Press, 1988).

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Part III

Ecological Truth

Chapter 5: The Nature of Ecological Truth

In this chapter I begin to go into detail regarding the separate kind of claim that I have identified. Now, I do not see it as my job necessarily to actually describe the features of new kinds of claims. Being a *pākehā* New Zealander, I am unlikely to use these claims frequently in practice, and my understanding of indigenous worldviews is shallower than is necessary to speak with any authority whatsoever on the nature of indigenous validity claims that might be integral to such worldviews. If my approach of trying to balance the discursive relationship between indigenous and settler, by making sure that things that are central to indigenous peoples' worldviews are not dismissed *tout court*, appeals to indigenous peoples anywhere, I would hope that the task of expressing a full conception of alternative claims is something that they themselves would be interested in taking up. Nevertheless, though anything I might say about the nature of alternative validity claims ought to be taken with a healthy skepticism, it would be unsatisfying to finish without at least suggesting how we might understand the kind of thing I mean when I talk about alternative kinds of claims.

This is especially true for a number of rhetorical reasons as well. For instance, it is easy to dismiss the possible explanations I have discussed in the last chapter, but if I never provide any idea of what I mean when I talk about interpreting mis-fitting statements as alternative categories of validity claim, I am not really able to extend the same courtesy to those who might want to criticise my own view. In addition, without giving a concrete idea of what I am talking about when I talk about alternative kinds of claims, it would be tempting to dismiss my view as, at the least, incomplete, and at most talking about a category of claims that cannot even be specified at all (and if so, why should we take the idea seriously to begin with?) To put it another way, it is easy, but usually unpersuasive, to argue for your position by concretely dismissing alternatives, without ever being concrete yourself. Of course, as mentioned above, my own interpretation should be understood as the hesitant, incomplete view that it is. But putting it forward will nevertheless hopefully at least indicate to readers *one* possible way to cash out this idea of alternative kinds of claims, even if it cannot be considered in any way definitive.

Hence, in this chapter I put forward one view as to how we might understand the alternative kinds of claims (or specifically, one kind of claim) – I suggest that all three of the examples I discussed in the previous chapter are instances of a single category of validity claim. I argue that we can think of this kind of claim as being what I refer to as "ecological truth".

In order to make sense of this idea, however, we first need to get a better sense of the worldview in which ecological truth plays a role. In particular, in the initial part of this

chapter I draw attention to the way that many indigenous societies do not distinguish between nature and culture as is typically the case in Western (and other) societies. This has consequences in terms of the relationship between the communities and the specific places – and ecologies – in which they are located .

A key part of existing within a particular place with a particular environment and ecology, in a practical sense – especially in the long term – is having the right attitudes towards other things in the environment. In the second section, then, I look at how we might think of statements of animal subjectivity, magical forces and myth as, rather than propositional statements, a set of *practices* that give rise to appropriate attitudes towards the environment and those beings within it, and that allows a group to persist over time in that space.[*] I do not want to suggest, however, that "ecological truth" is a matter of "knowing-how", in contrast with Western "knowing-that". As such, in the third section I discuss the way that *all* knowledge is, in a sense, a matter of practice. As such, the distinction between knowing-how and knowing-that is not a very meaningful one.

In the fourth part, I discuss again the three statements from the last chapter – animal subjectivity, magical forces, and myth – and show how they fit into this framework of "ecological truth". Finally, I look at some potential concerns, questions and objections: specifically, whether ecological truth is really just a kind of metaphor after all; whether ecological truth starts us down a slippery slope to creationism and climate change denial; whether ecological truth should be thought of as a kind of heuristic rather than as a form of truth; and how ecological truth relates to the concept of indigeneity.

Nature & Culture

One of the keys to getting at the space between "literally true" and "factually true" is appreciating that, for many indigenous peoples, the distinction between "nature" and "culture", which seems obvious to the Western mind, is not necessarily a part of indigenous thought. This means that the activities involved in maintaining human society and the natural environment surrounding human society are not distinct. In fact, even conceptualising the natural environment as "surrounding" human culture is to fall into this Western mind-set. What happens "naturally" in the space that an

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[*] While it might be tempting to think of "practices" as merely a form of instrumental action – and in a certain sense it is – this is not the full story. I take it to be the case that whatever else we might do, or take to be normatively appropriate, a community's ability to continue to exist is a basic goal that, with only a few possible exceptions, we are all justified in taking for granted. After all, there is no point in talking about validity claims of any kind if there is no one around to use them. In this sense, a set of practices that are mobilised towards continuing a community's existence in their land should be thought of as different from mere instrumental action, which is typically thought of as relating to contingent goals. An imperfect analogy might be categorical vs. hypothetical imperatives.

indigenous group occupies and the cultural forms the group has are all part of the same overall set of activities.

Part of the trouble for the Western mind in appreciating this lack of distinction comes, I would argue, from the instrumentalisation of our interactions with the natural world.[1] That is, we typically conceptualise the world around us as a resource available for our use. As such, "nature" is something *over there* that we can draw on or not, depending on our needs, while culture is something that exists purely by the interactions between human beings. Place usually plays a minor role, especially given the resource flow of modern capitalism, i.e. it does not much matter where I am, what is available to me is more or less the same anywhere, so long as I am somewhere "developed".

Indeed, even cities are relatively interchangeable; physical geography undoubtedly causes particular cities to develop along certain lines – the density of Manhattan, for instance, could be put down to the geography of the island, and a great deal of the character of the city is surely due to its being located on the east coast of North America, accessible to migrants from Europe. Similarly, Vancouver's position on the west coast is partly responsible for its greater Asian population than other parts of Canada, and there is no doubt that the geography has led the city to develop along certain lines. My own home town of Wellington, New Zealand, despite the best efforts of planners who designed the original layout in England without even having seen the landscape, has been deeply shaped by the harbour and the mountainous terrain that starts only a short distance back from it. But while we can acknowledge all of this, we usually think of the character of cities as being based primarily in the characters of the people. Place is secondary.

By contrast, this kind of abstract framework – seeing all space as, to an extent, interchangeable, and seeing nature as similarly interchangeable sets of resources – is not the view of many indigenous peoples. As Watts puts it, indigenous thinking of this sort involves theories that "are not distinct from place."[2] After all, if "nature" is a collection of quite distinct – i.e. not interchangeable – entities and phenomena, then it makes much less sense to speak of nature as something separate from culture; any particular society's culture is going to be completely intertwined with the specific features of the place in which it is located. Hence, there is little to no interchangeability when it comes to nature, and there is similarly little inclination to see it as something distant and separate.

If culture and nature are not distinct, then the ability to exist within the particular space, and particular ecosystem, in which a society is related is a deeply cultural matter. It is not about a set of techniques that can be alienated from the place of their original application and used indiscriminately, which is how we typically think about the

technological outcomes of Western science. Rather, since "many Native traditions are about putting oneself in accord with the natural world in which the goal is harmony with nature and ethical reciprocity,"[3] the cultural is completely inseparable from the means of existing in a particular place.

As George M. Guilmet & David Lloyd Whited point out in the North American context, indigenous North Americans across the continent "constructed a cultural form that maintained a relatively stable ecosystem for thousands of years prior to contact with Western influences." By contrast, since the colonisation by European settlers, human beings have "managed to deteriorate significantly the same ecosystem and harm the aboriginal inhabitants in less than two hundred years."[4] Why is this? One possible reason seems to me to be the fact that the culture of Western society is based around this interchangeability and (relative) lack of attachment to particular places. Of course, no settlement by Europeans was completely oblivious to the surrounding natural and ecological conditions; this is one reason why there is a diversity of cultures among even just the English-speaking colonies. Nevertheless, to a fairly significant extent, colonisation involved the transposing of previously-existing cultural forms to new environments with relatively little modification.

Juxtaposing this transplantation and relative rootlessness of cultural forms against the cultures of many indigenous societies, we see culture adapted for very specific environments. For instance, the Southern Coast Salish from the Puget Sound region of Washington are "dependent upon fishing, hunting, and gathering as a means of subsistence," and as such have "a complex set of spiritual, ritual, and ceremonial constraints on environmentally inappropriate, degrading action."[5] Specifically, the environment itself, in the context of a sophisticated conception of spiritual independence between the environment and Southern Coast Salish, receives "some spiritual and ceremonial resources in exchange for giving the material basis for human survival."[6] Settlers, on the other hand, took the wealth of the environment and its resources without spiritual and ceremonial exchange and respect by "subjecting nature to domination and consumption,"[7] with consequences that are well known.

Jeanette Wolfley, a member of the Shoshone-Bannock Tribes, located in Idaho, describes this idea in the context of creation stories, as well as TEK: "creation stories, songs, prayers, and traditional ecological knowledge and wisdom," she says, "[teach] us to visualize and understand the connections between the physical environment, the spiritual values that create and bind a tribal community, and the social welfare of the community. We are taught a system of values that induces a profound respect for the natural forces which give life to the complex world of which we are but a small part."[8]

It is important to note here, though, that my claim should not be taken to play into the stereotypes of native peoples. There are certain ideas regarding indigenous people

and peoples about "authenticity" or "cultural purity",[9] in which the indigenous person is expected to act a certain way, or have certain abilities or attitudes, in order to count as "authentically" native. Nor do I want to suggest that indigenous society is perfect at "conservation", in the sense that they enter a space as found and completely adapt themselves to it. As Barry Allen puts it:

> Human beings live in a world that is practically of their making. That is not some far-fetched metaphysical idealism; it is the indisputable point that any human environment is profoundly artifactual, the result of earlier human action, deliberate and otherwise.[10]

Every group of human beings modifies its environment to some extent or another: cities such as New York, Tokyo, London and Beijing may be extreme examples of this, but the controlled burning on the part of indigenous Australians for many thousands of years has had significant effects on the local biota and ecology, [11] and the deforestation of much of New Zealand by the first Māori settlers has had profound consequences as well,[12] such as the "sudden demise of a large component of these islands' highly endemic and distinctive avifauna, with 40 indigenous bird species going extinct within 200 years of human arrival,"[13] including the charismatic moa. The same is true in North America, where indigenous people "modified their environment to suit their subsistence needs," for example, by "start[ing] fires to expand grasslands to attract game and built fish weirs and traps."[14]

So I am not suggesting here that indigenous communities do not alter their environments – even in ways that conservationists might consider detrimental – and simply adapt to ecosystems as they find them. But I do want to say that, over time, the relationship between practices and the physical space and environment becomes increasingly intertwined, to the extent that we should "consider them as integrated."[15] In other words, the practices and the environment have both changed to fit one another, so that the practices are ideal for that environment.[*]

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[*] This is different, I should add, to saying that practices adapt to fit a local *culture*. For instance, though Manhattanites obviously would adapt their practices to fit the island of Manhattan, it is not that the *physical environment* specifically is the main thing that they adapt to. The ability of Manhattanites to negotiate their space is to an extent rooted in physical environment, but the main challenge, I imagine, in transplanting a Manhattanite to Wellington, New Zealand, or Tokyo, or Halifax, would be adapting to the *cultural* differences. Having to learn where the local grocery store is, or where to get the best coffee, seems relatively trivial in comparison. To put it another way, in the case of indigenous communities, it is the relationship between the cultural practice and the physical space and environment that is primary. For Manhattanites, this relationship is secondary, in favour of the relationship between cultural practice and the practices of other human beings (disputes about which, to put it in terms of kinds of reasons, would purely be a matter of norms).

Ecological Knowledge

Why is this lack of distinction between nature and culture important in the context of understanding indigenous validity claims as independent and unique forms of knowledge? As discussed in the last chapter, what seems notable about the statements about animal subjectivity, magical forces and myth – and what makes them confusing from a Western point of view – is that they treat what we would consider inanimate or non-conscious as having human-like, or even super-human intelligence and sentience.

Typically, this idea of the world being filled with consciousness beyond what most Westerners would recognise is not based in a belief in the transcendental, or in a supreme being "ontologically wholly different from all else that is."[16] Rather, this way of thinking is based in a sense of sacredness involving "radical kinship and interdependence, an ongoing 'cosmic give-and-take' among beings large and small, creative and destructive, visible, invisible, or dimly perceived, beneficent and dangerous, all interacting on a spectral scale of mutuality rather than in a dualistic opposition."[17] This way of thinking leads to certain consequences; in particular it leads to a certain way of relating to the world. This system of thought "[limits] individual and group action toward the animals and the ecosystems in which they were embedded within an ecologically acceptable set of choices."[18] Given how reliant on the ecologies of specific places many indigenous societies are, and the extent to which they are frequently "intimately and immediately affected by changes in species diversity, population, and habitat location,"[19] having these constraints is essential.

