An Ethic of Empathy: Articulating the Normative Grounds of Dialogic Interpretation

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Contrary to concerns that grounding ethics in empathy fails to account for normative ideals like autonomy, respect, and universal equality, a viable path towards an empathetic ethic advancing those values is presented. In the first step, the normative entailments of dialogic interpretation are articulated and correlated with Kantian ideals to define the goalposts. Avoiding metaphysical or transcendental groundings, we then sketch the profile of a hermeneutic phenomenology revealing basic and morally impactful phenomena as normative sources. Finally, the conception of a dialogic self can be shown to entail the cognitive potential to rightly respond to such phenomena. Empathetic capabilities entail a set of normative ideals expressing the rich value-orientations of a culturally sensitive yet universalistic concept of moral agency.

Keywords: empathy – Gadamer – Kant – Levinas – the face – hermeneutic phenomenology – dialogic self

To counter concerns that grounding an ethic in empathy may undermine the normative status of values like the autonomy of the subject, respect for human dignity, or universal equality, let us begin with reasons that would speak against such a project. First, if empathy is a feeling, and thus a psychic state, does it not lack the necessary resources to ground the required normativity that a true philosophical ethic must establish? Can the emotive 'is' be bridged toward an empathetic moral 'ought'? What would need to be shown is that basic phenomena – intuitions that constitute empathetic phenomena – indeed entail sources of normativity. Second, does the laudable concern to have

compassion and sympathy with others as vulnerable selves not miss the equally crucial recognition of others as autonomous agents? Is it possible to reconstruct respect for human dignity, i.e., for the human as a reflexive self-determining subject, from roots in emotively grounded care attitudes? Yet, if empathetic recognition could be shown to be complex enough to encompass reflective self-determination and respect for the Other, an empathetic ethic would not have to fail. Finally, are not empathetic acts of putting yourself in the Other's shoes prone to project our own, situational and partial understanding onto the Other, thus *assimilating* the Other despite all good intentions, turning her literally into *our* 'alter ego', i.e., into a dependent, unrecognized quasi-copy of our own worldview? Here, naturally, a reflexive assessment of one's own empathetic projections would have to curtail the inevitable initial biases and distortions that any situated understanding may entail.

If concerns about a sentimentalist grounding, respect for cognitive powers, and an assimilatory tendency are plausible potential predicaments, a project that aims to 'ground ethics in empathy' will have to address and ultimately overcome them. This is one reason, I argue, why an empathetic ethic needs to be shown to be intrinsically connected to *dialogic interpretation*. The presuppositions of understanding are rich enough to avoid such reductive dangers. To lay out how such an empathetic grounding could be established I will draw on major insights in hermeneutic, Kantian, and phenomenological perspectives which I aim to connect towards a set of basic normative assumptions of dialogic understanding. The first step will reconstruct the *normative entailments of dialogic interpretation* as conceived in philosophical hermeneutics to show how Kantian intuitions may be safeguarded by articulating empathetic dimensions of interpretation. In a second step, I outline the basic premises of a hermeneutic phenomenology establishing normative grounds *from within the social Lifeworld*. By engaging Emmanuel Levinas's attempt to ground universal respect in an immediate social phenomenon, the face, I articulate how the full scope of an empathic ethic of understanding may be conceived. In a third step, I propose an account of *dialogic self-development* that can more fully ground and defend a fusion of universal and hermeneutic moments via an empathetic ethic. It establishes normative entailments that provide a set of value-orientations on how to relate to and recognize the socially situated Other.

I. Dialogically Recognizing Dignity: From Hermeneutics to Kant to Empathy

To take the hermeneutic stance towards a text, in full awareness of one's insurmountable historical embeddedness, means to take it as a claim about

something – to engage it as addressing a shared question, provide a challenge, introduce new insights and angles – in other words, as a serious partner in conversation. Since understanding must, so the hermeneutic insight, proceed from one's taken-for-granted – and that means taken-to-be meaningful – beliefs and assumptions about what's at stake the interpretive disclosure must *nolens volens*, implicitly or explicitly, relate to what is said to what is already understood. Our task before us is to develop the *normative implications* of such a *hermeneutic interpretation* into a fully realized philosophical ethic. The approach is phenomenological, i.e., we rely on what is evidently given in interpretive experience. What is encountered is the text. Texts are interpreted as symbolic expressions, they speak to us, they are about something. Texts may include all symbolic acts. Since a text speaks about something to us, it also mediates the thought of another – itself already mediated since linguistically articulated – about something to us. It thus, besides all else, involves the subject-position or intentional stance of another human agent. Gadamer draws out this entailment as grounding an undeniable moral dimension of interpretation.

