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Universal Norms and Group Values

The scope of this article is conceptual and normative clarification. It is a philosophical argument about the compatibility of universal norms on the one hand and group values on the other. It is not about the content of adequate universal norms and possible group values. In case this argument will be accepted, there would be no need anymore to adopt a postmodernist or even Nietzschean stance in order to incorporate tolerance as an essential part of an adequate normative understanding of a global society.

Within a global multicultural civil society, tolerance is constituted by both the recognition of cultural differences and group identities on the one hand and respect for universal moral norms on the other. A humanist morality and politics has to reconcile adequately universal norms and group values. I argue that this is possible if one understands moral diversity as an answer to the problem of social cooperation. As a result, the recognition of plurality is preserved without giving up an essential trait of all humanist morality which is the objective validity of universal norms.

There is a general idea inherited from the enlightenment which is not confined to the European and especially French history in the eighteenth century, but which is common to all humanist periods of human thinking and social development in many

cultures and in different periods of time¹: This is the idea of equality, and the related idea that there are certain rights, intrinsic values and duties which are not bound to special social relationships, memberships of certain groups, ethnicities or nations, and which together build a framework of moral constraints within which all morally acceptable behaviour is embedded. It is the fundamental assumption of genuine political conservatism that those universal norms do not exist. Certainly there are many modern conservatives who do not hold this assumption anymore, which was essential for Edmund Burke and other critics of the French enlightenment and the French revolution. However, those have given up an essential trait of conservative politics which justifies an understanding of this kind of "conservatism" as a form of liberalism combined with the empirical judgement that certain genuinely liberal values can be uphold only if the dynamics of change in society is limited. Today a large part of political thought within the Left is also openly anti-universalist and partly even anti-humanist. Even moderate proponents of multiculturalism easily give up constitutive elements of normative humanism (a concept which I shall explain later) and

¹ Cf. e.g. *The Cairo Declaration of Human Rights in Islam* of August 5, 1990, which begins: "Reaffirming the civilizing and historical role of the Islamic Ummah which God made the best nation that has given mankind an universal and well-balanced civilization... wishing to contribute to the efforts of mankind to assert human rights,... believing that fundamental rights and universal freedom in Islam are an integral part of the Islamic religion and that no-one as a matter of principle has the right to suspend them in whole or in part... declare that... all men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations." I gave this lengthy quotation because the Islamic world view is widely assumed to be the most challenging counterpart to Western culture and civilization based on individual liberty and rights. Cf. also the UNESCO-Anthology *Philosophical Foundations of Human Rights*, Paris 1986.

seem to revitalize exactly those normative elements which have been constitutive for political conservatism (cf. e. g. Taylor 1992). This new collectivist and anti-universalist tendency is - like orthodox Marxism has been in the past - a result of (and the response to) certain deficiencies of mainstream liberal thought.

In this paper, I want to analyse some of these deficiencies in order to show that those elements of collectivism, relativism and contextualism which are worth being preserved can be better understood within an objectivist and universalist account of norms and values. The kind of universalism I shall defend departs from ordinary universalism insofar as it contains a strong element of contingency which, understood in terms of co-operation, allows to reconstruct a large part of the vast differences in normative attitudes and group values. Even more, it allows to understand the moral value of different co-operative structures which in turn is the only adequate basis for a politics of recognition as it has been discussed recently. The politics of recognition does not force us into contextualist and anti-universalist notions of morality; what is more (as I try to show) the politics of recognition, adequately understood, can only be based on certain universal norms and values. There are some liberal theories with a similar intention, but they make not use of this argument (cf. e. g. Raz 1986, 1995; Kymlicka 1989; Rawls 1989; Gutman 1993).

I mentioned the objectivist and universalist foundations of humanist politics - a politics which takes every human individual seriously and does not instrumentalize individuals or groups of individuals for external goals - therefore it has first to be explained what is meant by "(moral) objectivism".