So these beliefs, and the concomitant rituals and practices, help to condition the right attitudes towards the world and the beings in it, without which the ethical constraints which maintain the long-term sustainability of indigenous communities would be ineffective. For instance, among the Puyallup, a Coast Salish tribe,

> the first large catch of salmon after the building of a tripod fish trap was followed by a general feast to which neighbouring peoples were invited by the leader of the village which had built the trap. The salmon were cut lengthwise, never cross-wise, or "they would get insulted and not come any more."[20] The salmon were boiled whole, and all the fish had to be consumed to the last scrap: flesh, entrails, gills and bones."[21]

Will the salmon, in a factual sense, if cut cross-wise, become insulted? To be a bit facetious, if we put them in an fMRI machine under these circumstances, would we be able to record the salmon having brain activity that would indicate that they are insulted? The answer to these questions is really beside the point. If we were to hear

about the first catch ceremony and its meaning and immediately try to attempt to prove somehow that salmon were or were not insulted, we would, I suggest, be thoroughly missing the point. The meaning of the ceremony is "the belief that salmon have a conscious spirit. Before it is safe to eat the salmon, this spirit must be propitiated by a ceremony or offering."[22] In other words, the purpose is to encourage participants to *respect* the salmon; it "establishes values and rules"[23] and leads participants to have the right *ethical stance* towards them. Whether or not cutting the salmon the wrong way will, as a matter of fact, cause the salmon to fail to present themselves the following year is, in a way, secondary. What *will* have detrimental consequences, either in the short, medium or long term, is failing to have the right attitude towards the salmon, specifically in the flow-on effects on behaviour that this change of attitude will give rise to.

We can extend this well beyond salmon, to almost every other aspect of the environment. Without including trees, stones, water, weather, and so on within the realm of consciousness, the "entire interrelated ecological/cultural/economic/spiritual world"[24] is thrown out of balance. So we might say that the truth of these beliefs is based not in their ability to be independently and objectively verified, but in their *efficacy*. As Dorothee Schreiber puts it, "when fishers talk about the ocean, their firsthand knowledge is regarded as true… because generations of fishers have used it down to the present day."[25] In the same way, the subjectivity of the salmon is true, because it is a belief that has been used throughout time, and has been found to be *effective*.

One might say, in this case, that such claims are *not* really true. Efficacy and truth are two separate issues. But I am not so sure. Certainly, efficacy and *factual* truth are probably not the same thing. But I agree with Allen when he suggests that we overemphasise propositional truth in Western thought, and give it a status that is perhaps unwarranted. He argues that we are mistaken to think that "knowledge – or the philosophically most important knowledge – has to be [propositionally] true."[26]

Actually, I do not deny that propositional knowledge is perfectly acceptable in a lot of cases – this is what we do when we think in terms of the objective world of facts, and this is, to my mind, a completely legitimate activity. The issue lies in thinking that we have thereby captured *everything* there is to know; as Allen puts it, in thinking in this way, that "knowing has as its core, as its unit, something that *can be true*, which is a functional definition of *proposition*," then, "in a blow, knowledge that fails to fit the format of a logical proposition falls from view."[27] I suggest that we do not want these other kinds of knowledge to fall from view, especially if we intend to try to relate to indigenous people respectfully, and truly listen to what they say. We need to recognise that knowledge that is able to be "summed up in true sentences," is "exemplary only

of its kind. It is not the best and truest knowledge:" it is "[not] the only game in town."[28]

So I would like to focus instead on knowledge that is harder to discursively articulate – knowledge that is not expressed with a statement. Our ability to do a lot of things is like this: my ability to play football, or win Sonic the Hedgehog video games, or teach a philosophy class, is not easily articulated. One might even say that to attempt do so is, beyond a point, rather senseless.[29] I want to suggest, then, that the belief in animal subjectivity, magical forces and myth is somewhat like this; it is not a propositional statement amenable, in isolation, to being proved true or false, but is part of a set of *practices* that exist for the purpose of continuing a society in a particular space, and in response to particular conditions.

And after all, while Western science has done an awful lot to help us to understand how we might live more within our means – how we might stave off severe climate change, or avoid depleting our limited resources, or prevent the spoiling of our environment and the extinction of enormous numbers of other species, including ones that are key parts of the ecosystem on which we rely – we have not done a particularly great job in actually putting any of this knowledge into practice. We have a huge amount of empirical, propositional knowledge about the world, but simply having that knowledge has not been enough to cause our behaviour to change. Having that ethical relationship with the natural world seems to be key in actually giving rise to effective actions. We might think that this is a matter with the specific empirical, propositional knowledge itself. But the nature of such knowledge is that it is not tied to any particular goal; this is why we typically separate what we *ought* or what it is *appropriate* to do from our knowledge of how to accomplish things. For instance, I may or may not have knowledge of how to go about robbing a bank, but no amount of empirical knowledge (or lack of it) is going to tell me whether I ought to, normatively, do so.

In fact, generally speaking, most of what we know in everyday life we do *not* know primarily as propositional knowledge. In the case of indigenous communities, this kind of practical knowledge, assessed in terms of its efficacy rather than in terms of its propositional truth, is a deep part of the social fabric. For this reason, taking statements about animal subjectivity, magical forces or myth out of the context of their application and attempting to assess them for truth in this propositional sense really misses the point. In this way, we can say that something is both literally true – in the sense of being practically efficacious – as well as factually false – in the sense of being unable to be proven true as an isolated factual statement.

Knowing That vs. Knowing How

The view I am putting forward here should not merely be thought of as contrasting "knowing that" with "knowing how". I am not therefore suggesting that Western knowledge is a matter of knowing that and that indigenous knowledge, of the kind I have been discussing, is knowing how; that Westerners have some higher form of knowledge, whereas indigenous peoples merely have "skills". In the context of discourse ethics, *any* form of knowledge – be it factual, normative or self-expressive – is, in a sense, a matter of "knowing how". That is, since we cannot ever directly relate to "truth" – all we can do is engage in different forms of discourse, depending on what *kind* of statement we are making – then "truth" is merely the thing that *stands up* after the process of discourse has taken place (under certain conditions). In this sense, knowledge of any sort is an *accomplishment*.[30] In other words, "to know is to be 'justified in believing'," and this is a matter of whether a particular instance of knowledge achieves what it has set out to.[31]

As Allen puts it,

> 'knowing-that' is not a *kind of knowledge* at all. It is a kind of *expression*, a kind of performance... Logical form is a quality of expressions, not a quality of the knowledge they may or may not confirm, and the performative quality by which a proposition expresses knowledge is the same as makes other, nonpropositional artifacts (bridges, surgical operations, fine ceramics) expressive of knowledge too.[32]

The things that are factually true are those things that stand up given the process of cognitive-instrumental discourse; something is normatively true, or valid, if it stands up at the end of the process of moral-practical discourse; and an honest self-expression is valid if it stands up after we engage in aesthetic-therapeutic discourse. Allen goes as far as to argue that, for these kinds of claims, "withstanding refutation – holding up, [being] something you can bank on – is the primary good of truth itself."[33] So there really is not any more to validity claims than their practical efficacy in different spheres of activity. As such, why can we not say that claims of animal-subjectivity, magical forces and myth are valid according to their own form of discourse, which is based in a certain form of efficacy: perhaps we could call this process "practical-ecological discourse".

Cognitive-instrumental discourse, then, exists for the purpose of settling on "appropriate strategies and techniques for satisfying our contingent desires,"[34] and moral-practical discourse exists so as to make it possible for us to regulate our interactions non-coercively. Aesthetic-therapeutic discourse has as its goal the expression and integration of our felt needs into our collective decision-making. Practical-ecological discourse, then, exists so as to enable us to continue the existence

of our community through time in a particular space; a particular environment and ecology.

Three Examples

Now I want to examine each of the three examples of this kind of knowledge that I raised in the last chapter – animal subjectivity, magical forces, and myth – to see how they might fit with this understanding.

Animal Subjectivity

As discussed in the last chapter, it is a widespread view among many indigenous cultures that animals are persons, and are such in a very similar way to which human beings are persons. According to this understanding, animals "give themselves to hunters ... [in a] long-term relationship of reciprocal exchange."[35] Since giving is social act, an act only possible by beings with consciousness – an act that "can occur only among persons"[36] – then animals must be persons as well, and they must have similar – though not identical – inner lives. As such, it is within the power of the animals to "consciously regulate hunters' access to them,"[37] and in some societies the actual skill of the hunter, the mechanics of the hunt, are not relevant. Rather, "the willingness of an animal/person to allow itself to die for a hunter is the relevant issue."[38] Without this willingness, hunters are powerless; nothing they do will be effective.

This is a view that seems fairly common. For instance, the Rock Cree hold that "you got to give [an animal] the same respect you give yourself,"[39] including requesting the animal's permission to kill it. For the Mistassini, bears must be both spiritually and verbally persuaded to offer themselves.[40] The Makah prepare for months to cajole the whale to give itself up to them.[41]

Animals are conceptualised as having quite direct powers of human survival. In such a context, then, it is almost inconceivable to think of animals merely as a resource. Furthermore, the rituals and restrictions regarding how, when, and how many animals you can take have an immediacy that mere rules could never have. I could be told that I should not kill more animals than the ecosystem can handle, but there are plenty of ways to get around this. For instance, I might be concerned that others are taking more than their fair share, and reason that if the animal is going to be over-hunter/fished anyway, I might as well just go for it and take what I can get here and now. I might even genuinely not care about the extinction of the animal, figuring that so long as I can make a profit in the short term, the long term is not my concern. But for those who have lived in a particular place for thousands of years, and who plan to live there for thousands more, thinking this way is just not an option. Hence, a worldview in

which I have "specific and direct obligations to [animals]"[42] that are "the same standards which apply to mutual obligations between humans,"[43] and in which the failure to meet these obligations leads directly to the animals withdrawing their favour due to the insult, taking the animals for granted and over-hunting them is barely conceivable unless I were a truly misanthropic individual.

So the subjectivity of animals is absolutely essential in order to take the appropriate attitude to them, in the sense that such an attitude is action- and practice-guiding in that it allows for the continued balance of the ecosystem of which the community *and* the animals (and trees, bodies of water, and so on) are a part. A different ethical stance would lead to very different, likely detrimental consequences for all involved, whether it be human, animal or the environment more generally.

This stance also has other practical features: for instance, as Paul Nadasdy points out, "[indigenous] conceptions are more accurate than the Western ontological conception of animals… in that the former reflect more sophisticated knowledge about social behaviour, learning and communication."[44] Taking an attitude towards animals in which they are equals (or are even greater than us), leads to a situation in which people naturally "[think] long and deeply about animals … with a passion to understand them."[45] Hence, taking this ethical stance towards animals also leads to a much greater ability to understand their behaviour; it gives people far more predictive power. So we get situations such as the 2011 case of the "lost" caribou herd, in which scientists lost track of a herd of caribou that they were tracking for study.[46] But this herd was only "lost" to the scientists who were trying to observe it; it was more or less where local native elders said it would be and was at no point "lost" to the indigenous communities in the area.

Magical Forces

Similar considerations apply to the idea of magical forces, such as a belief in the existence of *taniwha*, or the idea that all things, trees, rocks, natural forces, are permeated by spirit and consciousness. For many indigenous peoples, "habitats and ecosystems are better understood as societies… [and] they have ethical structures [and] inter-species treaties and agreements."[47] The fundamental issue, then, is what kind of stance is appropriate for interacting with or relating to trees, bodies of water, geographic features, and so on; and in turn this attitude shapes our action. A concern with *taniwha*, for instance, leads us to act a certain way in relation to bodies of water; we cannot act as if these bodies of water existed merely for our convenience – for the gratification of our desires. We have to keep in mind the interests of the *taniwha* as well.

Similarly, if we act with the perspectives of trees and geographic features being considered as valid as our own (as opposed to the Western view, in which we might, at best, take the effects on trees, bodies of water, geographic features, etc., into account insofar as they affect our own fundamental interests), then our actions are more likely to be in line with what is good for the environment as a whole. This is especially the case given, in some cases, thousands of years of accumulated TEK that directs those living in a place in quite specific ways about how they ought to act. Ecologies are fantastically complex, and TEK, along with the kinds of attitudes I have described, allows people to negotiate the local ecology without damaging it. After all, it is extremely difficult for us to tell what effects our actions are going to have downstream when we make changes to an ecology. A view – consisting of the specifics of the TEK for that community in that environment, and underpinned by an attitude that all beings ought to be showed respect – leads to a situation in which the interests of all must be taken into account. As such, major (and, particularly, rapid) changes to geography, or to the flora, that might have unpredictable flow on effects are militated against, not just because of the flow-on effects on humans, but also because of the lack of respect it shows to the other participants in that environment. When features of the environment itself are "not simply backgrounds, but are well-known characters that participate in a social life,"[48] then what is good for these features is always present in our minds, and must be balanced with our own interests, in the same way that we (again, unless we are sociopathic) balance the interests of others when we participate in the social life of human beings.

Furthermore, as with animal subjectivity, a deep concern with the interests of all beings – obviously animate or otherwise – leads to a much more detailed and specific level of observation of the local environment. Whereas Western science is mostly concerned with making more general claims, if we relate to, for instance, a river as a being with a particular personality, this leads to an extremely detailed understanding of *that particular river*. In other words, while TEK helps us with the specifics of how to relate to the environment with respect, having respect for the environment and seeing it as composed of conscious beings with personality is also key in developing (and fine-tuning over time as conditions change) TEK to begin with.

