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Formerly "Picture of the Month"

November-December 2016

*The Rational, the Moral, and the General: An Exploration*

Part 7: Critical Contextualization

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**Tools for critical contextualization** They say that travel broadens the mind. But, as the English essayist and novelist G.K. Chesterton (1921) observed, you must have the mind. That is, one has to be *prepared* to see and appreciate what one encounters while traveling. Just as important, one should be prepared to see what looks different upon returning home. As every experienced traveler knows, the adventure of traveling is also one of coming home: it is then that we realize the difference it makes. For a short time at least, before routine takes over once again, we may see our familiar habits and surroundings in a new light. The familiar and obvious has become a little less obvious. If one is open to that experience, it offers an opportunity for appreciating accustomed ways of thinking or acting in deeper ways than before, and thus perhaps also for questioning and developing them.

This is just what I hope that my readers will experience with the present series of essays. It has led us into a land of ideas that for most of us who do not happen to be scholars of Indology has been and will remain rather unfamiliar – ancient India's tradition of Vedanta philosophy, particularly as we find it in the Upanishads. However, one does not need to "have the mind" of an Indologist to return home from this excursion with open eyes. As we are about to return to our more familiar, "Western" (and in my personal case, Kantian) tradition of thought, let us try and see what the excursion may add to our understanding of the proper use of ideas in inquiry and practice. Ideas are general, whereas practice is always situational; how can competent practice bring together the situational and the general in meaningful ways? This is the central question that has accompanied us through this series of essays. The way we have framed it has been in terms of a need for *critical contextualization* of all claims to knowledge, rationality, and improvement.<sup>29)</sup>

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**Note:** Our exploration of the role of general ideas in rational inquiry and practice continues with some basic considerations, inspired by Upanishadic thought, on how to practice a critical contextualization of general ideas. The previous essays of the series appeared in the *Bimonthlies* of September-October 2013, January-February 2014, July-August 2014, September-October 2014, November-December 2014, March-April 2015, May-June 2015, and September-October 2015. There will be one more and final essay to conclude the series.

***Four basic themes and corresponding tools*** I suggest we organize the concluding two essays, beginning with this one, around *four basic themes* that have emerged with a view to supporting this need. They relate to four essential issues in the use of general ideas: (1) the need for unfolding the meaning of general ideas in particular contexts of application; (2) the normative implications of any contextualization of ideas and the consequent need for moral reflection; (3) the proper use of ideas in argumentation; and (4) the pragmatic need for supporting the critically-contextual use of ideas by operational forms of practical discourse.

These four themes in turn will have us consider four related heuristics, that is, conceptual *tools for critically-contextualist thought*, to which I will refer as (1) the "spectrum idea," a basic tool of meaning clarification in Upanishadic reflection and discourse; (2) "the moral idea in context," a critically-contextualist extension and pragmatization of the Kantian principle of moral universalization that is inspired by the spectrum idea; (3) the logic of "suppositional reasoning," a reflective practice of thinking and acting *as if*; and (4), "boundary discourse," a discursive implementation of critical contextualization in contexts of applied inquiry and decision-making. **Table 4** gives an overview.

**Table 4: Critical contextualization of general ideas:  
four basic themes and corresponding heuristics**

Four key issues	Four essential themes	Four basic heuristics
<i>Meaning clarification:</i> Unfolding the situational meaning of general ideas	<i>Upanishadic discourse:</i> Managing the tension between "this" and "that"	<i>Spectrum idea :</i> A double movement of critically contextual thought
<i>Normative testing:</i> The normative implications of contextualized general ideas	<i>Moral idea in context:</i> Contextualizing the principle of moral universalization	<i>Enlarged thought:</i> A shorthand formula for contextualized moral thought
<i>Suppositional reasoning:</i> The argumentative use of general ideas	<i>Extrapolative licence:</i> Towards a discursive logic of substantial inference	<i>The logic of "as if":</i> The critical turn of suppositional reasoning
<i>Implementation:</i> Securing critically contextual practice	<i>Critically contextual reflection:</i> A discursive operationalization	<i>Boundary discourse:</i> The critical turn of the rational, the moral, and the general

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*Heuristics for critical contextualization (1):  
The "spectrum idea," or how to practice Upanishadic discourse*

Practical reasoning, whether in the forms of applied inquiry and professional intervention or of everyday problem solving and decision-making, takes place in specific contexts of application or, as I will say for the sake of brevity, in "situations." The practical is *situational*. The value of general ideas, but also their difficulty, is that they take us beyond the immediate concerns that we associate with situations. They create distance. This helps us to see the presuppositions and limitations of our situational concerns and claims. Remember that in order to see one's own standpoint, it is necessary to first take a *step back*. The art of "standpoint spotting," as we called it in Part 3, has much to do with the skill – and discipline – of gaining and maintaining distance to our own views and concerns. The "spectrum idea" can guide this process of standpoint spotting. It is a tool for shifting our standpoint systematically within a range of divergent or complementary perspectives.

Like any tool, this one has its limitations, too, and I would like to make them clear from the outset. Basically, when it comes to applying general ideas to particular situations, we face the two questions of their situational *meaning* on the one hand and their situational *validity* on the other hand. Although the two issues are closely interdependent, they face us with different methodological requirements – clarification of meaning on the one hand, validation of claims on the other hand. My proposed use of the spectrum idea applies mainly to the first question. The spectrum idea is not a tool for validating claims but at best for assessing and questioning them.

The *question of meaning* asks what a general idea "means" in the specific situation at hand: What is its intent as applied to this particular situation; what does it tell us about proper ways to see and handle the situation? In the methodological terms used earlier (in Part 3), we need some heuristics that can help us to "approximate" the intent of a general idea, so as to understand what difference we want the idea in question to make in our perception and handling of the situation.

Once we are clear about this basic task of meaning clarification, another task poses itself, concerning the *question of validity*: How valid is this

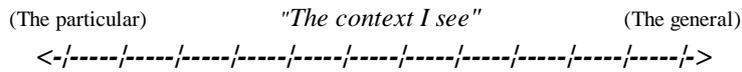
understanding; or, inasmuch as people may disagree, how can we rationally assess and justify it? Methodologically speaking, what types of argument allow us to justify the practical implications of general ideas in specific situations, or at least to deal critically with these implications?

Of the four themes and corresponding heuristics proposed in Table 4, the first two focus on the issue of meaning clarification. They are the topic of the present essay. The other two, which will be in the center of the next and final essay of the series, focus on the issue of argumentative validation and will thus lead us back to the question that motivated this series of exploratory essays, the question of what role we should assign to the moral idea (along with other general ideas) in assessing and arguing moral claims.

**Contextualization tool # 1: the spectrum idea** We first introduced the spectrum idea in Part 3 with reference to Prince (1970) as a notion that can help us in pragmatizing the ideal character of general ideas (see Ulrich, 2014b, esp. pp. 4-10 and 32-37). It is, as we said with Kant, a tool for "approximating" the situational meaning of general ideas. Meanwhile we have come to understand both Kant's pure concepts of reason (such as, in particular, the moral idea) and the Upanishadic ideas of ancient Indian thought (in particular, the notions of atman and brahman) as *limiting concepts* or endpoints of thought, as we also have called them, towards which we can orient our thought, although we can never claim to do full justice to them.<sup>30)</sup> The spectrum idea offers itself particularly when we face pairs of opposing reference points for thinking through an issue, say, when a particular perspective of the issue is challenged by the ideal intent of a relevant general idea. For example, in the case of the moral idea, two opposing limiting concepts might refer to a specific group of people for whom we find ourselves responsible at one end of the spectrum, and to the notion of a global moral community at the other end. Critical thought can then move in-between these limiting concepts and explore the range of options available for at least partly doing justice to both of them.

***The basic spectrum graph*** The spectrum idea is about opening up and thinking through a range of options for clarifying the situational meaning of a general idea, that is, for contextualizing the idea in a critically reflective

manner. In Part 3 (Fig. 2) I tried to capture this notion with a simple graph that I still find helpful and which I reproduce here for the reader's convenience.



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**Fig. 2 (repeated): The spectrum idea**

Conceiving of the universe of conceivable standpoints for seeing an issue in terms of a continuum of more or less particular vs. universal perspectives  
(Source: reproduced from Part 3, see Ulrich, 2014b, p. 32, Fig. 2)

The graph stands for the notion that our thoughts and actions – the ways people see things and search to improve them – are always an expression of *situational views for which there are options*. We can think of these options as different standpoints in the spectrum. Accordingly, relevant standpoints and conforming contextual assumptions may be identified by moving both left and right in the spectrum, that is, by iteratively emphasizing mainly *particular* considerations of fact or value – selected circumstances or concerns that matter "to us" or to some well-delimited target group (or "client group") "here and now" – versus placing greater emphasis on more *general* considerations that matter to people other than those immediately interested or to served, elsewhere and/or in future.