Moral Objectivism

If we discuss the rights and duties imposed e. g. by tolerance - what governments are allowed to do regarding cultural minorities, the limits of civil disobedience, the right of free speech etc. -, there are often genuine differences of opinions. Some think that p is true and some think that q is true, and nobody thinks in such cases that there is no problem if p and q are incompatible. If those who think that p is true and those who think that q is true belong to different societies which do not interact (at least not on an interpersonal basis), then there might still be a theoretical problem - the problem to explain this difference of opinion -, but then we do not have a practical problem. A practical problem is such that we do not know how to act and interact. Successful interaction is based on shared norms of interaction. Certain forms of interaction like promising, being reliable, trusting etc. are constituted by whole systems of norms which have partly been analysed by speech act theory during the past decades (see e. g. Austin 1962, Searle 1969). This common normative framework, constitutive for interaction, is obviously compatible with different individual goals, values and subjective moralities.

Compare this with our judgement not concerning moral questions but descriptive ones. To participate in successful communication presupposes a wide range of common assumptions. Different opinions about a certain subject matter can be identified only if there is enough consensus concerning other subject matters such that the dissenting parties can understand each other. This is true for empirical and moral disputes as well. There is a common element between moral disagreement and other disagreements regarding questions of rationality or scientific facts: The disagreement is a genuine one. A non genuine disagreement might arise if I prefer staying at home and my partner prefers going out. Then we realize that we have conflicting preferences in case we both want to spend this day together. But if we begin to discuss how to solve this conflict, e. g. by referring to a principle of fairness ("last time you decided, this time I should have the right to decide"), then we might reach an agreement by a more fundamental consensus regarding the rule which we want to apply. Otherwise we might go on disagreeing what to do, but then this disagreement has turned into a genuine one: One thinks it is fair that p and the other thinks it is fair that q , and p and q are incompatible. And even if we agree that p is fair, the other might still say: I still prefer q because I am unable to do what I think we ought to do. In this case, he reveals a kind of weakness of the will. Genuine conflicts between two propositions p and q are those in which it is impossible that both p and q are true. If I say, you (morally) ought to do x , and another person says, you (morally) ought to

do y , and if x and y cannot be realized at the same time, then the two have uttered judgements which are in genuine conflict - both ought-judgements cannot be true simultaneously. Our moral language contains many judgements which have a propositional meaning, i. e. which can be true or false and in consequence can be in genuine conflict with each other. Objectivism obviously is a constitutive part of our moral language and practice.

Ethical non-cognitivism has dominated western philosophical thought from the thirties of this century until now. Non-cognitivists have tried to show that moral language does not contain genuine propositions. In the meantime most non-cognitivists accept that natural moral language in all known cultures is indeed objectivist. Therefore non-cognitivists are forced to assume an error theory of moral language, i. e. that moral language rests on a fundamental mistake, a mistake regarding the existence of moral truth and falsehood, or the existence of moral facts. If one accepts the error theory of moral language, one cannot adhere anymore to a style or a method of philosophy which tries to solve philosophical problems by means of logical or grammatical analysis of natural language (ordinary language philosophy). Indeed I am convinced that most non-cognitivists provenient from ordinary language philosophy did not develop their theories motivated by observations concerning the logics of moral language but motivated by a metaphysical theory, telling that there is only one kind of truth, the empirical. (Others held that there are two kinds of truths, empirical and logical, related to

inductive and deductive reasoning, respectively.) This kind of metaphysics did not allow for normative truth or falsehood. Therefore, it seemed necessary to show that our moral language can be understood differently. The emotivist proposal was to interpret moral utterances as revealing personal pro- or con-attitudes. Since our propositional language in general also reveals pro- and con-attitudes, the meaning of *moral* utterances was reduced to this function *only*. Obviously this interpretation does not conform with the practice of everyday moral discourse. We disagree about questions of right and wrong, just and unjust, good and bad, and in all these cases we think that these disagreements are more than a mere question of taste. If we argue for an international economic system fulfilling certain criteria of justice and fairness, we do not just reveal a subjective preference. We are convinced that a just world would be a better one, and we think that this is true independent from our subjective preferences and tastes. Objectivism is our starting point because our everyday moral language and practice and the self-interpretation of all cultures known to us are objectivist.