Myth

Unsurprisingly I am going to say something along the same lines when it comes to myth. As Michael Lerma puts it, "organic attachment to place territory indicates sacredness."[49] This sacred attachment to place is frequently associated with the origin of the people who live there. Hence, this kind of creation story, "reinforces organic relationships between place territory and human groups."[50] By situating human beings in a certain historical relationship to the environment, and to the beings who live or

lived in that environment, we are able to take up the right attitude towards the place we exist in. This view finds some support in Watts, who argues that, in the context of the Haudenosaunee specifically,

> Indigenous cosmologies would be examples of a symbolic interconnectedness – an abstraction of a moral code. It would be a way in which to view the world – the basis for an epistemological stance… It is more than a lesson, a teaching, or even an historical account. Their conscious and knowing agreement directly extends to our philosophies, thoughts and actions as Haudenosaunee peoples.[51]

In other words, myth establishes and reinforces a particular stance towards the world and towards the other entities in it, and has deep practical effects on, as Watts says, thought and action.

Because such a large component of myth is its role in guiding attitudes and our stance to the world, and thereby our action, the difference between indigenous myth and certain Western religious practices becomes clear. In these latter worldviews, there is often considered to be "one, valid religious truth,"[52] whereas frequently this is not the case in indigenous thought. Because of the close connection between place, myth and practice, "it is not necessary and can even be dangerous to proclaim one truth for all people in all times."[53] According to the Anishinaabeg, for example, "the Creator placed different people in different areas and gave them instructions—religious beliefs and practices—for living on that land."[54] Hence, acting as if their own myths and religious views are appropriate not just for themselves, but for their Dakota neighbours as well, who live in a different area and environment, would likely be seen as rather bizarre. More, it would probably even be dangerous: "to insist that the Dakota live by the religious truths and practices of the Anishinaabeg," would lead to "social disruption and damage to the land." [55]

So because myth is not something able to be strictly separated from practice – in fact it is integral to it – and since practice relates to a particular space, then rather than holding that myth is a universal, transcendental truth for all, indigenous peoples are more likely to hold the view that each group have their own sacred stories on which their world was based.[56] These myths, while apparently making factual claims, are in fact doing no such thing: as Patricia L. Kaiser puts it "historical documentation and mythic narrative exist… in different dimensions, but they are at odds only if we refuse to accept the unique functions of each." Discussing the story of how the Lakota received the Sacred Pipe from the White Buffalo Calf Woman, Kaiser points out that this myth, while literally true, does not depend on historical, factual truth (though this is not to say that it did not literally happen); its true role is that it is a "transforming

event, one which [binds the Lakota] forever to the Plains and all living things around them."[57]

Watts says something similar in discussion the Anishnaabe story of Sky Woman: in Sky Woman becoming land,

> she becomes the designator of how living beings will organize upon her. Where waters flow and pool, where mountains rise and turn into valleys, all of these become demarcations of who will reside where, how they will live, and how their behaviours toward one another are determined.[58]

Sky Woman's actions establish certain relationships and understandings, and lead to a particular way of interacting both with other human beings, as well as the non-human environment.

Concerns, Questions and Objections

Now I will look at some possible concerns with my argument here, in order to clarify some of what I have said, and respond to potential objections.

Ecological Truth as Metaphor

The first potential objection I would like to discuss is that I am really just talking about metaphor, something I dismissed in the last chapter for a number of reasons. That is, I have said that animal subjectivity, for example, is true due to what it accomplishes. But does this not mean that it is not *truly* the case that animals have human-like subjectivity; are indigenous people not acting *as if* this were true, though in actual fact it is not?

There are a number of reasons why I suggest that this is not what I am saying at all. I want to maintain that it is *literally true* that animals have subjectivity in this context; it is not just a device. Firstly, acting *as if* these kinds of statements are true seems highly contradictory. For instance, if animals have human-like subjectivity, we ought to act in a certain way towards them. If they do not, then surely we would act in a different way. If we believed that animals *did not* really have subjectivity, then why would we act as if they did? If we act based on our beliefs, then a situation in which we believed one thing, but then acted as if another were true is quite strange. If someone were to tell me that animals do not have subjectivity, but instructed me to act *as if* they did, then I cannot see how I would be able to follow these instructions. Perhaps I might be able to if I were taking animal subjectivity as a heuristic. But why

should I therefore *respect* animals; animal subjectivity as merely a heuristic does not give me any reason to actually do so.

The issue of *truly* respecting animals is similar to a debate in consequentialist moral theory, in which consequentialists suggest that a *sophisticated* consequentialist would not act to bring about the best consequences explicitly, but would instead adopt a strategy of valuing things – say, friendship – for themselves. As a result of this, they would bring about the best consequences, hence they are justified in valuing the things in themselves. The problem with this view, however, is that the person is surely not actually valuing the thing in itself if their reason for valuing it is to bring about the best consequences, and if a calculation that valuing it would *not* bring about the best consequences would cause them to cease. In this case, the person is inescapably valuing the thing instrumentally; they are not *really* valuing it in itself. The same applies when we talk about respecting animals as a heuristic. If I were truly doing so merely as a heuristic, then I could not honestly claim that I was respecting the animals themselves. Yet this is just what indigenous people claim. Furthermore, if I were just respecting the animal as a heuristic, I would be ineffective. Actually respecting animals, rather than just pretending to, is essential to the whole activity. The point is to have a certain attitude towards animals, to *feel* obliged to them in addition to just thinking that, for our own purposes, we ought to act as if we are. If we do not *actually* relate to animals with respect, with our whole being, this would undermine the point of the heuristic in the first place.

Secondly, if these kinds of statements are really metaphor after all, it is not entirely obvious to me what they are a metaphor *for*. That is, they do not seem clearly to be a metaphor for facts, norms *or* self-expressions. Rather, if anything, they are standing in for a practical stance, which is not any of the above. Of course, without a doubt these kinds of statement do not stand on their own. After all, the knowledge of how to act in order to maintain a relationship to a place, environment and ecosystem is, as I have already mentioned, not really something that can be readily expressed in language. As such, any statement about animal subjectivity, magical forces and myth is merely, to use a worn metaphor, the tip of the iceberg. Underneath each linguistic statement about these things is an entire, complex, sophisticated body of practice that the linguistic expression is, in a way, standing in for. But standing in for an integrated, holistic body of practices, and being a metaphor, are not at all the same thing. As a metaphor, it is expressing something else entirely, and so we can say that it is not "literally" true. Standing in for a body of practice that is grounded in its ability to ensure that a community can persist in an environment over time, on the other hand, is quite different; in such a case, I have no problem with saying that it is therefore "literally" true (at least, if that particular statement is a valid one).

Finally, in thinking of these statements as metaphors, or as things we should hold *as if* they were true, we actually misrepresent the nature of truth in a discourse ethics framework. As I have mentioned already, we do not have direct access to factual truth; factual truth is the thing that *stands up* to the process of practical-theoretical discourse. By contrast, ecological truth claims are things that stand up as a matter of practice in the context of a particular place, with a particular environment and ecology, towards the aim of allowing the community to persist over time; but they are no less true for that. To put it another way, if ecological truth claims are only metaphorically true, so is factual truth; both make theories, and in both cases the theories represent linguistically more complex realities that lie underneath. We are not able to access the "true" nature of the objective world; facts are our best way of getting at this reality, through theorising (in a very broad sense of "theorising") about it. Ecological truth is also theoretical, and is attempting to get at a deeper reality beneath, and does so with a different function. So in this respect there are certainly parallels between factual truth and ecological truth.

Now, the idea that ecological truth claims are not metaphors – that they are *literally* true – along with the idea that they are grounded in efficacy, seems to give rise to a contradiction. Do those who hold them as true *really* think that they are? As the discussion of consequentialism above suggests, if the goal is efficacy, this certainly suggests that the thing is *not* held as *really* true, but is only efficacious. But this, I think, mistakes the nature of ecological truth. After all, ecological truth is not factual truth, so if we define "really true" as "factually true", then *of course* ecological truth claims are not "really true". This is hardly news. Ecological truth is true in a different way than factual truth.

Of course, I can understand why this response is not fully satisfying, as it still does not fully answer the question of whether the person who believes in the *taniwha* holds the *taniwha* to be merely an efficacious metaphor, or whether they think that the *taniwha* has some kind of separate, ontological existence. But I think that this way of putting things, as contrasting "mere" efficacy" with some kind of objective existence, mistakes what ecological truth is, and what it is for. Ecological truth is not just tradition or opinion (though this does not mean it cannot be tradition*al*). Rather, ecological truth is a response to the real constraints of the ecology and the environment. A *taniwha*, then, is an *explanation* for a certain ecological lifeline. Given the observations in the place in which that ecological lifeline exists, a *taniwha* is the best explanation for this reality. The existence of the *taniwha*, then, is the best theoretical explanation for an underlying process that exists in that place.

This is especially the case when a group has been living in a place for a significant length of time, and particularly when it comes to ecologies, the effects our actions have on which are long-term and unpredictable. In such a situation, as a theory, the

taniwha can never be observed directly, but the reality that, as a theory, over the long term the theory of the existence of *taniwha* is the most responsive to the reality faced by those who live in a particular place and the ecological relationships they observe within it. In this sense, as a theory based in both a long time-frame of observation and interaction, as well as the sheer complexity of ecological systems and our interactions with them, *taniwha* are neither metaphors – at least, no more than theories generally are metaphors – but similarly, as theories, neither are they describing something "real", i.e. directly observable. In this way, ecological truth claims can be thought of as part way between the "tenor" of a metaphor – the concept or things intended by the metaphor – and the "vehicle" – or the image that carries the comparison.

But then, what makes ecological truth something other than just another species of fact? Ecological truth, of course, is making a *different* claim as to the ontological status of its subject than factual truth. I would like to try to get at the difference by going back to the issue of salmon as language users. For one thing, we need to remember that not everything about the salmon is a claim to ecological truth; it is not *ecologically* true that there are *x* number of salmon in the stream, it is *factually* true. The ecological truth comes in purely in the claim that the salmon are language users. So already we can see that we make these two kinds of claim about different things, though we do not yet know exactly how they differ.

There are two things to consider when it comes to distinguishing the ontological status of factual truth claims and ecological truth claims: the place-based nature of ecological truth, and the importance of the absence of the nature/culture distinction. In terms of the place-based nature of ecological truth, factual truth as well is about the best explanation, the explanation that stands up, and ecological truth is the same. But when it comes to ecological truth, the importance of place means that the *only* information that is relevant is that taken in relation to the salmon living in that area. So already we get a slightly different sense of "best" explanation, a sense restricted solely to the observations of the community living in a particular ecology and environment over time. This is because ecological truth claims are simply not interested in commenting on the status of things outside the particular context in which they are relevant. I know how the salmon behave in my *own* stream, and I know what is ecologically truthful about them, but this tells me nothing about the salmon in *your* stream. Factual truth is transferable in this way – I can probably make a factually truthful statement about how salmon look, for instance, or what they eat – but ecological truth is not transferable: my salmon speak, yours may or may not, I have no way to comment.

What makes this more than place-based relativism? In addition to the place-based nature of ecological truth, central is the absence of the nature/culture distinction. Ecological "truth" must not only stand up to observations, but also to certain normative-like commitments, such as whether the truth is good or bad for the

environment and the community's place in it. Because of the absence of the nature/culture distinction, this second kind of consideration is on the same level as the first; it only seems like a separate criterion when we make the nature/culture distinction, but to those who do not, both observation and efficacy (in the sense above) are part of the same system of assessment. Both are an equal part of whether something is the "best" explanation, as the best explanation here necessarily relates to how everything – animals, humans, tree, and so on – fits together in a complete system that can carry on through time. If something *is* the best explanation in this sense, then, it is ecologically true, and those who believe it hold it to be *actually true*, even *ontologically* true. To push things further is to apply a foreign framework to the situation; that is, to ask whether they hold it to be *factually* ontologically true, or just a matter of convenience, is to ask the wrong question. It is held to be really, ontologically true in the sense of it being ecologically true, as it is the best explanation for observations, where "best" is understood in a place-based way that is tied to normative-like commitments and goals about the persistence of the environment and ecology and human beings' place in it. To continue to push for factual truth seems to me to assume the superiority of making the nature/culture distinction in the first place, which there does not appear to be any obvious reason for us to do.

A Slippery Slope?

Another concern that I can well appreciate is the thought that admitting ecological truth into discourse will open things up too widely, and ultimately make it so that we cannot say that a whole range of highly undesirable views are untrue. This was a worry I discussed in the third chapter, and I think it is a real one that we ought to keep in mind when undertaking this kind of work. For instance, in Chapter 3 I raised the spectre of creationists, climate change deniers and proponents of "truthiness" as boogiemen, and if it turned out that the ideas I am putting forward in this chapter led to these views being legitimised, I would certainly have qualms about my approach.