As a rule, the context assumed in a statement of fact or value, or in a proposal for action, will represent a mixture of the two pure types of focus that would consist either in considering aspects of immediate interest to those involved or served only (a purely self-serving stance) or, alternatively, in trying to do justice to everyone and everything (a purely altruistic stance). In-between these two "pure" options lies a more pragmatic range of options for defining the relevant context. For example, one might try to include in the situation of concern not everyone but at least those people who, although they are not involved, are likely to be affected or concerned in some more than marginal ways. Moving from such a middle position a bit towards the left one might try to narrow the group of people concerned to those who can get involved within reasonable constraints of time and resources, and/or to those whose concerns can be identified in other feasible ways. Alternatively, moving to the right, one might include previously unconsidered concerns (or



$$\langle \text{---} | \text{---} | \text{---} | \text{---} \rangle$$

or

$$C \leftrightarrow U$$

or even just

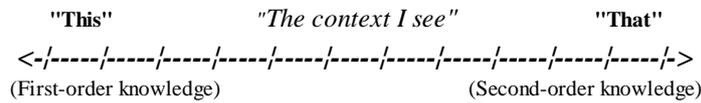
$$\langle \text{---} \rangle$$

The latter two forms are particularly useful for taking notes in the margins of books or papers. (C) and (U) symbolize a contextualizing and a universalizing perspective, respectively, and the left and right arrows remind us that contextual reflection always calls for an iterative change of perspective or, as we described it in Part 3, for a "double movement of thought."<sup>31</sup>

Applied to moral reasoning, we might think of "particular" (contextualizing) and "general" (universalizing) orientations of thought as standing for a primarily self-centered, interested versus a more altruistic, disinterested perspective, respectively. The resulting "context I see" will be more or less selective as to the facts and values considered relevant, and corresponding notions of improvement will be more or less responsive to different concerns. A basic situational spectrum for moral reasoning may thus be construed as a double movement of thought between the two ideal-types of "partial" and "impartial" judgment.

As a second example, in dealing with ecological issues we might want to think of the two endpoints in terms of "unsustainable" vs. "sustainable" policies, or of "local action" and "global thought," and so on. The important thing is that we interpret the spectrum idea so that it captures a crucial tension that, if managed carefully, can be conducive to productive contextual reflection and debate.

***An Upanishadic extension of the spectrum idea*** In principle, the idea of a situational spectrum lends itself to capturing any divergent perspectives that may help us understand a context that matters. From an Upanishadic perspective we might, for example, explore the idea of contextual reflection in terms of the logic of "*this*" and "*that*" (i.e., the empirical and the ideational worlds or domains of knowledge) or, in the more analytical terms of Part 4, in terms of first- and second-order knowledge. Accordingly we might then see the basic situational spectrum as follows (see **Fig. 7**):

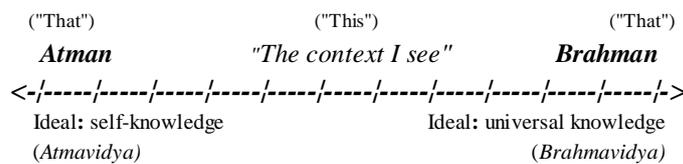


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**Fig. 7: Basic this-and-that spectrum**

Conceiving of a relevant context in terms of  
the Upanishadic logic of "this" and "that"  
(simple version, not recommended)

This modified spectrum can certainly inspire meaningful reflection; but the more important reason why I single it out here is that it allows me to articulate a *caveat*. Tempting as it may be to conceive of the tension of "this" and "that" in such a way, as representing the two extremes of a spectrum, it is also potentially misleading and for this reason I do not recommend it. While Fig. 7 adequately captures the idea that whatever view of a situation we adopt, it will represent some combination of "this" and "that" world (i.e., it will "realize" varying degrees of either), it risks leading us astray with respect to the proper place of "this" and "that" in Upanishadic thought. Based on our earlier account in Parts 4-6, I would argue that a genuinely Upanishadic perspective will place the "this" (the realm of first-order knowledge) in the middle rather than at the left end of the spectrum, so as to associate it with "the context I see." That is, it will associate the "this" with an individual's or group's current universe of discourse, the universe within which people move at any specific moment. By contrast, it will associate the "that" (the realm of second-order knowledge) with the two endpoints of the spectrum represented by the Upanishadic core ideas of *atman* and *brahman* (**Fig. 8**):



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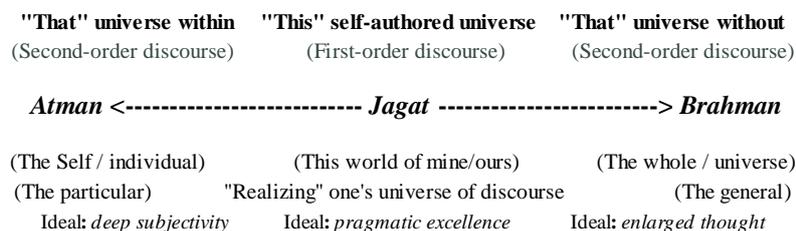
**Fig. 8: Refined this-and-that spectrum, or atman-brahman spectrum**

Conceiving of a relevant context in terms of a double quest  
for knowing oneself and for considering the total relevant universe  
(recommended version of the this-and-that spectrum)

Fig. 8 represents a more genuine understanding, I would argue, since to Upanishadic thought, *atman* and *brahman* are the only proper embodiments

of the realm of the "that" (i.e., of "higher" or second-order knowledge, *para vidya*), whereas the realm of the "this" is represented by the phenomenal world of our less-than-ideal, forever fragmentary and unstable knowledge of experience, (i.e., "lower" or first-order knowledge, *apara vidya*); compare the earlier discussion in Part 4 (see Ulrich, 2015a, p. 6). Accordingly, only these two embodiments of the "that" can serve as limiting concepts properly speaking, that is, as endpoints of thought towards which we can orient our situational reflection but which will always remain beyond what we can claim to achieve. By contrast, the realm of the "this" refers to the multiple and partial contexts people see and refer to in dealing with situations of concern to them. It represents what Müller (1879, p. xxxii) described as a merely "temporary reflex" of that other, full reality that no-one can credibly claim to grasp as such. We can always do better though, by examining our views and concerns (the "this") in the light of general ideas (the "that") and then revising them (both the "this" and the "that") accordingly, and so forth – the double movement of thought that we associate with the spectrum idea (see Part 3, Ulrich, 2014b, pp. 29-37).

It is, then, a close next step to also assign its proper place in the this-that spectrum to the third Upanishadic key concept that we analyzed in detail, *jagat* (see Parts 5 and 6, Ulrich, 2015b and c). I suggest it embodies the middle ground of the spectrum, the realm of the "this," from which we can and need to gain distance by moving towards *atmavidya* on the one hand and *brahmavidya* on the other hand. **Fig. 9** depicts the resulting concept of Upanishadic discourse.



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**Fig. 9: Upanishadic discourse:  
Jagat moving between atman and brahman**

A spectrum of discourse universes represented by the two limiting concepts of *atman* (the universe within) and *brahman* (the universe without). Moving back and forth between them allows us to better understand *jagat*, our self-authored universe of discourse, and the way it shapes and limits our views and concerns

*Towards jagatvidya* Understood along the lines of Fig. 9, the concept of *jagat* brings in a pragmatic twist to Upanishadic discourse. It then offers itself as a counterbalancing force against the potential overpowerment and paralysis of thought and action caused by the idealizing demands of *atmavidya* and *brahmavidya*, along with the unavailability of an operational stopping rule for second-order discourse (i.e., it never reaches a natural and definitive end). But what is a fitting ideal for this pragmatic twist? I am not aware that an ideal such as *jagatvidya* would have been formulated in the Upanishadic literature. If indeed such an ideal has not been described, it might have to be invented and would then perhaps come close to an Upanishadic equivalent of the *idée fixe* of my current work, the aim of working towards a framework of *critical pragmatism* for reflective practice (e.g., Ulrich, 2006b, c, and 2016).

It is worthwhile to briefly pause and envision such an ideal of *jagatvidya*. I associate it with a conception of reflective pragmatism in which Upanishadic and Kantian thought would join forces. For Kant (1787, B828; cf. the discussion in Ulrich, 2006b, p. 58f), *practical reason* is "pragmatic" when it is not "pure," that is, does not remain in the realm *a priori* concepts of reason but applies to the world of experience and action, including research and professional practice. In corresponding Upanishadic language, we may say that thought is pragmatic when it does not remain in the realm of the "that" but relates its quest for *atmavidya* and *brahmavidya* to the world of the "this," that is, to effective action in the *jagats* within which we move and try to improve our daily lives. This is not fundamentally different from Kant's call upon mature agents to *act* according to the ideas of pure reason (e.g., the ideas of free will and morality) and thus to "realize" in the realm of practical reason what theoretical reason has no power to achieve in its domain of competence, reason's acting according to its own principles or laws. In harmony with this call to action, Kant (1786, B109; 1787, B835f, cf. B385f; 1788, A115f) posits practical reason as the stronger of the two expressions of reason: while theoretical reason has to obey the laws of nature, practical reason can autonomously establish its own principles and can thus *breathe life into general ideas of reason* through the thoughtful and responsible actions of mature agents.