If there is something like objectively right and wrong, just or unjust, fair or unfair, if there are objective rights and duties, are we then also bound to universalism, i. e. to the claim that there are universal norms and values, norms and values which are valid for every human in the world alike? One must be careful in using technical terms like "objective" or "universal" as part of everyday language. If technical philosophical terms have a precise meaning, we can tell what

the implications are for accepting or not accepting these terms as properties of certain objects. If you say: There is objective moral right or wrong, you want to say something like: There are some entities, e. g. actions, which are morally right or wrong and the person's preferences (attitudes, dispositions, beliefs etc.) do not affect the truth or falsity of her utterance "This is (morally) right". Now it might be that certain moral propositions depend on the utilities or the preferences of persons. For example if I judge a certain practice as a just one regarding two persons, the truth of this judgement obviously depends on which preferences these persons have. In this sense, a specific moral utterance might be true or false depending on personal preferences. What the objectivist wants to say is something different: Moral truth and falsehood is not *constituted* by the preferences (or in more general terms by the motivational set) of the person uttering this proposition. There are other forms of subjectivism which might be called collectivist subjectivism, which assume a constitutive dependency of valid moral propositions from preferences, opinions or pro-attitudes of a *group* of persons. For collectivist forms of subjectivism it is far more difficult to draw the demarcating line between subjectivism and objectivism, and I will not try to do this here. But if different groups due to their preferences, opinions, pro-attitudes etc. take different moral propositions to be true or false, we have to introduce a parameter like "this action or practice is right for that group, and this other action or practice is right for another group". We then

can still stick to objectivism in the sense that there is one common element, and this is to be *objectively* right or wrong, but what exactly is right or wrong in concrete circumstances depends on the group to which we want to apply our moral judgements. Therefore, objectivism and (a certain kind of) normative relativism can be made logically compatible.

Universalism does not seem to be implied by objectivism. A closer look shows that objectivism indeed implies some kind of universalism, but a very weak one. If e. g. some duty applies to members of a certain group only and we interpret this duty objectively, i. e. a member of this group ought to do what is required by this duty independently of what the speaker or anybody else prefers, then it would be wrong for anybody in the universe to say that this member of the group ought not to do what this duty requires. So relativism which is compatible with objectivism is not perspectivism. What is right or wrong, just or unjust, good or bad etc. is not a question of perspective.

The most radical form of moral relativism compatible with objectivism, is one which one might call Wittgensteinian: For this form of moral relativism the meaning of moral utterances is constituted by specific language games. To speak a language is nothing else than to participate in certain language games. The whole system of language games builds a form of life or is at least embedded in a form of life or, to put it more broadly, in a form of social interaction. To understand the meaning of moral utterances, requires participating in the

respective language game or, to put it differently, to be a genuine member of the respective society. A radical interpretation of this Wittgensteinian view would imply that moral terms cannot be translated from one language into the other because there are differences in the forms of life, related to these languages. The bigger these differences are, the less we can understand the moral terms of another language. Moral predicates would be applicable only within a language community. Still an objectivist could hold that all the duties and rights embedded in the specific language are objectively binding for those being part of this language community. And if this is thought to be true, independent of a certain perspective which in this context means "from the standpoint of a specific language community", then this version of relativism is compatible with objectivism.