Fortunately, though, I do not think that my approach here *does* accord those kinds of methods any legitimacy. Creationists, for instance, are fairly explicitly making factual claims of a context-less sort. If believers in creation science unambiguously contrast their views with evolutionary science – if they hold that creationism being true makes evolution untrue, and vice versa; if they treat these two theories as the same kind of claim – then the question of ecological truth does not even come into the picture. Creationists are not making claims of ecological truth, they are making claims of factual truth; in which case, I feel confident in stating that they are simply mistaken, given the evidence available to us. The same thought applies to climate change deniers and proponents of truthiness. It may *feel* true to some that Barack Obama is a secret Muslim Socialist who does not have an American birth certificate, but given that these

are pretty obviously made as claims of factual truth, then context-less factual evidence, or the lack of it, should guide us in making these judgements.

Perhaps, though, these kinds of claims *are* made as claims to ecological truth. But if so, it is difficult to see precisely how these claims tie to a system of practice that is based around existing as a human community in a particular place, with its specific environment and ecosystem. I could see how, for instance, claims about creationism, or claims denying the existence of anthropogenic climate change, relate to a purely human community. That is, a belief in biblical creation could be connected to ideas about authority, and a belief in the non-existence of anthropogenic climate change could be associated with certain ideas about the appropriate role of government (a role that, if climate change is acknowledged as true, is no longer really feasible).

The appropriate kind of claim for dealing with these kinds of issues – issues of purely human interaction – is claims of normative validity. Trying to pass these ideas off as claims to ecological truth seems a bit difficult to credit. That is, if the body of practice is related only to *culture*, and not to *place*, then it cannot be a matter of ecological truth. It might be a matter of the survival of the community, but only in the sense of the survival of the *cultural* community, and no cultural community has the right, all things being equal,[*] to have their ideas of how we ought to live placed beyond criticism, especially when those ideas affect others. In other words, if these claims are standing in for normative claims, then the normative content should be made explicit and assessed as such. Even if they are connected to a set of practices, those practices exist only to sustain a particular normative structure, and so can be engaged with on a normative basis.[†] On the other hand, claims to *ecological truth*, since they are tied to the persistence of a community in a particular place – a particular environment and ecology – are a matter of *physical* survival. I take that goal – the physical survival of a community – to be in a certain sense beyond normative assessment (certainly it underpins it, or makes it possible – without physical survival, there is no point in even *beginning* to talk about "normative structures"). Hence, if we were to act as if assertions about the falsity of evolution, or the existence of climate change, are claims to ecological truth, then on that basis they seem to be mistaken; the speaker has the category wrong, as they are really normative claims.

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[*] I say "all things being equal" because, as I discussed in Chapter 3, I do happen to think that, given the history of indigenous/settler relations, all things are *not* equal, and settlers have good reason to place a lot of indigenous ideas of how we should live beyond criticism until all things really *are* equal.

[†] Especially when these claims are couched in universal terms, meaning that if claims about intelligent design stand in for purely normative structures then those structures are making claims to the universal validity of certain norms, and it is no longer a matter of simply saying, "well, they can live the way they want, it has nothing to do with me."

Heuristics

A related worry might be that heuristics, by virtue of being practically useful, are therefore also "true". That is, if factual truth is a matter of what works for us, then a claim such as that evolution "chooses" adaptations might also have to be counted as true, due to the fact that it is a useful way of thinking in some circumstances. But while this idea – that heuristics would have to be counted as true due to their being useful to us – would certainly be an odd outcome of a theory, and some reason why we ought to be suspicious of it, fortunately again this is not something that is actually implied by the idea of ecological truth. This is because this thought does not pay sufficient attention to the role of place in the theory, nor to the importance to ecological truth of being embedded in a complete *system* of practice.

What I mean to say here is this: a heuristic is certainly practically useful, but this does not on its own make it true. To think of evolution as "choosing" adaptations is, in certain situations, for certain problems, a helpful way to think about things. But this heuristic is part of a larger, context-free system, in which claims, to be counted as true, need to *stand up*, not just in the particular context of their application, but generally, against all evidence and competing theories. While it may be useful in a relatively narrow band of situations, this idea comes up against problems if we take it to be true more generally. The most comprehensive theory of evolution – the theory that stands up to and accommodates the widest amount of evidence and observation, does not hold that evolution is a conscious chooser. Hence, while we might want to act *as if* evolution chose adaptations in certain situations, we can contrast this with ecological truth, which does not have this "as if" component. As discussed earlier, valid claims to ecological truth *are true*; it is not that we act *as if* they were. But heuristics are only useful relative to a certain set of situations, so it would be more proper to act *as if* it were true that evolution chooses adaptations, while all the while recognising that in our *best*, most *comprehensive* theory of the phenomenon, it is *not* true.

Still, if ecological truth is true given a certain context, why can a heuristic not be true given the context in which it is useful? Heuristics and ecological truths are different, I argue; heuristics may be useful given certain situations, but we should make a distinction between *situations* and *place*. Place, which is made up of physical geography, environment and ecology, is in a certain sense self-contained, in that a form of life can develop to fit tightly with all the above features. Situation, by contrast, is more like one particular instance of a more general context-free body of practice, and must therefore relate itself ultimately to that. Place is the basis for a more complete form of life that is tailored specifically to it. Fitting with a particular place, ecological truths are part of a complex, and more importantly *complete* system of practice. Heuristics, by contrast, are not part of a complete system of practice unless they are related either to a complete, place-based system (in which case we are acting

as if they were ecologically true) or a complete context-*free* system (in which case we are acting *as if* they were factually true). Either way, they are not true claims, but are merely useful tools.

Indigeneity

Another question one might have about this idea of place and ecological truth is how it relates to the idea of "indigeneity". But I am not particularly interested in answering this question; in fact, I do not really want to make any claims at all about indigeneity as a concept in this dissertation. It is not obviously the case that what I have discussed here is a defining feature of indigeneity, nor is it clearly the case that it is a kind of thought restricted solely to indigenous worldviews and communities. It might well be the case that the use of ecological truth is more *prevalent* in indigenous communities, but I certainly do not want to claim that someone has to use ecological truth in order to count as indigenous at all. Similarly, if ecological truth is used by a group, this does not mean that they are necessarily indigenous.

In fact, it is quite possible, to my mind, that ecological truth may not even be limited to the wilderness[*] environments that I imagine most readers pictured until now. While some living in urban environments have a significant degree on control over the space they live in, for many this is not the case. As such, like those living in non-urban indigenous communities, the physical space in urban spaces is merely given to those who live there, with only a limited ability to modify it according to their needs. The construction of buildings, roads, the positioning of amenities and necessities are decided by forces almost completely outside their control. While in principle, then, questions of the urban environment are purely political, and hence ought to be a question of normative claims or political action, given the often impenetrable bureaucracy and the capture by the wealthy of local government and planning processes, it is not out of the bounds of imagination that communities in urban environments would need to develop a comprehensive worldview for existing in a space that is more or less given to them. Communities living in such conditions could reasonably see urban spaces as being in large part out of their control, and might therefore respond to this by developing sophisticated bodies of practice for interacting with and negotiating this space.

Conclusion

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[*] I use the term "wilderness" with some trepidation, given that it connotes an untouched space, and indigenous communities have modified their environment, sometimes even quite significantly; no human community simply fits in to an environment as it was before human settlement.

To conclude, in this chapter I have suggested that by breaking down the distinction between nature and culture, and by seeing statements of animal subjectivity, magical forces and myth as representations of a deeper, more sophisticated and complete body of practice that is tied to a particular location, and a particular environment and ecology, we can see them as being instances of a distinct kind of claim: ecological truth. Ecological truth is a matter of what is efficacious in allowing a community to persist over time in a specific place, in contrast with factual truth, which is "context free". Hence, ecological truth is *literally*, though not *factually*, true: they are different kinds of validity claim.

I have also discussed and rejected the idea that ecological truth is merely metaphor. Ecological truth is not a matter of things being *as if* they are true; it *is* a form of truth, in the same way that factual statements are true, or normative statements are right, or self-expressions are honest. I also respond to the suggestion that arguing that things are true because they are efficacious in a particular environment and ecology suggests that heuristics can also be true, because they are efficacious in a particular set of circumstances. I want to suggest, however, that circumstances are simply instances of context-free practices, whereas place is somewhat self-contained, and therefore it is appropriate to think of it as containing high-context truth. In other words, I suggest that circumstances determine which aspects of low-context, factual truth are immediately relevant, but do not thereby make that factual truth high-context. Circumstances tell us what knowledge we should use, but do not require a full set of practices that are not transferrable easily to similar situations.

In addition, I responded to the potential objection that the existence of ecological truth makes it that we have no grounds to reject creation science or the Obama citizenship conspiracy theories. On the contrary, such claims are presented as factual truth, and should be assessed as such. There seem to be no grounds by which we could consider claims of this nature as claims of ecological truth.

Finally, I consider the relationship of ecological truth to indigeneity. It seems quite probable to me that, if it turns out to be a worthwhile and valid concept, ecological truth is widespread in indigenous societies. But I do not want to suggest that it is necessarily a defining feature of indigenous societies, or even of hunter-gatherer societies. Furthermore, there does not seem to be any reason why non-indigenous societies could not also make claims of ecological truth, even communities living in highly urban environments.

So, having outlined the basic ideas behind this separate kind of validity claim, I now need to explain in a bit more detail how ecological truth functions *as* a validity claim: what are the truth conditions of ecological truth claims, and how does it operate in discourse? In the next chapter I look at these issues in more detail.

[1] Jeanette Wolfley, "Ecological Risk Assessment and Management: Their Failure to Value Indigenous Traditional Ecological Knowledge and Protect Tribal Homelands," *American Indian Culture and Research Journal* 22:2 (1998.: p. 152.

[2] Vanessa Watts, "Indigenous place-thought & agency amongst humans and non-(First Woman and Sky Woman go on a European world tour!)," *Decolonization: Indigeneity, Education & Society* Vol. 2, No. 1, 2013, pp. 20-34, 22

[3] Jay Hansford C. Vest, "Myth, Metaphor, and Meaning in 'The Boy Who Could Not Understand': A Study of Seneca Auto-Criticism," *American Indian Culture and Research Journal* 30:4 (2006), p. 53.

[4] George M. Guilmet & David Lloyd Whited, "American Indian and Non-Indian Philosophies of Technology and Their Differential Impact on the Environment of the Southern Puget Sound," *American Indian Culture and Research Journal* 26:1 (2002.: p. 33.

[5] George M. Guilmet & David Lloyd Whited, "American Indian and Non-Indian Philosophies of Technology and Their Differential Impact on the Environment of the Southern Puget Sound," *American Indian Culture and Research Journal* 26:1 (2002.: p. 36.

[6] George M. Guilmet & David Lloyd Whited, "American Indian and Non-Indian Philosophies of Technology and Their Differential Impact on the Environment of the Southern Puget Sound," *American Indian Culture and Research Journal* 26:1 (2002.: p. 40.

[7] George M. Guilmet & David Lloyd Whited, "American Indian and Non-Indian Philosophies of Technology and Their Differential Impact on the Environment of the Southern Puget Sound," *American Indian Culture and Research Journal* 26:1 (2002.: p. 40.

[8] Jeanette Wolfley, "Ecological Risk Assessment and Management: Their Failure to Value Indigenous Traditional Ecological Knowledge and Protect Tribal Homelands," *American Indian Culture and Research Journal* 22:2 (1998.: p. 152.

[9] Jeffrey Sissons, *First Peoples: Indigenous Cultures and their Futures* (London: Reaktion Books, 2005), p. 37

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Chapter 6: Conditions of Validity

So far I have talked about ecological truth as a kind of validity claim, but I have not yet given the conditions by which this kind of validity claim can be seen as valid. Since I am asserting ecological truth as a kind of *validity* claim, I need to talk about what the conditions might be for its acceptance and dismissal in practice. After all, one of the essential features of any validity claim is its conditions for validity and invalidity. For something to count as a kind of validity claim it must be possible to know "how it could be redeemed in argumentation."[1] Knowing the conditions by which claims of ecological truth can be understood as valid is essential to it being able to be counted as a kind of validity claim *at all*. As Joseph Heath puts it,

> one of the characteristics a predicate must possess in order to be categorized as a validity claim is that it be able to serve as a designated value in some appropriate form of logic (here logic should be understood in a very broad sense, as some specification of what follows from what).[2]

If claims of animal subjectivity are to be seen as expressing a validity claim of some kind – and hence can be true statements – we need to know under what conditions such statements can be valid or invalid; what system of logic and meaning they are a part of, and true in reference to. Hence, we need to be very clear about what the conditions are for the validity of claims to ecological truth more generally. We should also be very clear about what "world" these claims are referring to, and what the characteristics are of what I have called "practical-ecological discourse". In this chapter I therefore look at what ecological truth is as a kind of validity claim, with an emphasis on what makes it valid or invalid.