Upanishadic and Kantian reflection thus meet in a shared concern for finding

a middle ground between the ideal and the real; a middle ground motivated by a search for *pragmatic excellence*. In Upanishadic terms, *jagatvidya* would call upon practical men and women not only to question their ways of acting in the light of a double quest for "realizing" *atman* and *brahman*, but also to make sure that these reflective efforts lead to effective action. *Jagatvidya* would in this sense mediate Upanishadic reflection with a (some will say: Western) pragmatic orientation. More precisely, pragmatic excellence aims at a reflecting kind of "pragmatic performance" (J. Dash, 2011) that would be informed by critical distance to itself, as it were, thanks to its twofold quest for *atmavidya* and *brahmavidya* – or, speaking with Kant, for self-reflection and enlarged thought – though without losing sight of the imperative of effective action. Such critical distance is achieved by systematically unfolding the tension of the "this" and the "that"; of first- and second-order discourse; of the particular and the general; of situational (contextual) and general (universal) concerns of practical engagement, and so on; in short:

<---|---|---|-->

The result is an integrated, *Upanishadic-Kantian notion of critical pragmatism*. It aims to facilitate a systematic process of contextual reflection by means of two interdependent and complementary movements of critical thought, a process that can benefit from Upanishadic ideas but which also lends itself to support our Kantian notion of "approximating" the content of general ideas of reason:

The first movement, symbolized in Upanishadic thought by the quest for realizing *brahman*, is a movement towards *decontextualization*, that is, towards freeing our understanding of situations from insufficiently reflected contextual premises. Such premises often embody an "I/we" and "here and now" perspective that prevents people from engaging with the views and concerns of others and seeing the big picture, that is, from engaging in what Kant (1793, B157f, cf. Ulrich, 2007b, p. 10) intended with "enlarged thought" or what in more contemporary terms is also meant by "interconnected thought" (Vester, 2007, cf. Ulrich, 2015d).<sup>32)</sup>

The second movement, symbolized by the quest for realizing *atman*, is a movement towards (*re-*) *contextualization*, that is, towards enhancing



also, and even more strikingly, to the contemporary linguistic model of "three worlds" in terms of which different linguistic expressions or "speech acts" (Austin, 1962; Searle, 1969) can be analyzed. A prominent example is provided by Habermas' version of speech-act theory (1979, pp. 53-68, and 1984, pp. 309 and 329; cf. Ulrich, 2009c, pp. 9-12); he explains the "expressive," "regulative," and "constative" functions of speech by the way speech acts alternatively, or often also simultaneously, refer to "my" subjective world of inner experience, to "our" social world of interpersonal relations, and to "the" outer world of external nature, respectively. From an Upanishadic perspective, the three worlds together describe a spectrum of useful, complementary perspectives for unfolding the contextual assumptions that inform speech acts in the form of personal *intentions* and emotions (expressive function of speech acts), interpersonal *values* (regulative function), and situational or external *facts* taken to be relevant (constative function). Further, an Upanishadic perspective adds to this notion the three corresponding, reflective ideals of *atmavidya*, *jagatvidya*, and *brahmavidya* or, as I suggest we translate them into contemporary "Western" language: deep subjectivity, pragmatic excellence, and enlarged (or interconnected) thought.

An important methodological point to keep in mind is that such an Upanishadic-Kantian concept of discourse should help us understand the endpoints of the spectrum as *limiting concepts* towards which, guided by the two ideals of *atmavidya* and *brahmavidya*, we can orient systematic efforts of proper contextualization and decontextualization. At the same time, this concept of discourse is to help us pragmatize the process of contextual reflection, in that it encourages us to associate the concept of *jagat* – or dynamically speaking, of *jagatyam jagat* (i.e., jagat unfolding in a universe of forever changing jagats) – with a pragmatic middle ground in-between the two endpoints, that is, a set of less-than-ideal contextual assumptions within which the quest for pragmatic excellence moves. The corresponding new ideal is *jagatvidya*, the art and discipline of unfolding the contextual presuppositions at work in all human claims to meaningful speech, valid knowledge, and rational action. Just like *atmavidya* and *brahmavidya* entail a reflective stance that for critical purposes abstracts from current contextual presuppositions and at times may also bring in an *idealizing* orientation,

jagatvidya may be understood to entail a *pragmatizing* orientation towards "pragmatic performance" (the concept borrowed earlier from J. Dash, 2011) or, as I would translate it using Kant's term, towards adequate "approximation" of pragmatic excellence based on an effort of critical contextualization.

The three vertical bars in our shorthand notation for such contextual reflection thus gain a more specific meaning, beyond simply indicating movement of thought: they can be understood to refer to three ideal-typical universes of discourse symbolized by *atman*, *jagat*, and *brahman*, and to the corresponding reflective ideals (or critical perspectives) of deep subjectivity (*atmavidya*), pragmatic excellence (*jagatvidya*), and enlarged thought (*brahmavidya*). Their shared concern is a systematic quest for contextual awareness or mindfulness. *Motto*:

***"Deep subjectivity, pragmatic excellence, and enlarged thought:  
three Upanishadic ideas for critical contextualization"***

Together the three perspectives describe an enhanced understanding of the basic tension that we have identified throughout this series of essays as a core methodological difficulty in applying general ideas to particular situations, I mean of course the tension between the two divergent but interdependent perspectives of (C) and (U).<sup>33)</sup>

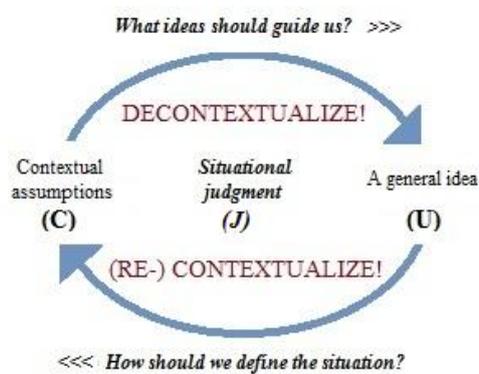
***The cycle of critical contextualization, adapted*** Neither of the three reflective ideals is good enough to allow the process of situational judgment to come to an end. As the basic imperative of *maintaining the tension* reminds us, the iteration of contextualization and decontextualization must go on: whatever understanding of an issue or a situation we have reached, we should take care to remain aware of its limitations, that is, its inevitable failure to do justice to each and all of the three ideals. Proper pragmatization must face this difficulty and try to handle it in transparent and clear ways – the aim of *critical* pragmatism. In general terms, using the shorthand notation introduced above, we can state this requirement as follows:

$$\mathbf{J = f(C, U)}$$

Whether we are aware of it or not, situational judgment (J) is a function of how we both contextualize (C) and universalize (U) an issue. From an

Upanishadic perspective, the symbol (J) in this formula may also be read as referring to *jagat*, the limited and unstable universe of thought and action within which any quest for pragmatic performance takes place, and the related requirement of *jagatvidya*, the effort of making this universe clear to ourselves and to all others concerned.

Earlier, in Part 3 of this series of essays, I first suggested a graphic depiction of the basic idea of a cycle of critical contextualization (see Ulrich, 2014b, p. 37, Fig. 4); the following graph adapts it so as to make the meaning of the above formula clear, and with it the place we give to general ideas in situational judgment (**Fig. 11**).



**Fig. 11: Situational judgment**

Situational judgment – understanding a *jagat* – brings together contextual assumptions with one or more general ideas; it involves both a contextualizing and a decontextualizing momentum (adapted from Fig. 4, in Ulrich, 2014b, p. 32)

### *Heuristics for critical contextualization (2):*

#### *"The moral idea in context," or practicing moral universalization*

It follows from the preceding account that the situational meaning of the moral idea is a function of how (and how carefully) we *bound* the relevant context and, at the same time and inseparable from it, how much (and how carefully) we look *beyond* the context thus bounded. To put it a bit differently, moral judgment is a function of the balance we find between the divergent requirements of moral contextualization and moral universalization. This differs from Kant's (1786, B1) implicit formula of moral reasoning, according to which the essence of moral judgment consists in a good will, and a conforming maxim of action, that withstands the universalization test:

$$M = f(U)$$

The latter assumption leads Kant (1786, B 51-53, 62, 70f, 81) to his notion of a "categorical" imperative, which sees in (U) the necessary and sufficient criterion of all moral judgment:

*U!*

Clearly, a framework of critical pragmatism needs to extend this scheme so as to give an equal place to the requirement of contextualization. It needs, in other words, to *contextualize the test of moral universalization*. Let us try.

**Contextualization tool # 2: extended formula of moral universalization** We can employ a convenient shorthand to remind us at all times of the need for contextualizing the moral idea:

$$M = f(C, U)$$

whereby

M = moral reasoning about the situational meaning of the moral idea, resulting in moral judgment;

C = contextualization, resulting in a context of concern considered relevant; and

U = universalization, resulting in enlarged thought looking beyond the context of concern.

Accordingly, *moral reasoning* is the deliberative process by which we clarify and bring together the contextualizing and universalizing considerations that inform a situational moral judgment. We can then explain our reasons for a moral judgment in terms of these considerations, and can make transparent remaining doubts or possible counter-arguments related to these choices. We can also qualify a moral judgment by pointing out alternative possible ways to contextualize and universalize it, thus recognizing the legitimacy of other judgments and the limitations of our own. The  $M = f(C, U)$  formula can thus also help us keep the discourse open. There is no such thing as a definitive moral judgment, given the choices involved in the two fundamental processes of contextualizing and universalizing moral issues. The former demands a systematic effort of making ourselves and everyone concerned aware of the contextual assumptions at work (C); the latter, an equally systematic effort of enlarging the picture thus gained (U) – "systematic," that is, in that care is taken to identify and consider all options for the choices involved and to unfold their implications for all the parties concerned.

This conception of moral issues is by now so deeply ingrained in my understanding of the "moral point of view" that alternatively, the short notation introduced earlier for situational judgment in general is quite sufficient to remind me of the suggested, extended formula of moral universalization. It provides a most convenient way of reminding me of the double movement of critical thought required, and moreover it has the advantage of linking this understanding of Kant's universalization principle back to the spectrum idea:

$$C \leftrightarrow U$$

In my personal experience, this short formula has proven its value for driving my thinking towards an "Upanishadic" kind of moral reflection, the focus of which is on unfolding the interdependence of "this" and "that" morality – the pragmatic, situational demands of concrete action for improvement (as measured by the consequences) and the strict, universalizing demands of the quest for moral rightness (as measured by the generalizability of underlying norms of action). The point, to be sure, is that neither quest can be properly understood without the other; both are indispensable ingredients of reflective practice.