Abstractly speaking, this position seems to be quite convincing. But if we focus on some specific moral predicates, we soon realize that this position gets into trouble. Some moral (or more broadly: normative) terms have a meaning which is quite independent of specific language games bound to specific language communities. Take for example moral predicates like "ought" or "good", or in the more technical sense: "obligatory". Probably in most languages there are corresponding terms which mean the same as these normative terms do in English. Certainly there are many others like "bold", "shameful", "cruel" etc., the meaning of which seems to be bound in a more stringent way to a specific culture. The difference between these has been marked by Bernard Williams

(1981, 1985, 1995) by discriminating thin (the former) and thick (the latter) moral concepts. But contrary to Williams I think that the existence of thin moral concepts which in general can be translated from one language into another, poses a problem for the compatibility of relativism and objectivism. If a concrete action under specific social conditions is right, then the same action cannot be wrong from another cultural, historical or social perspective - the perspective of another language community. But if we accept that some important part of our moral language (e. g. "thick moral concepts") is bound to a specific language or culture, and if we additionally assume - which seems to be indispensable - that the application of thin moral concepts depends on the criteria of certain thick moral concepts, then we face the problem of how to reconcile relativism on the level of thick moral concepts with objectivism on the level of thin moral concepts. This problem comes up because thin moral concepts are indeed translatable. If objectivism is true, it cannot be that a concrete action under specific social conditions is both right and wrong. Relativism, even if it is a relativism from the distance, is incompatible with objectivism under this assumption. If we want to understand and rationally reconstruct moral differences bound to specific cultures and languages, and if we at the same time do not want to give up moral truth and falsehood, then we have to look for another way of reconciliation.

Cooperation

All kinds of cooperation have one common structural property: If two or more persons cooperate, they each choose an action or a strategy for which the following is true for everybody participating in this cooperation: There is an alternative to the chosen cooperative action which would have better consequences for the acting person than the cooperative one. If everybody participating chooses the action or strategy which would have the best consequences for the acting person, the result (in combination) would be worse than in the cooperative case. In order to cooperate it is necessary to refrain from individual optimization (for details cf. Nida-Rümelin 1993).

There is a wide variety of different forms of cooperation. Cooperation is partly enforced by judicial norms, partly and additionally by conventional morality, partly by institutions which are deeply embedded in our linguistic behaviour, partly by social conditioning and learned or genetic dispositions. Therefore in many cases cooperation takes place without the need of practical deliberation. We just do what we are expected to do under certain circumstances, beginning from earliest childhood. We adopt certain cooperative attitudes in learning social rôles like the rôle to be a parent or a teacher or a politician etc. These rôles are accompanied by expectations of our social environment, and even if in specific cases we might deliberate not to do what the rôle tells us to do, we avoid many conflicts in just accepting these rôles. The burden of moral choice is diminished if we

conform to this complex system of rôles which allows for social cooperation.

You might already have realized that this sketch is a caricature even if we have only one singular culture in mind. In all cultures, also in quite traditional ones, there are many conflicts of rôles, normative expectations and institutions such that there are many situations in everyday life in which it is not at all clear what the individual is required to do. This is the starting point for practical deliberation. It is the task of philosophical ethics to reconstruct those principles on which sound practical deliberation is based. In modern societies with a complex system of rôles and expectations there are many different types of practical conflicts. Choice is the condition of man in modern society: we choose educational and professional options, we choose the partner to live with, we choose the groups we join for social and political engagement, in short we choose our form of life. But however we choose, our personal form of life is part of a complex social structure which ties these different individual lives together and which is based on cooperation. We cannot just step out of this system, and even if we tried, we would probably only become dependent on social help and care and therefore remain a (weaker) part of this system of social cooperation.

Free choice is possible only if the individual has gained a certain degree of independence from conventional and unreflected moral constraints. Independence of this kind turns

some into egoists. It is the traditional complaint of romanticists of all sorts to think that only unreflected moral bounds can preserve social cooperation. Political romanticism not only undervalues the relevance of practical reason for social cooperation, it is inadequate when confronted with the social reality of modern world. The social reality of modern world society and modern multicultural "national" societies is made up by competing normative requirements and social roles by the interaction of members of different cultural and ethnic groups, by the decay of traditional hierarchies and by increasing social mobility. These elements on the one hand foster social desintegration and normative insecurity, on the other they require social agents which are capable of interacting with other agents of different social, cultural, economic, ethnic and national origin. Cooperation under these modern conditions is not possible without the help of practical reason. The interacting persons have to build their cooperative structures themselves. They have to learn that humans share many common elements independently from their social, cultural, ethnic or national background - in this sense there is no alternative to a humanist policy. They have to develop the capacity to understand actions of persons with a divergent cultural, social and political background.