First I look at some similarities and differences between claims of ecological truth and factual truth, normative rightness and honest self-expression, so as to give an idea of how it is situated in relation to them. Then I discuss the particulars of how we might assess the validity of particular claims in practical-ecological discourse. Specifically, I draw attention to the role of elders, the degree to which a practice or belief is held to be worthwhile within the community, the observable outcomes of the set of practices as a whole, the length of time the practice has continued, and the institutions by which community members are able to modify the set of practices that inform their own lives. I also look at how these various factors might be weighed against each other when they conflict. Then, I talk about how we should use these kinds of claims in practice, particularly in reference

to when we should take issues as being settled by factual claims and when they should be settled by reference to ecological truth claims. Finally, I address concerns about ecological truth really being a mere *variety* of another kind of claim, making it relativistic in the sense I discussed and rejected in Chapter 3.

Similarities and Differences

Ecological truth is interesting for a number of reasons. In certain respects, it resembles other kinds of validity claim, but is nevertheless importantly different from all of them. The key, I argue, to understanding the validity conditions of practical-ecological discourse is to appreciate, as with all the other kinds of claim, what the particular kind of discourse is for.* Theoretical discourse is to enable us to interact with the objective world to fulfil our contingent desires; practical discourse is to enable us to regulate our interactions in the intersubjective world; aesthetic-practical discourse is so we are able to express our own, and come to understand others', subjective worlds, and take into account ours and others' felt needs, values and experiences. That is, it is what allows us to maintain our existence given a particular environment and ecology. To put it another way, practical-ecological discourse is based in "the wisdom and knowledge that… people possess of the ecosystems and their homelands" and "is based upon millennia of observation, habitation, and experience, all utilizing a balance of human interaction and intervention with the environment."[3] The goal of practical-ecological discourse is to mobilise this knowledge in practice so as to allow communities to continue to persist in the particular environment.

Since practical-ecological discourse has as its goal activities in the objective world, it in a certain sense resembles theoretical discourse. This is what gives claims of ecological truth their fact-like character. But since practical-ecological discourse is about a highly contextual understanding of the world, rather than the context- and place-free understanding that is based in fulfilling whatever contingent desires we might happen to have (as opposed to practical-ecological discourse, which has its explicit goal of existing in a given place built in), claims to ecological truth are in other respects unlike factual claims.

Another key feature of practical-ecological discourse is that it is focused far more on practices than on propositional statements. As Allen puts it, "cognitive, intelligent,

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* This does not mean that each type of claim is important for everyone. It really depends on their actual practices. I happen to think that the practices that give rise to facts, norms and self-expressions are universal, but if it turns out that they are not, then that changes nothing. The important thing is that everyone, regardless of their own practices, assesses claims that are made by others in reference to the practices that they are made in reference to.

effectively knowing mediation is neither invariably nor pre-eminently linguistic, nor are the values realized by the accomplishment of knowledge limited to the conversational or discursively articulated."[4] In other words, a lot of the value of this high-context kind of knowledge is what it enables one to *do*, as a matter of practice. The important thing about animal subjectivity is how it causes one to *relate* to animals; this is why the statement "animals have the same kind of intelligence as humans" is not a factual claim, but a claim to ecological truth.

But if it is the case that practice is what comes first, and if this practice is unable to be captured in propositional statements, then why bother with them at all? Even if ordinary, everyday practice – say, my ability to cook a delicious stir fry – can in some sense be captured and expressed by propositional statements, the sheer complexity of the kind of high-context practice that underpins ecological truth, which spans entire communities in an inter-locking set of practices and attitudes, means that trying to do so with claims to ecological truth is surely fruitless.

To a certain extent it is true that it is pointless to articulate claims to ecological truth. Any particular claim being made in discourse is only going to be the tip of the iceberg; it will be merely the surface that is supported underneath and made valid by a complex and complete set of other beliefs and practices. Especially when interacting with those internal to that set of practices, then, verbally articulating these kinds of practices may not accomplish much (though of course part of the practice may be telling certain stories, or speaking in rituals). But being unable to stand on its own is really not much different from *normative* validity claims. That is, a) any normative validity claim is going to rest on a whole complex network of other normative claims that stand behind and support it. We rely on what we already agree to as being normatively valid, to at least a certain extent, in order to then come to agreement about the issue under dispute. This means that, b) like claims to ecological truth, normative validity claims do not need to be articulated by those who already agree with them; only when there is a dispute do we need to actually try to put normative validity claims into verbal, propositional statements. Even then, though, they still rest on a huge amount of unarticulated knowledge.

In practice, then, claims to ecological truth do not need to be articulated verbally unless they arise as matters of importance when interacting with those external to the set of practices, i.e. when an indigenous community interacts with other indigenous communities over issues that have effects beyond their own territory, or when they interact with settlers. But in these cases, despite their inability to be fully articulated verbally, a process of approximation must take place if different groups are to interact

discursively and communicatively (the alternative being treating each other strategically). While it might be possible to show others, through our actions, the practices themselves, frequently this will not be possible, and discursively articulating these practices as propositional statements where some feature of this set of practices has become contestable in a situation of cross-cultural interaction is the best alternative for helping both sides to reach understanding.

So, then, when a settler hears a claim such as "this bear has human intelligence," how should they understand it so they can be persuaded of its validity? The ultimate goal is to establish that it is part of a high-context network of practices that are essential for the continued existence of a form of life in a given environment and ecology. But this is easier said than done. Like any process of establishing validity for any kind of claim in practice, then, being persuaded of the validity of a claim to ecological truth is rather messy. Establishing factual truth, for instance, seems simple on paper, but when we start bringing in issues of expert testimony and the like, as well as real-world conditions of power and discursive inequality, things get a lot more complicated. Similarly, outlining the method for being persuaded in practice, as an outsider, of the ecological truth of a statement, involves a good deal of untidiness. But there are certainly some things we can do, as I discuss below.

Determining Validity

One important feature of practical-ecological claims is that the system of which they are a part is community-wide. Each individual may only possess a small fraction of the overall complex of practices that allows that community to exist in the given place. Hence, no one individual has the kind of overall view of the system that would allow them to explain how everything fits together. In fact, because claims to ecological truth rest primarily on practice, if it is even possible in principle to articulate the entire system, this is not something that we can ever expect anyone to be able to do, or require them to *have* to do. Hence, we have to look instead at ways of gaining evidence for the validity of claims in a more roundabout way.

It is very important to note the above use of the term "evidence", however. What I am discussing below are *not* the criteria for the validity of ecological truth claims. Certainly, the following things can help us, in practice, to determine the validity of ecological truth claims, but they are not themselves the criteria of validity. The criteria of validity are whether the claim is a meaningful part of a high-context body of practice that allows the community to persist over time. Ecological truth claims are not, therefore, simply beliefs

or opinions or traditions, they have a specific function and play a specific role in the lives of those who use them.

So while I identify below places we can look for evidence that ecological truth claims are valid, we should not treat them as criterial for the validity of such claims, or move from evidence to assessment with an inflated sense of certainty. This is no different, I would suggest, to the way that we assess claims of fact: based on all of our observations we might be able to state that something is factually true with a high degree of confidence, but given our limitations in practice, we need to acknowledge that new information could come to light that would overturn our initial assessment. Being theory-based, we are never able to directly perceive facts. Ultimately, the truth of facts is beyond us; we just do our best to get as close as possible. Hence, below I try to identify where we might look for the evidence that ecological truth claims are valid, but at the same time I try to identify places where we might want to be a little cautious, and where we might look for possible countervailing evidence against a particular assessment.

But there are further difficulties with ecological truth claims which make them in some ways harder to assess than facts, meaning that we have to gather our evidence in a more roundabout way. As mentioned briefly above, ecological truth claims are high-context. That is, we cannot really isolate them and assess their efficacy on their own. For instance, if we were to ask whether or not the belief in *taniwha* – the ecological truth of the *taniwha* as an important force in the local ecology and as an effective way of relating to it – is valid, we need to ask how it relates to the fuller system of practice. *Taniwha* may be ecologically true given certain other practices, but false if those practices were changed. Even this simple relationship between a small number of practices certainly fails to capture the complexity and interdependency of these systems of practice. As such, to act as if we could isolate the ecological truth of the existence of the *taniwha* – the specific role the *taniwha* plays in the overall system – as a matter of practice with any kind of ease is to massively overrate our abilities.

Now, in certain respects this complexity is really no different with facts. When it comes to factual truth, *x* being the case is frequently dependent on whether *y* is also the case or not. Similarly, the ability of the hard sciences to isolate the subjects of their experiments from extraneous influences in order to test a particular fact – a particular theory – is the exception rather the rule when it comes to our everyday relationship to factual truth. Certainly many in the social sciences would love to be able to assert their own claims with anything like the certitude of practitioners of the hard sciences. So of course, facts are

typically also complicated, interdependent, and part of a larger system of factual truth on which they depend.

Nevertheless, I do suggest that there are differences between factual truth and ecological truth in respect to their contextuality. When we ask whether *x* is factually true, even though the truth of *x* is dependent on the truth of a whole range of other facts, we nevertheless think it is possible to conceptually isolate factual truth claims in a certain sense. When it comes to ecological truth claims, what is *most* important is not necessarily the individual claim, but the wider body of practice of which it is a part. We need to ask, therefore, whether or not the particular claim is *both* a meaningful part of the system – whether it contributes to the system being effective – as well as whether the system as a whole is effective. Doing the first, however, can be extremely difficult, if not impossible in many cases, due to the high level of interdependency and complexity and the inability to even achieve a social science-level of isolation in order to assess the effects of the specific claim. In other words, finding out the effects of removing or changing the specific belief or practice in order to assess the importance of its role in the overall system will often be exceptionally challenging and imprecise.

If discovering the role of the specific ecological truth claim is difficult, the other line of inquiry is to look at the efficacy of the system as a whole. Certainly sometimes it may be clear that the system is *not* working to help the community persist over time, or is doing so in only a limited way. We then need to ask why this is: is it the belief or practice in question, or is there some other reason? Once again, determining this can be tough. But we ought not to take this to mean that ecological truth claims are not able to be assessed for validity, either in principle or in practice. Rather, it should just point to a need to acknowledge as we do so that the evidence will always be partial and, as with other kinds of validity claim, that we always need to keep in mind the qualifications that reflect the limitations of our knowledge.

Elders & Agreement

In order to gather evidence for the assessment of ecological truth claims, one thing we can do is to look to those members of the community who have the closest to a complete understanding of the practices of that community: typically, the elders. Many indigenous communities revere their wise elders and consider listening to their elders as extremely important,[5] and for good reason. Elders can offer an "interpretation of the past and present"[6] from a unique position, and can be considered "repositories of the traditions of the tribe."[7] If anyone is able to see the bigger picture – how practices and beliefs and

activities all fit together, and the importance (or lack of importance) of the ecological truth claim in question – then it will be the elders. Hence, we ought to consider the views of the elders as strong evidence for the validity or invalidity of a claim to ecological truth: if there is consensus among the elders, then the claim is likely true; the more disagreement there is among the elders, the more dubious the claim becomes.

Similarly, we can look at how widespread the support is for a particular claim within the community. After all, while no one member of the community has a complete picture of the full complex of practices, the community as a whole has knowledge of the entire set, and each individual has knowledge of how that belief relates to their own practices as a member of the community. So widespread belief throughout the community should also count in favour of something being ecologically true. Complete consensus means that the claim is almost certainly, at the very least, important for the complex of practices and beliefs, and as the level of disagreement increases so does the likelihood that the claim does not play such a role.

Observable Results

Another consideration is matching the activities to outcomes. For instance, if a particular belief informs an activity that *clearly* is detrimental to the community's long-term interests – if we have a reasonably good ability to isolate this particular belief or practice from the set and find that its impact is negative – then that is a reason why we might consider it invalid. Similarly, even if we are not sure about the precise connection between a particular instance of environmental degradation and a particular practice or ecological truth, but the community is quite obviously causing damage to the environment and to the ecology, then this is a consideration in favour of the set of practices being poorly matched to the ecology, which would mean that the specific ecological truth claim would be invalid. For instance, if the fish stocks in local bodies of water were declining precipitously, and this did not seem to be the fault of anyone but those living in the community, then this would be a reason to think that the body of practices that is supposed to tune the relationship between humans and fish and the other features of the local environment is not working as it should. In which case, whatever claims of ecological truth that are being made in reference to these things should perhaps be considered invalid.

Of course, as outsiders we ought to be very cautious about making this assessment, and sensitive to the particulars of the case at hand. For instance, it could well be that such degradation is not due to the invalidity of the claims to ecological truth – their lack of

practical efficacy – but is more about the fact that those traditional practices are not being followed properly. In which case, the ecological claims ought not to be rejected, but rather should be supported all the more. But nevertheless, if this has been taken into account, and environmental degradation seems nonetheless to be connected to the set of practices (perhaps because something in the environment has changed and the practices have not changed to match), then this would be a consideration in favour of holding it to be invalid.