In a further variation, the shorthand also permits putting a temporary emphasis on one of the two requirements. If for example an account of a moral issue does not appear to pay sufficient attention to the specific situation, then one will note:

$$C! \leftrightarrow U$$

or simply

$$C!$$

that is, *contextualize!* Conversely, one may see a need to enlarge the picture and to invest more effort and care in unfolding the moral implications in question beyond the considered situation, so one will write:

$$C \leftrightarrow U!$$

or just

$$U!$$

that is, *universalize!* Note that *U!* now has a changed meaning as compared to Kant's "categorical" imperative: as the underlying, extended  $M = f(C, U)$  formula makes clear, *U!* now presupposes proper contextualization. Even if

in real-world practice we may often find that increased emphasis is required on either (C) or (U), the two principles of course still depend on one another for meaningful application. So neither *U!* nor *C!* is ever to be read as intending a one-sided reliance on either principle, (U) or (C). A better idea is to think of *C!* and *U!* as a matter of *current emphasis*, not alternatives. In particular, the short notation *U!* should not have us fall back on a one-sided attempt to practice (U) as a kind of context-free moral universalization, as if moral reasoning could ever be properly conceived in terms of a universalizing movement of thought *only*.

***Implications for moral theory and practice*** The point of the extended formula is indeed that the original, context-free formula is not practicable. At best it lends itself to an abstract, if not idealizing, explication of the moral point of view for purely theoretical purposes. This is what Kant and many contemporary authors influenced by him (among them Mead, 1934; Baier, 1958; Rawls, 1971; Silber, 1974; Apel, 1980; Kohlberg, 1981; Wellmer, 1986; Habermas, 1990b, c; Benhabib and Dallmayr, 1990; and Tugendhat, 1993) have attempted to achieve in various and often insightful analyses. But not even the most insightful analysis can change the fact that moral universalization describes an ideal, not a possible achievement. It is, as I suggested elsewhere, perhaps a *diagnosis* of the problem of grounding moral practice, but certainly not a solution (cf. Ulrich, 2006, p. 56). Accordingly absent are examples of practical application. I have concluded from all these studies that the universalization principle (U) cannot carry the burden they aim to assign to it, the burden of identifying and justifying moral practice (see the detailed analyses in Ulrich, 2006b; 2009c, d; 2010a, b; and 2013a, and the brief summary of their implications in Part 1 of the present series of essays, Ulrich, 2013c, p. 11-16).

With a view to supporting moral practice, (U) is probably better understood as a standard for *reflective practice* in dealing with moral claims – for meaning clarification and validity critique, that is – than as a standard for justification. From a critical point of view, no practical maxim or norm of action should ever be assumed to live up to the standard of being truly universal. It is therefore imperative to focus on identifying and unfolding the *deficits* of moral claims that are due to inevitable contextual presuppositions

or de-facto limitations. No vain attempt to universalize a specific norm of action, and then to tie its justification to this attempt, can replace the effort of *critical* contextualization. That is what we need (U) for, no more, no less.

The universalization requirement (U) will thus play its proper role not as a standard of justification but as a *critical counterpart of the contextualization requirement (C)*. This is the role that the extended formula means to capture. So when we say that (C) and (U) are complementary movements of thought, we really mean to claim that each can and should fulfil a critical role for the other: (C) reminds us of the need to carefully specify the situational meaning of the moral idea and to translate it into actual practice, and (U) reminds us of the need to question the contextual assumptions at work and see the big picture. There is a famous remark in Kant's first *Critique* (1787, B75 and B314) about the complementary roles of "intuition" (i.e., sense-experience) and "thought" (i.e., concepts) in generating knowledge:

Thoughts without content are empty, intuitions without concepts are blind. It is, therefore, just as necessary to make our concepts sensible, that is, to add the object to them in intuition, as to make our intuitions intelligible, that is, to bring them under concepts. These two powers or capacities cannot exchange their functions. The understanding can intuit nothing, the senses can think nothing. Only through their union can knowledge arise. (Kant, 1787, B 75, similarly B314)

Echoing this remark, we might say that when it comes to practical reason, moral universalization without specifying contextual assumptions remains an empty claim, just as specifying the situational meaning of moral action without unfolding its implications beyond the considered context remains blind. (C) and (U) cannot exchange their functions; only together can they help us ensure moral practice.

To do justice to Kant and Habermas, the reason why their conception of moral questions looks so one-sided from our present perspective is that they are dealing with a *theoretical limiting case* – the ideal of complete moral justification – rather than with the everyday issue of concern to us, of how we might systematically approximate the intent of the moral idea *in practice*. For theoretical purposes, that is, for understanding the ideal nature of moral justification, Kant's categorical imperative *U!* and the underlying universalization principle (U) remain insightful and indeed indispensable. Similarly Habermas' model of practical discourse and the role it gives to (U) as a justificatory principle remain insightful as a theoretical analysis of the

conditions that *in principle* (i.e., under conditions of complete rationality) would need to obtain to secure sufficient (i.e., again, complete) moral justification of norms of action. For such theoretical ends, (U) probably still provides an indispensable explication of what we mean by the *moral point of view* (Baier, 1958). Moreover, (U) can be said to capture a widely held, intercultural and everyday understanding of morality, to which we have referred with terms such as "reciprocity" and "fairness" and according to which we should not treat other people in ways we would not want them to treat us – the age-old *golden rule*. In simpler terms, we should not rely on norms of action that we do not respect ourselves. That is, *we should not claim an exception for ourselves* (cf. the detailed discussion in Ulrich, 2009b, pp. 28-32).

It is clear, then, that the difficulty we have with Kant's and Habermas' focus on *U!* concerns not its theoretical merits but its practicability under real-world conditions of imperfect rationality. The idealizing role they give to (U) is not altogether wrong but too strong, because too one-sided. Such one-sidedness neglects that fact that moral universalization and moral contextualization each gain their essential methodological role in response to the other, namely, as a *critical corrective* for each other's inevitable deficits. Only together can they help us assess the moral merits and deficits of practice.

**Two examples** It is time to test the relevance of moral contextualization, and thus the suggested, extended formula of moral universalization, by means of two practical cases. The first reconsiders Kant's moral analysis of lying; the second deals with the contemporary issue of passenger planes employed for terrorist attacks.

***First example: Kant's analysis of the moral unacceptability of lying*** As it happens, one of Kant's (1797) own examples for the use of *U!* demonstrates that the extended formula is required. I refer to his famous discussion of the moral problem of lying by means of what has become known as the *case of the inquiring murderer*. I have discussed this example in an earlier account of Kant's position (see Ulrich, 2009b, pp. 32-35) in quite some detail and thus can keep the present discussion rather short.

Imagine, Kant asks us, that a murderer confronts you with a situation in which his victim's life depends on whether you lie to him or stick to the categorical imperative, which (as Kant thinks) allows no exception from the moral demand of not lying:

**The Case of the Inquiring Murderer**

Source: Kant (1797, A302, with reference to B. Constant, 1797, p. 123); previously discussed in Ulrich (2009b, pp. 32-35).

Suppose you have allowed a person fleeing from a murderer to hide in your home. Then the murderer knocks at your door and asks you whether that person stays in your house. Should you tell him the truth or lie?

Does such an extraordinary situation permit an exception from the duty not to lie? How should we handle the difficult alternative of either being truthful or (preferably, it would seem) rescuing someone's life at the expense of an exception? Kant's answer is not what one might expect. There must be no such exception, he maintains; for any other stance would clash with the categorical imperative, according to which the maxim of one's action must be universalizable. Lying with a view to helping another person cannot be a universalizable maxim. If the exception were admitted, say, with reference to its altruistic nature or to the duty of helping, we could never again be certain that others are telling us the truth, unconditionally so, or whether for some altruistic motive they might be lying. Even the act of lying would become meaningless; Kant argues; for its effectiveness, too, depends on the universal prohibition of lying. These implications reveal for Kant how self-defeating any exception to the principle of not lying, or to any other principle recognized as right, would be. *U!* as applied to the prohibition of lying is thus for him indeed a "categorical" (unconditional) imperative; so much so that even just considering the possibility of some occasional exceptions (i.e., the option of reserving for oneself the right to claim an exception) is wrong. (Kant, 1797, A301-314)

One must wonder whether such an employment of the universalization principle (U) is sound. As we observed at the outset, moral issues often arise in situations of ethical conflict in which two ethical goods clash. This is also the case in Kant's example, where the duty of truthfulness conflicts with the duty to help someone in acute danger. The task of moral reasoning is then to

handle such situations in ways that protect the dignity and integrity of human beings, and indeed (in my personal view) of all living creatures. Putting someone's life at risk where this risk could clearly be avoided or reduced, violates this core concern of the moral idea and is thus hardly a universalizable way of handling the situation that Kant describes. His conclusion therefore suggests to me that something is wrong with his answer. What I think is wrong is not his strict adherence to the universalization principle (U) as such but rather, his failure to adequately contextualize the maxim of action that he subjects to its test. In the shorthand suggested above, our response to Kant's account can only be: *C!*

Our diagnosis of what is wrong with Kant's example is then clear. Kant overemphasizes the role of (U) as compared to that of (C). Doing so leads to inadequate results of the universalization test. To put it more bluntly: *it makes little sense to try and universalize norms that have not been properly contextualized in the first place.* The maxim that Kant subjects to the test of (U), and then rejects on this basis, is something like this:

"Lying is permissible for altruistic reasons."