Humanistic individualism is not directed against the permanence of divergent group values, instead it is guided by the idea of cooperation between groups. If a person again and again is confronted with situations in which the conventional normative framework of her group does not help because it is

not common to all with whom she interacts, then it might still seem philosophically attractive to assume that personal identity is constituted by institutions or groups (cf. Douglas 1986), but this cannot be an adequate paradigm in order to understand and evaluate human behaviour in a modern social setting. One branch of liberalism has (like Marxism) overestimated the rôle of economic interests and economic interaction. The devaluation of cultural bindings by these political accounts has justly brought the communitarian counter-movement on the stage. But now it is time to reconstruct those universal norms and values which are fundamental for cooperation between groups. A modern world society cannot rely on the normative force of traditional moralities and cultural bindings. The rise of nationalism after the decay of communist rule, primarily in Eastern Europa but now spreading world-wide, is a warning against naive communitarian thought.

It is true in general that social cooperation constrains the individual optimization of personal interests and values. In the intergroup case, this is of even greater importance since here one cannot rely on established rules and institutions to the same extent. Individual autonomy becomes a precondition for intergroup cooperation. As personal interests must be constrained in order to make interpersonal cooperation possible, likewise group interests and group values must be constrained in order to make intergroup cooperation possible. By intergroup cooperation I do not primarily mean the cooperation of group representatives or group institutions,

but person-by-person interaction where these persons belong to different groups.

Communitarian thought and politics and especially the version which is sometimes called "multiculturalism" is often based on a much too simple image of social reality. If we disregard traditional tribe societies which only have survived in very few places in the world, group identities and group belongings are highly theoretical constructs all over the world. The most prominent example is the one of the nation. The nation in nowadays sense of the term did not exist before the beginning of the 19th century. It was not primarily social change which brought it into existence, but a new ideology of some philosophers and intellectuals. Originally the emerging nation states and their historical roots were mere intellectual constructs. The French people did not have a group identity before the foundation of the French nation state. And the first decades of this nation state were characterized by cultural imperialism which erased almost all competing cultural bindings. The French intellectual tradition developed an ideal of the nation which is mostly cultural and political in contrast to the ethnic ideal of the nation which is still dominating the German and Eastern European discourse. If we disregard groups constituted by personal relationships, group membership is mainly constituted by social and political ideologies. The identity criteria of race, nation, class, social, cultural or ethnic groups are formed by certain theories and ideologies and not by some kind of empirical bound. Ideologies can in fact lead to effective group

solidarities. The philosophy and ideology of *différence* argues justifiably against all too simple versions of individualistic market liberalism. But the emphasis on *différence* threatens the possibility of a humanist account of social cooperation from the local community to the nation state and the global society.

The idea of group identity and a corresponding group interest is highly dubitable also on the basis of a more abstract argument which makes use of the three most important results of collective choice theory. These results show convincingly that the aggregation of individual preferences or interests to something like a collective or group preference or interest faces severe theoretical problems. Even the most minimal requirements for a reasonable mode of aggregation can not be fulfilled by any aggregational function. This is shown by the theorem which Kenneth Arrow (1963) proved in the fifties. The conflict between individual rights and collective rationality as it has been proved by Amartya Sen in 1970, is of equal relevance for this question. If we accept that in any culture there are certain domains of individual decision which should not be touched by external collective decision, then we have to give up the idea that something is collectively better if it is preferred by everyone in society. The third relevant result I have in mind is that of Gibbard (1973) and Satterthwaite (1975), who proved that there are no modes of aggregation which would not be manipulated by optimizing individuals. I cannot go into the details here - I just wanted to give a hint that there are strong theoretical arguments

against simple conceptions of group interest and group identity (cf. Nida-Rümelin 1993 and Kern/Nida-Rümelin 1993).