Time

A third indication that claims to ecological truth are valid is how long they have been practiced. That is, since "much of what is known by native cultures is a product of generation upon generation of living in their environment, all the while paying careful attention to the riches and dangers around them,"[8] then the fact that something has been practiced for many generations gives us some reason to think that it is an important part of the complete system of practices. This is especially the case if it is something that has been practiced for hundreds or thousands of years; if it has managed to bring the community through time in their particular place then it is unlikely to have been detrimental, and if it has been kept over time then that indicates that it was probably of some benefit.

However, as with elders and observable results, we need to be a bit careful here. The fact that something has been practiced or believed for a long time is certainly a strong argument in favour of it being a valid instance of ecological truth, but it is not a complete guarantee. After all, environments change over time, and certain practices and beliefs can therefore lose their efficacy.

Conversely, the fact that something has been practiced for only a short time is no real evidence in favour of the contention that something is an *in*valid instance of ecological truth. Since the environment is forever changing, practices change as well, and so a new practice may very well be new purely due to the conditions under which it is beneficial being new as well. This is especially relevant in cases where a community has been forced to migrate from their traditional territories. It would be odd if practices did *not* change to fit the new environment and ecology, and so we should hardly be surprised when new beliefs and practices arise. But even if a community has not been forced to leave their traditional lands, we should still expect beliefs and practices to change as the environment changes.

We should also not overstate the importance of tradition. Treating tradition as an unchangeable and essential set of beliefs and practices leads us to troubling discourses of indigenous authenticity. "Tradition", thought of in a Western context, is typically (though not always) associated with continuing practices for their own sake. Asking *why* we should continue a tradition is often seen as a mistaken question, at least by those who support the practice. Of course, we have slightly more sophisticated views of tradition in the thought of people like Edmund Burke, for example, who thought that tradition was tied to an underlying order that we tamper with at our peril. For Burke, "[n]either man nor nature starts each day and age *de novo*. Instead, both build on what has gone before, and in building sustain, in sustaining renew."[*] But nonetheless, the Western view of tradition tends to connote unchangingness.

The indigenous view of tradition is not like this. On the contrary, indigenous peoples are typically "not tied to orthodoxies, to patterns of correct thinking and believing in indisputable and divinely sanctioned claims."[9] Change is something that is not uncommon. In fact, North American indigenous societies were, "long before the coming of Europeans to America…, in the process of significant and dynamic development in the areas of religious practices, economic production, and artistic and material achievements."[10] For some indigenous communities, this constant need for change is itself a principle on which to base their activities: that of "flux".[11] In other words, it would be a mistake to think of indigenous societies as unchanging.

Similarly, indigenous societies often learn practices from each other. As Anishinaabeg scholar Lawrence W. Gross points out

> When Native Americans get together, they often exchange information regarding their respective beliefs and practices. Sometimes, one group will even take up a practice from another. This is the case with the Anishinaabeg. Currently, some Anishinaabeg practice the Big Drum ceremony. I have been to some of these ceremonies. Interestingly enough, the keepers of the ceremony often point out that it was a gift to the Anishinaabeg from the Dakota. The way the Anishinaabeg tell it, a Dakota woman had a dream about the Big Drum ceremony and presented the ceremony to the Anishinaabeg.[12]

So beliefs and practices are not self-contained and isolated completely from other communities. Knowledge can pass from one group to another, though undoubtedly it would need to be of some benefit, and possibly localised by the recipients in some way.

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[*] Pappin 1993, 86.

This openness to change includes also modern technological innovations. Many indigenous communities actively incorporate modern technology into their practices. George M. Guilmet and David Lloyd Whited, both members of the Puyallup Tribe of Indians, discuss this in the context of contemporary Southern Coast Salish society:

> Southern Coast Salish people explicitly and selectively incorporate modern technological innovations into contemporary life. Computer use is taught in their tribal schools, story poles are raised with cranes rather than by man-power and ropes, and fishermen now use power boats and nylon gillnets.[13]

Of course, these modern technologies are seen primarily as tools, to be "used in the service of traditional values toward nature and humankind, which are one and inseparable."[14] The practice of modern science, too, is incorporated into many indigenous societies, "as a means to an end [of] the redistribution of wealth and harmony with the environment."[15]

In other words, practices change over time, either in response to new conditions, new learning, cultural exchange, or the incorporation of modern technology. Indigenous practices are constantly undergoing a process of testing and modification by those who use them. So while we should see the persistence of a practice over time as good evidence in favour of it being a valid instance of ecological truth, we cannot thereby conclude that new practices are in any way inauthentic or invalid.

But nevertheless, unless there has been a real discontinuity in the environment and ecology that practices have had to adapt to, the length of time that something has been practiced is a good indicator of its importance, and therefore of the validity of any ecological truth claims made in relation to it. After all, while new, innovative practices might work out, they equally well might not. Since the validity of ecological truth claims rests of whether they actually *do* work, it might be the case, for instance, that a completely new, innovative practice "lucks out" and works very well. But it equally well might not. Older practices of long standing, on the other hand, provide more and generally better evidence that helps us to assess their efficacy, and hence, the validity, of ecological truth claims.

Institutions and Public Support

Of course, while practical-ecological discourse relates to a system of practice that enables a community to exist in a given place, it is not obvious that there is a single best system for doing so. There might be a number of equally good systems, either variations of the same idea, or completely different ways of existing in the particular environment and ecology. This is especially relevant to factors such as the distribution of power and resources in a society. That is, there may be a number of equally good, or almost equally good, ways of arranging a society and its practices that distribute resources, power and social roles differently. This is where the normative aspect of ecological truth arises again; after all, while practical-ecological discourse makes claims that are in some sense about the world, they are not *just* descriptive, but also instruct people on how to behave. Of course, because they are a set of practices for living in a particular space, they *must* have this normative content in addition to their descriptive content. That is just the kind of thing they are. But the fact that they have this dual nature is also something we need to be aware of when assessing the validity of claims to ecological truth.

To put it another way, let us take a situation where there are a number of different sets of practices that would be equally as good for living in a particular environment and ecology: given the requirements of discourse and the fact that, when it comes to normative claims specifically, things become more valid the closer the actual conditions of discourse come to the Ideal Speech Situation (a situation in which all participants are equally able to raise issues and participate in discourse without coercion), we ought to prefer the set of practices that are the ones that are not just good for existing in the place, but are also the ones that the community members choose in an uncoerced, open and equal way (and, presumably, as a consequence, support the flourishing of all the members). After all, mere persistence in a space is just the first step; beyond that we ought to be concerned with the flourishing of the members of the community.

This is another reason why we ought to pay attention to how widespread a belief or practice is: if it is widespread then we might – depending on the particulars of the situation – conclude that it is part of the preferred set of practices. If so, then that is good reason to think that it is a valid instance of ecological truth. On the other hand, if it is *not* practiced widely, then we might want to be more cautious. This is especially the case if it seems practiced predominantly by some groups in the community, but opposed by others. For instance, if the community leadership and those in positions of power hold the practice or belief, but others do not, or if opposition to the practice seems noticeably stronger amongst women, or homosexuals, or other groups, then that indicates that it is *not* the preferred set of practices, that it might be sustaining power relations and perpetrating structural injustices, just as well as enabling the continuation of the community.

Except in cases where the threat is so dire or the environment so harsh that the possible sets of practices that will allow the community to continue to exist are drastically limited, then one would certainly expect that all groups in the community are able to influence the system of practices towards a fair, equitable one in which no group has an undue, avoidable burden when it comes to supporting the community's continued existence. Certain groups or classes feeling far more negatively towards common practices is a good indication that this free and open participation of members in the construction of their shared practices has not been achieved.

Similarly, institutions are important: institutions which clearly make it impossible for certain groups to have their voices heard give us some reason to think that the set of practices is not one that has the support of the full range of community members affected. While indigenous societies frequently tended to be highly egalitarian and consensus-based, this does not mean that tribal governments are immune from making decisions in their own interests. Given the impact that settlers and settler practices have had on indigenous governance since contact, we might also be concerned that these egalitarian and consensus-based processes of decision-making have been somewhat eroded since contact. For instance, Yaqui scholar M. Annette Jaimes describes the way in which women were politically devalued by the actions of settlers.

> [In] *not one* of the more than 370 ratified and perhaps 300 unratified treaties negotiated by the United States with indigenous nations was the federal government willing to allow participation by native women. In *none* of the several thousand nontreaty agreements reached between the United States and these same nations were federal representatives prepared to discuss anything at all with women. In *no* instance was the United States open to recognizing a female as representing her people's interests when it came to administering the reservations onto which American Indians were ultimately forced.[16]

It is not difficult to see these actions as having an effect on native political structures, given the importance that the relationship between the federal government and tribal governments has come to have.

In Canada we saw similar forms of discrimination by settlers: Section 12.1.b of the 1876 Indian Act dictated that an Indian woman "who married a non-Indian or anyone outside her 'tribe' was herself (along with her children) legally and automatically deprived of her

'Indian Status',"[17] doing tremendous damage to the matriarchal and matrilineal traditions of many indigenous societies and leading to the "devaluation and invisibilization of Indigenous women's contributions to public and private life in many Indigenous communities."[18]

So settler responsibility for moving many indigenous practices away from previously more egalitarian and consensus-based ones is fairly clear, in both the ways described above as well as due to the power furnished on tribal governments by federal or central governments by treating them as the liaison and primary recipient of funds given in compensation for resources stolen from indigenous communities by settlers to begin with. But still, if current practices do not have wide support and, in particular, seem to benefit certain groups at the expense of others, and there are highly authoritarian governing institutions, then this is nonetheless a consideration against the validity of a claim to ecological truth.

In saying all of this, two things must always be kept in mind: firstly, questions of the legitimacy of practices are a matter of the level of *internal* support. What outsiders might think of the practices is quite irrelevant in terms of determining the validity of claims of ecological truth along this dimension. If there is widespread support, but I happen to think, as an outsider, that certain beliefs or practices are unfair or harmful to some members of the community, I cannot use this opposition to argue against the validity of a claim in practical-ecological discourse. Even if there is *widespread* condemnation of a practice by those external to the practices, this is just not relevant to the validity of claims of ecological truth.

Secondly, there is no obviously preferred set of institutions. Or, rather, there are many ways for a society to be egalitarian and base governance in consensus and open debate. Parliamentary democracy, as it is practiced in countries like Canada, New Zealand and Australia *may* be the best way of arranging society consensually given their large, mass societies (though it equally well may not). But even if it is, this does not say anything about what is the best way of attaining these same aims in other societies. Even things that are seemingly (for Westerners) common-sense, such as formal, secret ballot voting and political parties, might not be appropriate for indigenous communities, who could have other ways of deciding matters that are as good or better in terms of how well they bring the Ideal Speech Situation into the decision-making process. We ought to be very cautious, therefore, when we suggest that a lack of appropriate institutions makes a claim in practical-ecological discourse less valid. When we say this, we must be quite sure that we

are not speaking from ignorance, or simply lamenting the fact that the community from which the claim arises does not have *our* systems of governance.

Now, what I am *not* saying here, it should be noted, is that we cannot assess claims of ecological truth in societies outside our own for their validity. We can absolutely do so, both in terms of whether they are efficacious practices given the environment and ecology, and in terms of whether or not they are supported by the members of that society in sufficiently open and non-coerced discourse. What we *cannot* do, however, is to assess the practices of other societies in terms of their fairness specifically, when these practices have been agreed to in discourse approximating the Ideal Speech Situation. This is not much different to the situation with norms, in fact, which is unsurprising given that the aspect of ecological truth claims I am discussing here is foregrounding the norm-like nature of such claims. I do not get to say, for instance, that ecological truth claim *x* is not fair to the people in another society, when those very people have supported the practices it relates to, and do so under conditions of discursive equality and non-coercion, any more than I would be justified in saying that another society's norms are wrong because they are not the same as my own, even though those norms have been appropriately justified through discourse in the ISS.

When it comes to norms, I might be able to point out the inconsistencies in another's view, but unless I am myself affected by the norm then I do not get to decide how this inconsistency is to be remedied. A similar, though not identical, restriction applies to ecological truth. As an outsider, when ecological truth is raised as part of a discourse of which I am a part, I am absolutely able to assess the claim's validity, according to the criteria proper to ecological truth, and on the basis of the evidence that I have mentioned. If it is determined that the claim is *not* valid, this has real implications for the outcome of the discourse. However, in such a case, I am not able to actually affect the practices of those whose claim I have assessed as invalid. I can assert that the claim is invalid, and that it therefore is not binding on me and cannot play a role in the discussion that we are currently having, but where to go from there in terms of how the practices should be changed is a matter for those internal to the practices.