This maxim fails the universalization test, rightly so, as it formulates the condition for exemption from the prohibition of lying far too openly. The question is whether this way of specifying the maxim captures the situation adequately. I don't think so. Applied to the situation in question, the result is that a human life is sacrificed without absolute necessity. Kant tacitly accepts this consequence without commenting on it, as his focus is on not violating the universalization principle. By implication, the norm of action that for Kant does *not* fail the test, and according to which he therefore wants us to act, reads:

"Refuse to save another person's life if doing so requires you to lie."

The result would have been different if Kant had reformulated the maxim to be tested so as to better capture the ethical conflict with which the situation confronts us. For example, he might have submitted to (U) the following, more carefully contextualized maxim:

"As a matter of principle, do not lie; but if the situation is such that you cannot save a person's life except by lying, choose to save that life."

If a core concern of moral action is to protect the integrity and dignity of

others, as Kant never tires to emphasize, a thus specified maxim would indeed have passed the test. Counter to what Kant suggests, then, I would argue that his example demonstrates not so much the "categorical" (i.e., unconditional and universal) character of the moral prohibition of lying but rather, how important it is for sound moral reasoning to carefully consider the specific situation. The example in fact illustrates what our extended formula is all about: universalization can be an *unconditional* moral requirement only inasmuch as we properly contextualize the maxims to which we apply it. Hardly any practical norm of action is indiscriminately meaningful and valid for each and all situations, except perhaps the moral principle (U) itself, which for exactly this reason is not a practical norm of action but merely a standard for examining such norms.

**Second example: hijacked passenger planes** My second example relates to a serious contemporary issue, the threat of terrorist attacks using passenger planes. We all have in mind the incredible pictures of the terrorist attacks in the United States of 11 September 2001, an event now often referred to as 9/11 or Nine-Eleven, when four passenger planes were hijacked in a coordinated action and used to attack the twin towers of the World Trade Center in New York along with other targets. At that time, such a use of passenger planes was unprecedented and there were no adequate preparations for the situation. Today many countries have plans for their air force to shoot down such planes before they reach possible targets. However, difficult moral questions are involved, which can be summed up as follows:

**The Case of a Hijacked Passenger Plane Used as a Weapon**

Source: Interactive TV version of the theater play "Terror" by Ferdinand von Schirach (2015/16), a German defense lawyer who is also a writer, broadcast simultaneously with discussion and voting by the audience in three German speaking countries (Germany, Austria, and Switzerland) on 17 Oct 2016.

Suppose a terrorist has hijacked a plane with 164 passengers and crew flying from Berlin to Munich and intends to let the plane crash into a football stadium in Munich, where 70,000 spectators are following a match between England and Germany. Two fighter planes rise to the passenger plane but receive no order from their superiors to shoot the plane down, nor any other specific instructions. As the planes approach Munich, the fighter pilot in charge has to take a decision. He decides to shoot down the plane, that is, to sacrifice its passengers and crew, so as to save the 70,000. Later he finds himself in court, accused to have murdered 164 people on board of the plane. As a member of the court, should you pronounce him guilty or innocent? And how would you have decided in the pilot's place?

As the tribunal unfolds, it becomes clear that the pilot had a difficult decision to take and was left alone with it. His superiors on the ground hesitated to act against a previous decision by the Supreme Court, according to which shooting down such planes violated the Constitution's fundamental principle of the protection of human dignity. It equally becomes clear that the pilot, who like his superiors was aware of this court decision, was caught in a dramatic ethical conflict between sacrificing the people on board of the plane or risking the lives of the 70,000 in the stadium. His conscience told him to opt for the lesser of the two evils, even if it was against the Superior Court's earlier decision and thus meant he would be tried and might be found guilty of murder.

During the court hearing, many contextual elements – some of them rather surprising – come to the fore that were not known or clear to the parties from the outset but which are clearly relevant for judging the situation in which the pilot found himself, both from a moral and a legal point of view. Our focus, like that of the stage play and the TV broadcast, is on the moral aspects. Here are some of the contextual considerations that the court takes up, although with varying degrees of attention and elaboration; I have ordered them approximately in a left-right order within the (C) <-> (U) spectrum (**Box 1**):

**Box 1: Contextual considerations**

1. We are dealing with a situation of extreme urgency in which the agent – the pilot in charge of the mission – was left alone. Under enormous time pressure and with no adequate support by his superiors on the ground, he had to choose between two moral evils: either he pushed the button or he didn't, in both cases people would die, there was no third option.
2. In the situation in which the pilot found himself, he had to rely on his personal conscience. He knew there had been a Superior Court ruling against shooting down hijacked planes, so that shooting down the plane might mean going to prison for him. He could be said to have assumed a responsibility that strictly speaking was not his, but which from his view he had no way to avoid. It became his responsibility, as he saw it, due to a lack of adequate instruction and support from the ground staff.
3. There can be no doubt of the pilot's good will to act as morally as possible. He certainly cannot be accused of having risked the lives of people out of selfish motives; quite the contrary, he consciously risked a prison sentence. His motivation can thus be called altruistic. Had he thought of his own interest first, he would have opted for inaction (i.e., not shooting down the plane), thereby risking the lives of 70,000 innocent people on the ground and thus (as his conscience told him) causing even more suffering.
4. His moral conscience told the pilot that it was worse to risk the lives of 70,000 people in the stadium than those of 164 passengers and crew on board of a plane. The court ruling in question was therefore, as he saw it, wrong or not properly applicable to the situation. He also found the court ruling wrong for a second reason: it meant that

terrorists could in future be sure that on board of a hijacked plane they would be safe.

5. The pilot's motives can also be said to have been impartial, as he had no information about who was in the passenger plane and who in the stadium. He clearly did not act so as to protect (i.e., privilege) people he knew, whether in the passenger plane or on the ground.

6. The decision authorities on the ground could have changed the situation decisively if they had decided early on to evacuate the stadium and all other potential targets of the terrorist, rather than relying solely on the pilot's decision. In this respect they appear to be jointly responsible for what happened. So as soon as we include the air force staff in the relevant context, a major share of the responsibility for the loss of lives is no longer the pilot's only.

7. The pilot further considered, as he told the court, that if he opted not to take any action, the terrorist would hardly see this as a reason to abandon his plan and instead to allow the passenger plane to land safely. The fighter pilot's decision would thus not affect the passenger plane's likely destiny in a significant way. The decision he had to take was not whether to sacrifice a smaller or a larger group of people but rather, the smaller *or both* groups. To the extent this reflection is accurate, the decision would amount to a truly universalizable maxim of action. But of course, there can be no certainty as to how the terrorist might have acted.

8. Still, instrumentalizing the people on board of the hijacked plane for the sake of other people was morally wrong, whatever situational considerations supported the decision. The value of human lives cannot be measured quantitatively. Trading in the lives of the 164 passengers and the crew against the 70,000 lives at risk in the stadium might be considered utilitarian rather than moral reasoning, as it fails to do justice to the dignity of the people on board of the plane.

9. Although the principle of shooting down hijacked passenger planes used as weapons is not morally universalizable, the contrary principle of allowing their use as weapons is not universalizable either. Inaction does not protect from responsibility in such a case, both legally and morally speaking. Just imagine the pilot would have remained inactive rather than facing the decision he had to take; could he then not have been rightly accused of failing to protect the lives of the 70,000 in the stadium?

Such contextual considerations, even if tentative, are apt to illustrate that the principle of moral universalization is indeed a general idea that as such tells us little about a moral issue. There is no way round identifying and weighing the ethical conflicts involved. The process of deliberation required may vary in terms of complexity, as our two examples show; but in any case it involves acts of personal conscience *along with* rigorous thought about a course of action's implications beyond the situation at hand. It should be clear, then, that reference to personal conscience in weighing situational aspects does not make universalizing (or decontextualizing) reflection redundant, just as the latter will not yield a valid result unless we carefully contextualize the maxim to be tested. The extended formula:

$$M = f(C, U)$$

can remind us of this double requirement. By implication, the value of the

universalization test depends crucially on how well a tested maxim of action captures the specific situation.

In the present case, a simple, general rule that hijacked planes have to be shot down to prevent such terrorist attacks would not do justice to the specifics of the situation, in fact it fails to consider it altogether. The crux of the situation is that by the time the pilot finds himself obliged to take a lonely decision, the situation has evolved so that whatever he decides, *some* lives are in peril. Due to a lack of timely action by the ground staff, the question no longer is whether people are getting instrumentalized but only who and according to what criterion. The maxim to be tested must somehow try to capture this situation.

Perhaps a specific maxim such as the following might come closer to capturing the situation:

"If you find yourself in a situation in which you cannot avoid the instrumentalization of some people's lives, act so as to minimize the number of people affected."

The underlying, more general norm of action would then be:

"If you find yourself in a situation in which you cannot avoid to opt for one of two evils, neither of which can be avoided due to lacking time or other circumstances, choose the lesser evil."

However, while thus contextualized norms of action recognize the ethical conflict involved, they do not free the person who faces the situation in question from the need for taking a personal decision and accepting responsibility for the harm it may cause. How, then, readers may wonder, did the court decide the case?