What we call "collective identities" of whatever kind - they might be constituted by cultural, ethnic, racial, national, social or other properties - should better be understood as one feature of a complex system of social cooperation. This whole system is far too complex to be described adequately by the usual means of folk or scientific sociology. Therefore, we tend to reduce this complexity by emphasizing certain forms of cooperation more than others and identifying those with something like a group identity. This is a dangerous theoretical strategy though, because in most cases it distorts social reality and in consequence gives an idea of social interaction which is misleading and which in fact has misled so many people in the course of the history. Too many wars have been caused by this over-simplifying way of understanding social interaction. We should be keen not to foster related developments. To say that people just feel to belong to some group, cannot be an answer if we look at the racist or nationalist tradition of political thought. The Aryan race did never exist in the sense the Nazi ideologists used the term, but probably most Germans during the time of the Nazi regime had strong feelings of belonging to this race. So if we accept mere feelings of belonging as the basis of group identity, we not only destroy cooperative patterns between groups, but we give up the possibility to criticize collectivist irrationalism.

Diversity

If one takes cooperation as the starting point of the analysis, the diversity of norms and values can easily be made compatible with universal norms and values at least to a certain degree. In most situations of interaction there are more than only two options for every agent. To cooperate means (in the paradigmatic case) to choose an individual strategy which is part of some combination of individual strategies chosen by the other cooperating persons, which results in an outcome which is better for everyone than the outcome resulting if everyone did not cooperate. Now often there is more than one combination of individual strategies which meets this condition. Therefore even if everybody has a cooperative attitude, there is a problem of coordination: Which of these possible cooperative strategies should be chosen? Outside the social context the answer to this is not simple, and if we require a wide consensus, then cooperation is mostly underdetermined, i. e. we do not know which of these different cooperative strategies to choose. The diversity of values and norms established in different societies and cultures all over the world can be understood as different conventional solutions to this problem of underdetermination. Every society chooses a specific mode of cooperation out of the wide range of possibilities. At least for this part of moral norms and values which can be understood as a way to foster and enforce cooperation, its compatibility with universal norms and values is apparent. The universal norm is the one of cooperation, and the different conventional settings are different solutions

from the underdetermined set of possible cooperative interactions. Some flexibility is required if one wants to find a way through this complex structure of different solutions of the cooperation problem which a modern society offers - and traditional societies to a lesser degree, too. We can understand society as a game-theoretic structure and moral norms as solutions to certain problems of interaction, which grant for individual autonomy and social cooperation. The solutions they offer differ across social groups, cultural and political settings, but they have enough in common so that we are not necessitated to give up our objectivist and revised *universalist* understanding of moral norms. We find our ways through only if there is some overlapping consensus on moral questions, or (to choose a better metaphor) if there are moral basics which we have in common and which frame moral practice and discourse.

The analysis of normative differences in terms of solutions to cooperative problems has its limits though. Contrary to what most contractarians think, I am not convinced that all parts of morality can be reduced to cooperation. There are other non-reducible parts like the duty to help the weakest or the kids, the universal norm of non-instrumentalization of individual lives for collective goals, the human rights in general. I am indeed convinced that these most fundamental parts of morality are universally valid, even if *not* acknowledged in every society in the world. That some cultures do not acknowledge these norms and values, does not prove that they are not universally valid. The fact that the Greeks and

Romans did not know quantum mechanics does not prove that quantum mechanics is not true. Universal validity is not the same as universal acceptance. Human rights should be understood as an ultimate constraint of human action regarding other humans. Human rights are only the most minimal requirements of morally acceptable behaviour which leaves enough space for cultural diversity, i. e. for different solutions of the problem of social cooperation.

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