In short, something becomes more ecologically true (as with the other kinds of claims, things are a matter of degree, rather than being either/or) the closer the particular set of practices (out of all possible, equally good – from a persisting-over-time-in-the-place point of view – sets of practices) gets to the set that would be agreed to by all members in a free and open, non-coercive exchange. This is why paying attention to institutions is important: if institutions were not open and encouraging of the community to participate

in the construction of the practices, then that is good reason to think that the current practices are *not* that ideal set. Similarly, this is why we should pay attention to *who* agrees and disagrees – if significantly more women than men do not agree with the practices, for instance, this might make us think that there is structurally something wrong with the practices, that they are far from the ideal set, and that therefore ecological truth is not as justified as it could be.

Because the agreement of all who participate in the system of practices is essential to ecological truth, as with norms, it is not possible to *abuse* ecological truth. Practices that give some people power over others for no good reason, but are *justified* in terms of ecological truth – that is, in terms of their role in supporting the existence of the community and its relation to the environment and ecology in which it is embedded – are simply less valid as ecological truth claims. Unless such a relationship were a *necessity* – which it typically is not – then to deny members of the community their ability to engage in the construction of the system of practices is to undercut the validity of the ecological truth claim being made, thereby undercutting the obligation of those in other societies to respect it.

Weighing the Factors

So far I have identified a number of different factors that may indicate to an outsider that a particular claim is a genuine part of a wider system of practice, with the ultimate aim of supporting a form of life in a given place. In other words, I have laid out the factors – the evidence – we ought to take into account when presented with a claim of ecological truth by which we can assess its validity.

Obviously, nothing I have discussed above gives us a definitive answer as to whether any particular claim is valid. As I have already mentioned, however, this is not really any different from any other kind of claim. The conditions in principle are fairly easy to state: does it *stand up* in a process of theoretical discourse in which all in a community are able to join on an equal basis and have their observations and views taken into account; does it gain the support of all affected after a process of *practical* discourse, in which all are able to have their perspectives included; does it accord with observed behaviour after a process of aesthetical practical discourse has allowed those being doubted to express and explain their subjective experiences and values; finally, judging by a process of practical-ecological discourse, can the claim be shown to be part of a body of belief and practice that allows a community to live in an environment and ecology over time, with the support of those who are internal to that set of practices.

Despite being relatively simple on paper, none of these forms of discourse – practical-ecological included – is simple in practice. So we should not expect in the real world to gain an entirely clear idea of the validity of a great many claims; typically we see claims as more or less valid, rather than valid or invalid. Factual claims are always based on partial information, and are always subject to new evidence. Norms have never, in the history of humankind, been agreed to in a fully ISS, and so can always be overturned or modified as the discursive environment more closely approximates the ISS (or when new people enter the conversation). In the case of claims of ecological truth, we need to weigh up the various pieces of evidence that we have access to, but we certainly cannot take any as definitive. It may even be that different pieces of evidence conflict: perhaps a particular belief or practice does not have a long history, but has widespread support. Or maybe elders unanimously hold it to be a beneficial practice, but the local environment seems to be clearly being degraded. In these cases, it is not obvious what we ought to conclude, though since this evidence is merely *pointing to* whether the criteria of validity for ecological truth claims are met, rather than determining it, the reality is that a particular claim is or is not actually met. Beyond all this evidence, or with absolute knowledge, there is really no conflict.

How should we proceed in cases where we have conflicting pieces of information? It seems to me that we ought to try to find out more by talking to those internal to the system. For instance, if a belief is long-held, but only has moderate support, we might try talking to those who support it and those who do not in order to learn more about why this might be the case. Similarly, if a practice is supported far more by men than women, then we ought to talk to members of both groups in order to find out how they view the practice. In any case, it does not seem to me as if these conflicts are irresolvable, any more than it would be an irresolvable contradiction to us that someone who claimed to fear heights might go sky-diving. It may seem odd and difficult to account for at first, but we would not be engaging in good faith if we thereby concluded that the person's claim to fear heights was an invalid, dishonest self-expression. Instead, we would expect to genuinely engage with the person so they might help us to see and understand this seeming contradiction. Similarly, engaging with those internal to the practice or belief at issue is likely to help us to better understand the contradictions we might find in our initial evidence. At the end of this process, or at the point where the need to assess an ecological truth claim definitively becomes pressing, we will need to conclude one way or the other. But to the extent possible we ought to continue gathering information and evidence, and we should try to avoid making the assessment of ecological truth claims prematurely.

Use

Finally, there is the issue of how we *use* practical-ecological discourse, in the sense of how it fits into the wider picture of discourse more generally. Practical-ecological discourse is a little tricky in this respect, as it seems to, in a way, step on the toes of other forms of discourse – theoretical in particular. As such, we need to get a clear sense of how it relates to these other kinds of claims in practice, and particularly what to do when they seem to be in conflict. Part of being a separate kind of validity claim is just that: not being in conflict with other kinds of claims; that is, applying in different circumstances to different things. So we need an account of how to distinguish the appropriate circumstances of their use.

For claims of ecological truth, it should come as no surprise that the way we circumscribe it should be territorial. We circumscribe facts, which are context-less, by being about the objective world; rightness claims by those affected by norms in our intersubjective relations; and self-expressive claims by their relating to the subjective world of our experiences. Claims of ecological truth, then, are high-context claims that relate to place, to a particular environment and ecology. As such, they apply only to issues that affect and impact on a place and a community's relationship to it.

For instance, someone might claim that there is a *taniwha* living in a particular river. It seems in such a circumstance that we can take this statement in one of two ways: it is a claim of factual truth, and we should assess it in theoretical discourse; or it is a claim of ecological truth, meaning we should assess it in practical-ecological discourse instead. The question then becomes, is the body of water the *taniwha* lives in part of the territory of the person making that claim? If so, then we should treat the claim as a matter of ecological truth, and assess it as such, i.e. determine whether or not it is ecologically true that there is a *taniwha* living in the water, by reference to how this ecological truth fits within the place-, environment- and ecology-based practices of those who have asserted it. On the other hand, if it is somewhere else entirely – say, in Australia rather than New Zealand – then it would be mistaken to treat it as a claim to ecological truth. There cannot be *taniwha* in Australia, because Australia is not a place where the belief in *taniwha* and the practices that stem from this are relevant; it can only be relevant where it relates to a set of practices tied to a particular environment and ecology.

Another example could be a claim that all animals have human-like intelligence, and that we therefore ought to relate to them in a particular way. This would be a potentially (ecologically) true if it was connected to practices taking place in a particular environment and ecology. But for someone to tell *me*, as a Westerner and not part of the system of

practice, that my pet, for instance, had human-like intelligence, and that I therefore ought to act a certain way towards it, would be a misapplication of ecological truth. My pet is unrelated to the relevant kinds of practices for me, so while I could not deny a valid, ecologically true statement by someone that the animals in their territory had human-like consciousness, I *would* be able to deny a claim that animals elsewhere have human-like consciousness for *me*. So whether a claim of factual truth or ecological truth is being made really depends a lot on the particular circumstances in which the claim is being raised to begin with.

Ecological truth being place-based, of course, does not mean that it is only about things that occur in that territory. For instance, if someone were to claim that climate change – a problem that, I am confident in saying, does not arise from activities taking place in the territories of hunter-gatherer communities – has upset the salmon so that they are no longer offering themselves for human consumption in that territory, then such a statement is potentially ecologically true, and also relevant to my activities outside of the territory where that belief and practice is relevant. This is because, obviously, our industrial activities give rise to effects that occur inside this territory. So to treat this statement as being factually true, and then denying it on this basis, would be mistaken. I ought to treat it as ecologically true, and as therefore binding on me as well.

Why are valid ecological truth claims binding on me, rather than just on the members of the community of whose practices they are a part? As I have mentioned previously, since these practices are a matter of the *physical* persistence of a community over time, and since I take this to be a fundamental feature of human life (without it, there is no human life to speak of, after all), then to consider it non-binding would be to reject the very conditions that make discourse possible to begin with, i.e. the existence of those with whom I am engaged in discourse with! We cannot engage in discourse in good faith while acting in ways that undermine the very possibility of discourse itself. So unless we were to abandon discourse and act towards each other in a purely strategic mode, we cannot treat ecological truths that are constitutive of a way of life that underpins the ability of our conversation partners to actually exist as merely matters for them, with no bearing whatsoever on our own activities.

As I have mentioned already, the key to ecological truth is place, which means therefore that something can be true in one sense to the indigenous community who live in that place, and not true in another sense to those who do not. But whether something is a matter of ecological truth or factual truth is – so long as the issue being discussed in a particular instance of discourse is in some way relevant – entirely down to where the

effects take place. When we are discussing something that someone is doing that is impacting on the ability of indigenous groups in a particular place to maintain their practices, or affects their environment or ecology, then ecological truth trumps factual truth. If it is an issue that does not relate in any way to these matters, then factual truth trumps ecological truth. When the issue is one that is outside the context in which a set of practices is relevant, then a high-context claim should not be taken as more important than the context-free claims of factual truth. But when the issue at hand *does* relate to a context in which a set of practices is relevant, then a high-context claim of ecological truth should win out over the context-free claims of factual truth.

None of this means, I should add, that it is impossible for someone to be mistaken about the kind of claim at issue. If someone asserts an ecological truth as factual truth, then their partners in discourse are perfectly justified in calling them up on it. If someone were to take the claim of the existence of a *taniwha* in the river, which I would suggest is an ecological truth claim, and assert it as a factual claim – that is, that it is factually true rather than ecologically true that there is a *taniwha* in the river – then the claim the person is making is invalid (assuming, of course, that there is not, in fact, a *taniwha* in the river). We might want to be charitable and suggest to the speaker than while their statement is factually false, it might be ecologically true, and if they modified what they were saying to reflect this then they might be able to make a valid statement. Whether or not the statement, as ecologically true, is relevant to the discussion and takes it forward is another question entirely, and will change from case to case. But factual claims and ecological truth claims *are* distinct kinds of claim, and it is important that they are treated as such.

Since ecological truth claims will, I hope, be used both in discourse and in practice in legal disputes, distinguishing between ecological truth claims and other kinds of claims – factual claims and normative claims, I imagine, will be the most common confusions – is absolutely essential. I have tried to provide the tools above so that the participant in discourse or the judge is able to evaluate both when an ecological truth claim is being made in the first place, instead of a factual, normative or self-expressive claim, as well as when the claim is *relevant* to the discussion at hand.

Ecological Truth and Relativism

At this, it would be understandable for the reader to have concerns that ecological truth is merely an incommensurate form of fact, except relativised to place rather than culture. I argued at length in Chapter 3 that we absolutely ought not to take the view that there are different, incommensurable varieties of the same kind of validity claim with differing

criteria for their validity, so if I were slipping back into such a view, this would certainly be a problem. If ecological truth were merely a variety of fact with different criteria of validity, then, I would consider this as sufficient to reject either ecological truth or factual truth as a kind of validity claim. I would not want to weigh in here on which one – after all, we cannot presume that Western facts are the proper base from which other varieties deviate; the reverse might be true, and we might need to accept ecological truth and reject factual truth. Nevertheless, in the case of a conflict between relativised kinds of validity claim, one or both kinds of truth would need to be discarded. However, I do not think that we are faced with such a conflict. Rather, ecological truth and factual truth are truly separate, non-overlapping kinds of claim. They are *not* different, localised varieties of a single kind of claim, though it is easy to see why one might jump to this conclusion.

In order to see why it is not the case that ecological truth is merely fact relativised to place, we should first properly understand what it means to be relativistic in the context of kinds of validity claim. To say that a kind of claim is relativistic is to say that it does not play a different role – it does *not* have a different function from another claim, but claims to sit alongside it as equally true. There will be situations in which the two varieties of the same kind of claim are in conflict, but no means of adjudicating such conflicts. When we distinguish between facts, norms and self-expressions, we can look at what functions they play. We look to facts for how to best understand the objective world and act within it to achieve our contingent aims. Relativism when it comes to facts would therefore be to say something along the lines of "while you base your facts from observation, I base mine on the Bible". In such a case, we have incommensurability – if the outcome of one way of determining facts is true, the other is false – and they fulfill the same function – they are both trying to determine what is the case in the objective world. So if one person were to claim that it was objectively the case that thrown objects drop, and another that they rise, due to in the first case observation and in the second case a religious text, then if there is a conflict that rests on this question there is nothing that can possibly be said. Both sides are saying the same kind of thing – they are trying to describe a feature of the objective world – but they have no way of even talking to each other about the disagreement. To say that thrown objects drop *for me* and rise *for you* does not make sense, because the claim itself is about something beyond the horizons of the both of us.

When norms are relativistic (as opposed to contextual) we also need to look at what they are trying to accomplish. Norms are for regulating our inter-personal interactions. It is one thing, then, to claim that, since what we ought to do comes out of a process of discussion between those affected by the norms, then different societies will have different norms (though it should be noted that as the group of those affected grows, so too do the norms

that need to be revised). But it is quite another to say that what makes a norm just is, for me, what comes out of such a process, and for another, what, for instance, the monarch says. When it comes to a disagreement of this nature, once again nothing can be said – these two senses of norm are *about* the same activity – regulating interpersonal interactions – but are incommensurable. They are also making claims that are beyond our individual horizons, so it does not make sense in the case of norms as well to say that norms are one thing *for me* and another *for you*.