The play handles the question in a sophisticated and consequent manner. Sophisticated, in that it presents two highly engaging summations and pleas by the public prosecutor and the defense attorney; both argue brilliantly, though in opposite directions, thus providing the jury and the audience with much food for thought. Consequent, in that the jury then retires for its deliberation – guilty or not guilty? – and meanwhile leaves the people in the audience with a need for taking *their* personal decision. The audience has to vote *before* knowing the court's judgment and the underlying reasoning, for the continuation of the film depends on how the audience decides. In this sense the film's plot is interactive. Dependent on the vote of the audience, the

president of the court will declare the jury's sentence and will explain it in terms of either the prosecutor's or the attorney's core argument.

Should the audience decide that the pilot is indeed guilty, the sentence will follow the prosecutor's core argument:

Human lives must never, not even in extreme situations, be weighed against one another. That would violate the fundamental principle of human dignity which informs our Constitution and our basic norms of living together in an open and just society. (von Schirach, 2015/16; final scene if the audience finds the pilot *guilty*; freely rendered court opinion as explained by the judge)

Should the audience decide that the pilot is not guilty, the sentence will adopt the attorney's core argument:

The law is not able to solve all moral problems unambiguously and consistently. We have no legal criteria to ultimately judge the pilot's moral decision, which therefore has to remain a matter for his conscience to decide. The law leaves him alone. It would therefore be wrong to condemn him. (von Schirach, 2015/16; final scene if the audience finds the pilot *not guilty*; freely rendered court opinion as explained by the judge)

Both arguments are strong and needed, neither is sufficient for an adequate understanding of the issue. The first opinion is grounded mainly in (U), the second mainly in (C). Unlike in the previous example, there is no unequivocal answer in this case. One finding is clear though: Kant's formulation of the moral imperative in terms of

$$M = f(U)$$

cannot give us the answer. Its precise meaning remains unclear in both examples, but especially in the pilot's situation, as both options he faces fail the universalization test. It is not possible to understand the situation without accurate contextualization, which requires a personal weighing of considerations such as those listed above. Conversely, such contextual considerations alone cannot provide a sufficient basis for moral judgment either, as there clearly is a need for reference to some general standard of human dignity and interpersonal fairness that is independent of such considerations and can be shared by all people of good will.

What remains in the end is the possibility of critical reflection on the *lack* of sufficient justification for either judgment, "guilty" or "not guilty," and a consequent inclination (if not necessity) to give the defendant the benefit of doubt. In the broadcast I watched, the audiences in all three countries appear to have seen the situation in this self-reflecting and self-limiting sense, as

$C \leftrightarrow U$

they all voted for "not guilty" (an outcome that had not always been so in previous showings of the film and of the underlying stage play). Accordingly it was the second of the two core arguments above that the court president cited as the jury's main consideration; the alternative argument was subsequently cited by the moderator as a way to introduce the discussion to which the audience was invited. The discussion took place separately in each country, so I could only follow the discussion among the Swiss audience; it was of remarkable quality. It showed that a clear exposition of both contextual considerations (as surfaced by the witnesses during the court hearing) *and* relevant general principles (as advanced mainly by the two final pleas) is indeed a powerful way to support high-quality reflection and discussion, among lay people no less than among professionals.

*More detailed discussion of the two examples* In the interest of readability, my discussion of the two examples has been rather short thus far. Moral deliberation is a complex matter, and not all readers may be interested in accordingly difficult, detailed examination of examples. For those who are, **Box 2** below offers a somewhat more detailed examination of the two cases. Further, some readers may ask, where is the Upanishadic element in this? It seems to me the influence of our earlier considerations regarding the interdependence of (C) and (U), and the consequent extension of our understanding of moral judgment from the  $M = f(U)$  to the  $M = f(C, U)$  formula, are rather obvious. Likewise, the influence of this thinking in the chosen order of the contextual considerations in Box 1 should be rather obvious. However, some readers may wish a more explicit account of the resulting, *contextualized* tests of moral universalization; for them, **Box 3** offers a short summary of the Upanishadic perspective.

**Box 2: Discussion of the Kantian universalization test for the two examples**

Applying the extended formula of moral universalization,  $M = f(C, U)$ , to the case of the inquiring murderer, the most general formulation that I see of a relevant exception test might read as follows:

*"Could I want all others who find themselves in the same situation to make an exception from the prohibition of lying?"*

Similarly, in the case of the hijacked plane, the basic test question in need of specification might be:

*"Could I want all pilots who find themselves in the same situation to make an exception*

*from the principle of not instrumentalizing people,  
in favor of saving as many lives as possible?"*

In both formulations, the phrase "in the same situation" remains a variable – an argument space – that needs to be filled with content; that is, with relevant empirical and normative considerations that capture the agent's situation as accurately and completely as possible and moreover need to be carefully weighed so as to provide a valid overall account of the situation. To what extent this is possible will vary with the situation at issue and the available resources.

In Kant's example, the situation and thus the required specification appears to be comparatively simple and clear, so that it can be summed up in a relative clause such as this:

*"Could I want all others who find themselves in the same situation, of  
being able to protect a victim from his murderer, to make an exception  
from the prohibition of lying?"*

Thus reformulated, my personal answer to the test is clear, and different from Kant's: yes, indeed. This is a maxim that I can want to be universally applied, so that it can count as a moral norm of action for this specific type of situation. Acting according to a thus-qualified maxim does not run counter to the universalization principle but only to its unreflecting, decontextualized, employment: we cannot meaningfully grasp and assess human practice free of any contextual assumptions and limitations. It appears that Kant, in failing to specify the exception test sufficiently, indeed fell victim to his own one-sided formulation of the moral imperative *U!* in terms of

$$M = f(U)$$

rather than

$$M = f(C, U)$$

In the case of the hijacked plane, it is clearly more difficult to specify what "the same situation" means. The core difficulty lies in the fact that unlike in the case of the murderer knocking at your door, the case of the hijacked plane offers no option that would avoid the sacrifice of human lives. The choice is not between sacrificing a principle or sacrificing a human life, but only between human lives; and such an impossible choice, when it becomes unavoidable, can probably only be a matter of personal conscience, not of general rules. Even the most careful contextualization effort may not enable us in this case to formulate a universalization test on which all pilots in such a situation might want to rely. In other words, the job of proper contextualization remains largely up to the pilot concerned. He alone can fully capture the personal dilemma of conscience he faces at that lonely moment up there in the air. Where contextualization becomes a personal matter, universalization encounters its limits.

Even so, there will usually remain some aspects that do raise general issues. In this case such an issue is the question of whether quantity matters, that is, whether it is right to sacrifice the smaller rather than the larger group of people. Upon first thought, our moral intuition probably tells us it is not, for the dignity and worth of a human life cannot be measured and traded off against that of others. All individuals own equal respect for their dignity and integrity, regardless of whether they belong to a smaller or larger group of people concerned. By implication we have no acceptable basis for such a choice. But then, upon second thought, the context is so that not only a choice between two evils is unavoidable; chances also are that the pilot's choice makes no significant difference to the smaller group's minimal chances of survival. Again one may argue this is a utilitarian consideration that provides no excuse for instrumentalizing the smaller group, indeed it doesn't; but still, the imperative (or should we perhaps better say: chance) of saving as many lives as possible remains.

As in the previous case, the basic maxim to be tested might be formulated as follows:

*"Can I tolerate that a pilot who finds himself in the same situation, of having to  
choose between either shooting down a hijacked passenger plane or else  
allowing the plane to threaten the lives of thousands of people on the ground,*

*decides to make an exception from the moral demand of not instrumentalizing people and to shoot down the plane?"*

To indicate that the issue is a matter of personal conscience rather than general rules, I have dropped the "all" from the phrase "all pilots" and have also changed the verb "want" for the weaker "tolerate." Such a weak formulation acknowledges that no claim to establishing a universal norm of action for this type of situation is intended. All it achieves is capturing a person's moral dilemma, leaving open whether all other people in the same situation could see the situation equally.

Even so, it is clear that there is no adequate summary formulation of all the relevant contextual considerations (as listed earlier, see Box 1) that would fit in a relative clause. The pilot's personal decision, in an extreme situation of urgency and responsibility in which he had to weigh such considerations, was to shoot down the plane. My conclusion as a spectator of this broadcast was that the pilot, legally speaking, indeed committed murder by killing the innocent people on board of the plane; and further, that morally speaking he indeed instrumentalized those passengers for the sake of other people, which runs against the dignity of all human beings and insofar violates the moral imperative. Even so, considering the contextual circumstances and constraints (C) of which I was aware, I concluded that the situation left him no chance to find a legally and morally unproblematic way of acting, much less to try and formulate for himself a maxim of action that could possibly have withstood (U). I would *morally* have given him credit for acting altruistically and out of good will, and *legally* for facing his responsibility and acting the way his consciousness told him, trying to choose the lesser of two evils among which he had to choose. Accordingly I would have tended to declare him *not guilty*, although in this case there is no entirely convincing argument for either choice, guilty or not guilty. We probably have to accept that neither moral nor legal reasoning can help us out of all situations in which we may find ourselves, and this case probably describes such a situation.

### Box 3: The Upanishadic perspective

And where is the Upanishadic element in all this? Basically, everything we said earlier about the usefulness of the "spectrum idea" for Upanishadic discourse and the "resulting cycle of critical contextualization" (see the discussion around Figures 10 and 11 above), will apply to the task of proper conceptualization of moral judgments, no less than to other situational judgments. In essence, due to the importance of the Kantian universalization principle for our understanding of the moral idea (or the "moral point of view") but also the unavailability of strict universalization in situations of moral conflict (as in the case of the hijacked plane), I see the Upanishadic perspective as offering us a necessary corrective to Kant's moral universalism, in the form of systematic contextualization. Careful contextualization is a notion that is intrinsic to the Upanishadic notion of *jagat*, "this" world of human experience and action, in which we have to pursue the quest for pragmatic excellence (I have suggested the notion of *jagatvidya* for this quest). So is the Upanishadic notion of how humans can hope to understand their world, namely, by orienting their attention towards both, their inner world of subjectivity and the larger, outer world beyond their jagats. Corresponding Upanishadic ideals are *atmavidya* (the quest for deep subjectivity, as I have translated it) and *brahmavidya* (the quest for enlarged thought).

For an Upanishadic thinker, the two efforts are inseparable. Human inquirers and agents have to *keep moving* in-between these two sources of reflection, a notion we have tried to capture with the spectrum idea and the short notation we use for it in this essay:

$$C \leftrightarrow U.$$

When it comes to moral judgment, (C) and (U) cannot be kept separate any more than in

everyday judgments of fact or of professional advice. Upanishadic wisdom knows this, as all human judgment is an expression of *jagatyam jagat*, an understanding of situations within a universe of multiple and unstable jagats – a universe of which we can conceive as a spectrum of perspectives that are moving and unfolding indefinitely between (C) and (U). Thus seen, an Upanishadic twist of Kantian moral universalism may indeed be in order: proper moral judgment is then to be understood – and to be questioned – as a quest for *jagatvidya* (pragmatic excellence) that would be grounded in both *atmavidya* (deep subjectivity) and *brahmavidya* (enlarged thought), although, to be sure, in this world of imperfect knowledge and understanding such an effort is bound to remain forever deficient, at best a form of being *on the way*, or as we put it in this series of essays, an unending effort of "approximating" the intent of the moral idea and other general ideas.

The Kantian universalization test only stands to gain from such a reflective effort aimed at proper conceptualization. It needs to enable us to formulate maxims of action sufficiently specified in terms of their context of valid application, so that everyone *in the same situation* could act accordingly. This, then, is what from an Upanishadic perspective we mean by "contextualizing" a maxim of action, and by subjecting it to the "universalization" test.

As to Kant's principle of moral universalization, an Upanishadic perspective suggests to me that the core problem with both examples is that the principle is made into an absolute. We tend to forget that universalization is only a *limiting concept*, an illusory endpoint of consequent thinking that we can never reach as it withdraws to the extent we approximate it. It is indeed a vanishing point of thought – and as such a just a methodological device – rather than a practical aim. With his example, Kant undoubtedly meant to show us how important the moral imperative *U!* is for understanding a moral issue; but he indeed treated it as an absolute moral duty rather than a mere test of careful contextualization, a methodological device only. Inadvertently and indirectly – by the absurdity of his result – he thereby taught us how important *C!* is for the meaning and practicability of the universalization principle (U).

Similarly, in the second example, what the play asked the audience to decide was in essence whether the prosecutor's focus on general principles (U) or the attorney's focus on the pilot's moral dilemma (C) provided a stronger argument for deciding the case; but what it thereby demonstrated, whether deliberately or not, is that the value of either argument consisted in its showing us how insufficient the other was (*C <-> U*).

The implication is the same in both examples: regardless of how comprehensively we try to consider and weigh all contextual circumstances, the universalization test remains unavoidably deficient in that it depends on assessments of situations that will vary dependent on personal views and values. *The universalization test is situational rather than universal*, as it were; it cannot claim to be unambiguous, unobjectionable, definitive. At best it can remind us that when all is considered and discussed, "the critical path alone is still open." (Kant, 1787, B884). Such is the nature of our human world of practice in general, and of moral judgments in particular. The better we manage to get a good sense of the situations at issue and thus to properly contextualize the maxims of action we consider, the more (U) can furnish an adequate standard of *critique*, no more, no less.

*So what?* Returning to the Kantian principle of moral universalization, I would argue that moral practice requires both, its careful contextualization in each application (1), and a consequent focus on its critical intent (2). Kant's business, after all, is *critique*. The two requirements (1) and (2) imply one another, as both are expressions of a systematically critical employment of the moral idea.

Accordingly, regarding requirement (1), Kant's formulation of the categorical imperative *U!* calls for a small but essential qualification:

*"Act according to a principle that everyone can hold in the same situation!"*

Regarding requirement (2), the underlying, modified formula  $M = f(C, U)$  translates into the following, *contextualized "exception test"* (exception, that is, from the demand for strictly universalizable ways of action):

*"As I consider exempting my action from the demand for strict universalizability, could I want all others in the same situation to equally claim an exception?"*

An action can be called moral, then, to the extent the answer to this modified exception test can be an unequivocal "yes." Applied to the case of lying, I think the answer is indeed a clear and definitive "yes." In the case of terrorism, due to the trade-off of human lives involved, the answer is less clear and hardly definitive; but in view of the unsolvable moral conflict involved, I tend towards a "yes" answer, too. Given that nobody can claim to have a definitive answer to such moral dilemmas, it is difficult to see why anyone should expect the pilot to have the answer or else to merit being sanctioned. To indicate just how undecidable the issue is, perhaps we'd do well to replace the "Could I want?" form of the question by the weaker "Could I tolerate?", as suggested in the detailed discussion above (see Box 2). In any case, restraint regarding sanctions is indicated (and "tolerance" *is* meant to translate into such restraint). Where clear decidability of human issues ends, sanctions can achieve little. Only mutual understanding and cooperation can help in such cases, along with timely efforts in future to avoid such situations from arising in the first place, and/or to be better prepared for them.

**Summary and final comment: "Ideas in context"** We have learned that the practical meaning of general ideas arises only out of their encounter with specific contexts. Perhaps we can sum up the nature of this encounter in words that do not just repeat what we have said thus far, in a way that highlights its far-reaching implications for systematic thought. The encounter takes place in what we have called "situations," that is, in specific contexts of application of inquiry and expertise with a view to achieving change. Such

situations are never "given," they need to be defined, and any such definition involves knowledge of relevant circumstances as well as value-laden choices as to what concerns are to be part of the situation considered and what others are not. This complex nature of the application of ideas to real-world practical situations holds true not only for the moral idea (which is a prime example though) but for all general ideas of theoretical and practical reason, among which I would count ideas as diverse as:

(1) the *Upanishadic idea(l)s* of *atmavidya*, *jagatvidya*, and *brahmavidya*, which in this series of essays we have tried to understand as *epistemological* ideals and standards of reflection;

(2) *Enlightenment idea(l)s* such as individual freedom, autonomy, and maturity, and ideas derived from them such as unconditional respect for the dignity and integrity of every individual, human rights, social rights and social justice, civic rights, and the democratic idea, all of which we may understand as *practical-philosophical* standards of responsible and rationally arguable action (i.e., of practical reason) that are closely related to the moral idea; and finally,

(3) basic *methodological idea(l)s of rational thought and argumentation* such as Habermas' requirements of "rationally motivated" and "undistorted" discourse (see Ulrich, 2009c) and Kant's fundamental principles of *proper reasoning*, "thinking for oneself," "enlarged thought," and "consequent thought," all of which can help us in bringing together theoretical and practical reason in the quest for pragmatic excellence.<sup>34)</sup>

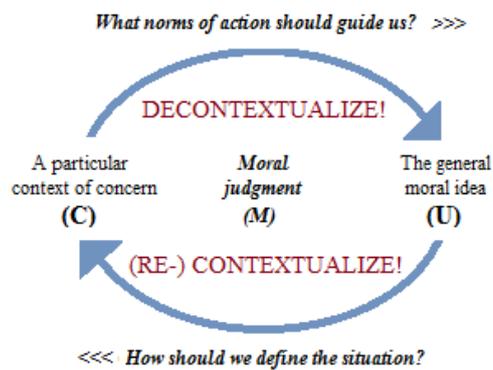
In this series of essays we refer to such ideals or standards of thought and action as "general ideas." Due to their abstract character, the meaning of such general ideas in concrete contexts of thought and action is not given any more than "situations" are given. Rather, it needs to be identified and unfolded; "identified," in that meaning clarification involves choices; "unfolded," in that such choices have consequences or implications that need to be uncovered and projected into the future of the situation at issue as well as onto other, comparable situations. Meaning clarification of ideas – the focus of the present essay – thus means both, embedding them in well-defined contexts and subjecting their thus gained, "applied" (i.e., situation-specific) meanings to the modified test of universalization:

*What if everyone would apply this same idea  
to all comparable situations?*

The two tasks of understanding contexts (C) and unfolding implications (U) are thus like the two sides of a coin: we cannot have the one without the other. They require what we have described as a double movement of critical thought – contextualizing and universalizing efforts of reflection and discourse – so that each can shed some critical light on the other. Again this requirement holds true for all general ideas but especially for the moral idea, which embodies the principle of universalization more than any other idea and precisely for this reason calls most urgently for adequate contextual interpretation and critique.

**"The moral idea in context"** Our second basic heuristic, the extended (or modified) formula of moral universalization, is to remind us of this requirement. Its essential intent can perhaps be captured in the notion of *the moral idea in context*. Only in moral theory can moral reasoning be said to consist in "universalizing" our maxims so that they can be elevated to the status of general norms of action; in moral practice, it consists much more in clarifying contexts of concern, and in then identifying, questioning, and limiting corresponding moral considerations or claims.