Relativism when it comes to self-expressions is the same. Self-expressions are meant to honestly portray a person's thoughts, values, experiences and emotions. So if one person were to hold that we determine someone's thoughts, values, experiences and emotions through observing a combination of their speech and their actions, and another through reading tea leaves, then we have a case of relativism. Both are trying to accomplish the same activity, but they are doing so through incommensurable means. As with facts and norms, though we never have direct access to another's internal states, what they actually *are* thinking is similarly beyond us – we are responding to something that *is*. We cannot say therefore say that *person a* is thinking *x for me*, but thinking *y for you*, any more than something can be factually true for me and not for you, or that norms are settled one way for me, and another for you.

So how does this apply to ecological truth? In short, ecological truth is a different activity entirely from facts, norms and self-expressions. Facts tell us about how we can achieve our contingent aims in an objective world, norms tell us how to we ought to act towards others and what we owe them, and self-expressions about the internal world of other beings. Ecological truth, on the other hand, tells us how we ought to relate to a particular place – its ecology and environment – in terms of our community-sustaining practice. So while facts, norms and self-expressions can be about the same *object*, they are saying different things about it. For instance, what my brain is doing, how I feel, and how I ought to act to others are all quite distinct things about me; they are describing quite separate activities. Similarly, ecological truth describes the activity of relating to a place as a sustainable community, and this activity may be about the same objects as facts, norms and self-expressions, but this feature is not captured by any of the above kinds of claim. As such, ecological truth is a distinct claim – it is not a relativised version of any of the other three.

We also ought not to think of ecological truth as relativistic just because it contextualises truth claims to place. The reason for this is that ecological truth claims are not saying that something is factually true for me, but that something else is factually true for you – that

truly would be relativistic. Rather, an ecological claim is saying that something might be factually true for all of us, but that another thing is also ecologically true for me. To put it another way, when I make an ecological truth claim, what I am *not* doing is saying that *x* is true in this particular ecology *for me*, while *y* is true in this particular ecology *for you*. Rather I am saying that *x* is true in *ecology a* generally, and *y* is true in *ecology b* generally. There is no conflict between these two claims, so long as we know the appropriate way of contextualising them, as we must for the other three kinds of claim. In particular, it should be emphasised here that ecological claims are not true *for those living in a place*, but are true *in the context of that place*. That is, a) it is not a matter of the mere opinion of those living in a place that makes something ecologically true, but whether or not the practices the claim is part of are or are not community-sustaining, and b) the claim has no bearing on things outside this place, so while it may be ecologically true that salmon can speak in one place, this claim has no bearing on whether or not they can elsewhere.

The importance of factual truth and ecological truth making different kinds of claim is also why being able to distinguish when one claim applies rather than the other is so very important – if we could not do this in principle, then we would have a conflict, and if we have a conflict between kinds of claims, then we certainly have relativism. But there do not seem to me to be any conflicts here, any more than the usual difficulty in establishing which kind of claim is relevant at any given time. For instance, if we were to ask "should we rob the bank?" we might seemingly have a conflict between norm and fact, as this question can contain both kinds of claim. But whether we *morally* ought to rob the bank and whether it is *practicable* to rob the bank are separate questions, and once we know what question we are asking, we can distinguish the kind of claim being made, and assess it on its own terms. The same idea applies to ecological truth: we can ask "do salmon speak human language?" But once we establish whether we are asking whether salmon speaking human language is a) the best way of understanding all observations of salmon, or b) the best way to relate to salmon given the particulars of the environment and ecology in a particular place, then we can determine what claim it is we are discussing and how we ought to assess it for validity. Once we establish what it is we are actually talking about, we are then able to discuss it without any kind of conflict between the two senses with which we can ask the question.

In short, ecological truth only appears to be relativistic if we are not careful about what we are actually saying. It would certainly be relativistic to say that something is factually the case in one place, but factually not the case in another. For instance, to say that in Canada all cars in Zambia are blue, but in New Zealand all cars in Zambia are red is to be relativistic. But ecological truth is not making this kind of general claim, or even a local

claim about factual truth, but is instead saying that given the local conditions the best understanding of something is *a* in terms of how we should relate to the local environment and ecology, whereas this might be *b* elsewhere. Furthermore, the question of whether something is *really* factually *x or* ecologically *y* does not arise. They assert different things to a different purpose, and so no conflict arises, any more than it would if we were to ask whether something is *really* normatively *x* or factually *y*. I would argue, then, that ecological truth is no more or less contextual than any other kind of validity claim, and is certainly not relativistic.

Conclusion

To conclude, ecological truth is a different kind of claim entirely from factual claims, normative claims and self-expressive claims. It may seem to resemble some of them in certain respects – particularly the way that it relates to things in the world, and the way that it has some normative force – but the fact that ecological truth claims are high-context, and relate to a particular environment and ecology, means that they are independent from any of the other kinds of validity claim.

Its conditions of validity, as with other kinds of claim, seem fairly simple: is it part of a set of practices that enable a community to persist over time in a given environment and ecology, with the support of the members of that community. However, in practice it is much more difficult to assess ecological truth claims on this basis. As such, we need to do so indirectly: do elders believe it to be true; does it have widespread support among other members of the community; is this support broad, or is it focused more in certain groups; is the environment being degraded, or is it being maintained sustainably; has the practice continued for a long or short amount of time; do the local governing institutions allow the uncoerced opinions of community members to be taken into account in the formation of this set of practices?

None of these types of evidence, however, can be considered definitive. Some kinds of evidence give us reasons primarily in one direction: for instance, that a practice or belief many hundreds of years old is strong (though not incontrovertible) evidence that it is ecologically true, but being new is not necessarily an indication that it is ecologically *un*true. In addition, these types of evidence might conflict with each other, in which case we need to do more to understand the practices or beliefs from the point of view of those internal to them.

Finally, ecological truth needs to be distinguished from other kinds of validity claim in practice. We do this by the particular context of the instance of discourse where the claim has been raised and problematised. That is, when we are discussing *truth* claims (as opposed to rightness or honesty claims) if, in the particular discussion, the effects of the claim being valid or invalid impinges on the environment or ecology of the place where that claim is part of a set of practices and beliefs for living in that environment and ecology, then the claim is one of *ecological* rather than *factual* truth. If it is irrelevant to the place and set of practices, then it is *factual* rather than *ecological* truth. In other words, it is factual where context is not important, and ecological where the context of the place is relevant. Hence, it is relatively clear which claim is being made at which time, and at no point do factual and ecological truth claims come into conflict with one another: either we are discussing one or the other, but never both simultaneously.

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[2] Joseph Heath, "What is a Validity Claim?" *Philosophy & Social Criticism*, Volume 24, Number 4, 1998, p. 26

[3] Jeanette Wolfley, "Ecological Risk Assessment and Management: Their Failure to Value Indigenous Traditional Ecological Knowledge and Protect Tribal Homelands," *American Indian Culture and Research Journal* 22:2 (1998): p. 152.

[4] Barry Allen, *Knowledge and Civilization* (Colorado: Westview Press, 2004),162

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[7] William W. Warren, *History of the Ojibway People* (St. Paul: Minnesota Historical Society Press, 1984), p. 26.

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[9] Leo Schelbert, "Pathways of Human Understanding: An Inquiry into Western and North American Indian Worldview Structures," *American Indian Culture and Research Journal* 27:1 (2003), p. 69.

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[11] Marie Battiste and J. (Sa'k'ej. Youngblood Henderson, *Protecting Indigenous Knowledge and Heritage: A Global Challenge* (Saskatoon: Purich Press, 2000).

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Conclusion

I set out to describe an ethical view that is based in some basic ideas: essentially, that morality involves a process of exchange between those affected by a certain action or decision, and that the conversation must be one between equals, i.e. people who are able to engage in discourse without coercion or exclusion, and can freely raise issues that matter to them and express their point of view. I discussed one way of caching this view out – Habermasian discourse ethics.

This moral view has a number of advantages: for instance, it manages to capture, I argue, features of moral relativism, without becoming a full-blown relativistic view. As I describe in the first chapter, because the principles of the Ideal Speech Situation are procedural, this view accepts that there could be a diversity of moral views. Nevertheless, these procedural norms are universal, though not transcendentally so. Because they are implicit in our language use, they are unavoidable if we want to engage with others in any meaningful way.

However, the ability to engage with each other in discourse – and this is particularly pressing in cases where people from different cultures must resolve moral disagreements– rests on the exchange of *reasons*. These reasons come in different kinds, and in Chapter 2 I outlined these kinds; I discussed their different criteria for validity, and the different realms in which they operate. I also described the more general features of a "kind of reason": that is, that they are illocutionary rather than perlocutionary, and that they each refer to a separate "world".

Habermas suggests that all of these different kinds of reasons need to be given equal footing if we are to interact with each appropriately. Currently, he thinks, one kind – instrumental reason about the objective world – is privileged over the others, what he describes as a pathological, "one-sided" use of reason. But at this point we ought to ask why it is that the three kinds of reasons discussed by Habermas must be the only ones, as well as why they have the nature that they do. One thought is that each kind of reason relates to a certain kind of activity. Hence, we find these different kinds of reasons in our practice.

But if these reasons come out of our practice, and the practice examined is generally exclusively Western, then it may be that this framework, as it currently stands, is also problematically Eurocentric. If Westerners reason with these kinds of claims in one way, but those in other cultures do so differently, how can we deal with this? Do Westerners have a particular insight into the nature of reason, or rather is this framework culturally-contingent in some way? Particularly worrying here is the

concern that if those who make claims that do not fit comfortably into this framework–such as, I suggest, many indigenous peoples – are forced to assimilate to the framework as it stands, then this is itself an instance of the breakdown of the Ideal Speech Situation. That is, if people must translate their perspectives consistently into someone else's cultural framework (which is, in the case of indigenous peoples, typically that of their oppressors) then they are *not* able to engage as equals and they are *not* able to express their own views clearly. As a result, we would have interactions based fundamentally on inequality and coercion; insisting on this framework would make discourse, I argue, forever slanted in favour of the interests of those from Western cultures.

Hence, in Chapter 3, I looked at the possibility that statements made outside this framework are an indication that the nature of reason is culturally-contingent, i.e. relative to a culture. If this were so, then we would find, for instance, different *kinds* of factual statements in different societies, that operate according to different logics and are justified in different ways. I argued against this position; it may be that practices differ in some ways between societies, but these practices are just manifestations of a single fundamental logic underpinning that kind of reason. In other words, context matters, but ultimately facts are facts everywhere, as are norms and self-expressions.

Nevertheless, this context-based approach cannot, I argued, account for the diversity of practice between cultures when it comes to the use of reason and reasons. If this is so, then we need to accommodate this difference in another way. In the fourth chapter I looked at some specific kinds of ideas and statements made by indigenous peoples that do not seem to fit even the contextual version of the reasons framework: animal subjectivity, magical forces and myth. I explored other possibilities for understanding these kinds of statements: that these kinds of statements are just meaningless, that those who use them are mistaken about the nature of the world in a fairly conventional way, that they are just metaphor, and that they are intended as strategic uses of language.

I rejected all four of these possibilities. If they are not any of these things, and are not, as I discussed in the third chapter, different and incommensurate varieties of the more familiar kinds of reason, then they must be a different kind of reason altogether. In Chapter 5 I described the features of one possible way of understanding these kinds of statements as an alternative kind of reason – what I refer to as "ecological truth". Fundamentally a place-based, high-context system of practice, ecological truth is categorically different from facts, norms and self-expressions; it cannot be explained or understood by any of these other kinds of reason, and it is tied to its own "world" and its own specific kind of human activity. In the final chapter I went into more detail

about ecological truth. Specifically, I looked at how it relates to the other kinds of claim in practice, as well as how we might redeem it in real-world discourse.

In summary, I have argued that the basic ideas of discourse ethics point us in the right direction, but that there are some serious concerns about its blindness to non-Western points of view that threatens to undercut even its own goals: coercion-free moral exchange between equals. As I have suggested, one of the main problems lies in the way that it conceptualises the kinds of reasons that we can use in discourse, and more specifically the way that it restricts the kinds of acceptable reasons to facts, norms and self-expressions. This is a form of one-sidedness, I have suggested, that is not very different from Habermas' concern with the privileging of instrumental reason above all else. To remedy this, while I certainly do hold that facts, norms and self-expressions should not be abandoned – especially given that they are used widely, if not universally – I have argued that it is necessary to think of reason as a group that is open to expansion by the inclusion of the kinds of reasons used by all. I have suggested that "ecological truth" is one such kind of reason that must be accommodated within this more global, open conception of reason. Still, it is just one kind of claim among what could potentially be many, and with the participation of others in this project hopefully we can give rise to a much more inclusive conception of reason and a more just kind of moral exchange.

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