Moral practice – the "moral idea in context" – has to work with the tension between context and idea. The one is particular, the other general. Situational judgment has to *maintain this tension* so as to be able to bring it to bear as a source of critical reflection, whereby each side of the coin – (C) an (U) – functions as a challenge and corrective of the other. The methodological core principle consists in a *double movement of critical thought*, a reflective effort grounded in the notion that any situation or issue can be seen from a range of different perspectives that together form a spectrum of options for thought (the "spectrum idea" as we called it). **Fig. 12** integrates this notion with our earlier characterization of the nature of situational judgment as a cycle of critical contextualization (cf. Fig. 11 above), whereby the ultimate standard of critique is supplied by general ideas, in this case the moral idea.



**Fig. 12: The moral idea in context**

Moral judgment is a function of both (C) and (U); it requires a contextualizing along with a decontextualizing movement of thought

It might appear paradoxical, to be sure, that the universalizing thrust of the moral idea should mean in practice that we need to carefully *contextualize* its meaning in the first place. We face a truly Upanishadic tension here between the real world (or first-order universe) of moral imperfection and the ideal world (or second-order universe) of moral universalization; between the "this" and the "that" sides of moral action as it were; or, as we may now also put it, between the contextualizing and the decontextualizing demands of moral engagement. Moral problems arise out of this *clash* of contextual and enlarged thought. Leave out either side and you have no moral problem at all. So this tension is not just an obstacle to straightforward moral reasoning and action (i.e., a difficulty we'd better eliminate as quickly as possible), it is actually constitutive of the moral problem. It follows that there can be no straightforward, simple answer to the question of what morally "good" action and the quest for "improvement" mean in practice, that is, under real-world constraints of limited resources and concerns.

**Outlook** What remains in the end is what I call the *critical turn* of our notions of rational and moral practice: while we can hardly ever demonstrate full adherence to standards of complete rationality and morality, we can at least uncover the conditioned, situational nature of our efforts to approximate them. The modest but achievable aim, then, can only be to *support reflective practice*.

The next and final part of the series, Part 8, will consequently shift the focus from the issue of meaning clarification to that of validity critique, the second

of the two basic methodological issues introduced at the outset above. Accordingly, our topic will then be the argumentative use of general ideas for buttressing or challenging validity claims. The two related heuristic tools we will discuss are the nature of *suppositional reasoning* (tool # 3), a way to think of the place of ideas in rational argumentation that was an important topic in classical Indian-Buddhist logic and philosophy but has remained rather neglected in more recent Indian as well as Western thought; and the need for a contemporary critical turn of this concept of suppositional reasoning, along with my specific proposal for operationalizing such a critical turn (especially for professional purposes), the tool of *boundary critique* (tool # 4, cf. Table 4 above). See you then.

*(To be continued)*

## Notes

- 29) Concerning the language of improvement, professionals sometimes try to avoid such openly value-laden language and prefer a purely descriptive language instead. So they will talk of "changes" or "intervention" instead of a quest for "improvement," and often will also try to focus on relevant "circumstances" or "facts" while avoiding to discuss "values" or "norms." But of course, avoiding the language of improvement does little to avoid the normative issues in question – of what are proper situational standards and measures of improvement, and who ought to benefit – and who not – of such improvement. The choice professionals have is not whether or not to rely on some value-laden notion of improvement but only, what options there are for defining it and how transparent and well-grounded the underlying different assumptions are with a view to their moral implications. Under real-world constraints of limited resources and concerns, professionals have to acknowledge that all they can expect to achieve is some situational improvement; but a moral perspective none the less will always point beyond such situational constraints. [\[BACK\]](#)
- 30) As we noted earlier, already Kant found the concept of *limiting concepts* useful for explaining his notion of "pure ideas of reason," to which depending on the context he variously also refers as *a priori* ideas, transcendental ideas, or *noumena*. Noumena (= plural form of the Greek noun *noumenon*) refer to objects of cognition that can be thought only, as distinguished from phenomena that can be experienced. In Kant's terms, noumena constitute the world of the intelligible as distinguished from the world of the sensible. In Upanishadic terms, we might say that noumena embody the world of the "that" as distinguished from the phenomenal world of the "this." There are only two passages I know of in Kant's writings where he suggests that we may understand noumena as limiting concepts, but I find both important – once in the *Critique of Pure Reason* (i.e., in the field of theoretical reason) and once in the *Groundwork of the Metaphysic of Morals* (i.e., in the field of practical reason). In the *Critique*, he employs the notion of ideas as "merely limiting concepts" to explain their epistemologically "problematic" and methodologically "negative" use: "The concept of a noumenon is thus a merely *limiting concept*, the function of which is to curb the pretensions of sensibility; and it is therefore only of negative employment." (1787, B310f) In the *Groundwork*, he characterizes the problem of how a moral imperative can be justified as a binding maxim of rational action by the question: "Why must the validity of our maxim as a universal law be a condition *limiting* our action?" (1786, B103, my italics) Compare note 5 in Part 2 of the present series of essays (Ulrich, 1914a, pp. 7 and 13n). [\[BACK\]](#)
- 31) When I first introduced my notion of a "double movement of critical thought" in Part 3 (Ulrich, 1914b, pp. 34-35), I was not aware of similar ideas in Dewey's (1910) book *How We Think*. In the book's chapter on "Systematic Inference" (Ch. 7, esp. pp. 79-83),

Dewey speaks insightfully of a "double movement of reflection," by which he means in essence the iteration of *inductive and deductive reasoning* in all systematic inference. While I was not thinking of the approximation of general ideas as a problem of induction vs. deduction, there is of course an important parallel with my focus on a fundamental *tension* (rather than opposition) to be maintained and unfolded in systematic discourse, between (in my terms) a "contextualizing" and a "universalizing" (or de-contextualizing) movement of thought and, related to it, between the particular and the general, bounded and unbounded thought, or similar pairs of divergent, yet at bottom complementary, orientations (cf. note 32 below on the danger of dualistic thinking involved). What I call "universalizing" thought can indeed be associated with the "inductive" step from particular to general statements, just as "contextualizing" thought may be associated with the "deductive" step from the general to the particular. The reason I did not consider such a perspective is that my frame of reference is one of philosophical pragmatism rather than science theory, for which the so-called "problem of induction" is crucial. The problem of induction will be more relevant to us when it comes to tools for arguing (or justifying, criticizing) claims related to general ideas, rather than in the present context of tools for meaning clarification.

As a side remark, my earlier oversight provides a nice example of how diverging contexts of thought (or universes of discourse) can prevent us from seeing other people's points, regardless of how relevant they may be. The context within which I moved when I formulated my notion of a double movement of critical (or more accurately, critically-contextual) thought was shaped by my background interests in critical systems thinking and discursive practical philosophy, along with Upanishadic ideas, rather than by Dewey's (1910, p. iii) focus on a "scientific attitude of mind" and conforming "habits of thought." When such contextual differences become clear, the mind is then free to see common or overlapping core ideas the more clearly. [\[BACK\]](#)

- 32) *Enlarged thought* matters for efforts of both theoretical and practical reason, although I suspect the latter use was probably more important to Kant (but it is still largely absent in the contemporary concept of "interconnected" thought). Applied to questions of theoretical reason (What can I know?), enlarged thought requires an inquirer to check his judgments of fact against those of others, so as to uncover and overcome their *subjectivity* (which becomes a source of illusion when mistaken for objectivity) or, as Kant also likes to say, their "private" nature. Applied to practical reason (What should I do?), enlarged thought requires an agent to check his maxims of action in the light of the concerns of all the people who might conceivably have to live with the consequences, so as to examine their *moral universalizability* as norms or principles of action.

Unfortunately, measured by the importance of the concept of "enlarged thought" to Kant, his accounts of it are few and short, and are almost hidden in his writings; he offers them in passing, as it were, along with short hints at two other basic principles of proper reasoning, "independent thought" and "consistent thought." The circumstance may explain why the three principles are also largely neglected in the huge body of literature around Kant's critical writings. See Kant, 1793, B157f, transl. and briefly discussed in Ulrich, 2009b, p. 10; 1798, § 43, transl. in Louden, 2006, p. 95; and 1800, A83f, end of sect. vii, transl. in Abbott, 1985, p. 48. [\[BACK\]](#)

- 33) It should be clear that the two endpoints of a spectrum should never be taken to represent genuine, independent alternatives. Rather, they delimit a space of thought (or argument space, as we said in Part 3) within which proper reasoning needs to move back and forth in both directions, so as to achieve a fuller understanding of the issue in question than any fixed standpoint can afford. The value of such non-dualistic (or non-dichotomic) thinking is a basic Upanishadic insight that I associate with the spectrum idea, lest we fall into the trap of opposing false alternatives. [\[BACK\]](#)

- 34) Compare endnote 32 for the sources where Kant hints at the three basic principles, and specifically for his notion of "enlarged thought," the one of the three principles that I propose offers itself as a key concept not only of Kantian but equally of Upanishadic thought, and thus of integrated Upanishadic-Kantian discourse. [\[BACK\]](#)

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**Picture data** Digital photograph taken on 20 October 2009, around 9 a.m.; near Bern, Switzerland. ISO 100, exposure mode aperture priority with aperture f/5.0 and exposure time 1/500 seconds, exposure bias -0.30. Metering mode multi-segment, contrast soft, saturation high, sharpness soft. Focal length 16 mm (equivalent to 32 mm with a conventional 35 mm camera). Original resolution 3648 x 2736 pixels; current resolution 700 x 525 pixels, compressed to 203 KB.

*November-December, 2016*



*The particular and the general, united in a peaceful context*

## *Atmavidya, jagatvidya, brahmavidya*

„Deep subjectivity, pragmatic excellence, and enlarged thought:  
three Upanishadic ideas for critical contextualization”

(Motto from this essay)

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