> Hermeneutic experience is concerned with *tradition*… But tradition is not simply a process that experience teaches us to know and govern; it is language – i.e., it expresses itself like a Thou … It is clear that the *experience of the Thou* must be special because the Thou is not an object but is in relationship with us. … Since here the object of experience is a person, this kind of experience is a moral phenomenon (Gadamer 1989, 358).

Since texts express thoughts about a subject matter their interpretive disclosure can be understood as a dialogue – i.e., as a back-and-forth process between what the text says about something and what the interpreter comes to believe about it on that basis – either asserting or revising previous assumptions, but foremostly bringing some of those into sharper focus, making one aware of one's assumptions while reassessing them. Insofar as we push this processual analogy back to the involvement of actual subject-positions, we can draw out three specifically moral implications.[1] First, the Other's expressions need to be *recognized and respected* as expressing some possible truth. Hermeneutic interpretation thus values the speech acts not as mere 'symbolic objects' or

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[1] Note here that to understand we cannot help not to project some fore-conceptions as we move along in the process, but that a reflexive openness toward understanding this dialogic nature of interpretation creates a particular attitude of openness toward the text as the expression of another subject.

syntactically or grammatically constructed 'things', rather they are granted respect via the recognition that they are entailed in the dialogic situation. I have to meaningfully relate the symbolic expressions of the Other to my own *taken-to-be-true assumptions and values* in order to even begin to make sense. There is thus a *truth-projection* involved – Gadamer calls it the 'fore-conception of completeness' – which safeguards the *non-objectifying* approach toward meaning.

Second, since in this process the possibly true acts are taken as the expression of a cognitively capable Other, dialogic interpretation entails the projection of the Other as a rational and reflexive self. I cannot possibly take the text as potentially truth-disclosing and yet not recognize the Other as a rational and reflexive subject expressing herself in it. Dialogical understanding thus entails *rational reciprocity*; the Other is recognized as a competent subject. But this means, third, that the meaning-acts of the Other – however much they derive from and employ the resources of their own historico-cultural-social Background – can never just be equated with objective conditions. Hermeneutic recognition implies that I never *reduce* the Other to her background, circumstances, social power, or other heteronomous factors. I always address her own claims as potentially valid and meaningful, as normatively defined which entails that I take her claims seriously as potentially true, yet always aware that they may turn out otherwise and be revised through the process. This similarly applies to my own beliefs and assumptions. Embedded hermeneutic interpretation entails a *non-reductionism* toward external circumstances as fully defining the meaning of the Other.

Regarding Gadamer's own developed approach, I argued the full recognition of the situatedness of the self-expressing subject is not fully accomplished (Kögler 1999). Due to the understandable desire to re-establish a non-relativistic integration into a virtuous and truth-oriented tradition, Gadamer's philosophical hermeneutics tilts the dialectic between assimilation and distanciation towards a 'fusion of horizons' in which a shared understanding remains the ultimate goal and criterion of understanding. Yet the difference between my own and the Other's perspectives is essential for the process-unfolding itself as well as the reflexive gain of interpretation. To truly recognize the Other entails accepting a *non-assimilable difference* while respecting her undeniable humanity and agency. Thus, instead of engulfing the subject-positions into the holistic stream of ever-renewable situated fusions, the recognition of the insurmountable and *non-assimilable subject-pole within the hermeneutic process* needs to be safeguarded and articulated. It

provides the ultimate ethical ground for articulating the moral potential entailed in interpretation.

Such a revised hermeneutic scaffold allows us to frame and 'guarantee' that the internal application of empathetic acts – and projections – is undertaken within a context of a hermeneutic recognition of the Other as a rationally truth-oriented, equally reflexive, and contextually (power-defined) still non-reducible agency. Yet to fully articulate the entailment of human dignity within interpretation, we need to address its relation to the normative force that it provides us with. We owe to Kant the classic formulation of moral obligation as an unconditional recognition of the Other as a human being with dignity:

> A human being regarded as a *person*, that is as the subject of a morally practical reason, … possesses a *dignity* … by which he exacts *respect* for himself from all other rational beings in the world … Humanity in his person is the object of the respect which he can demand from every other human being (Kant 1996, 557).

Kant designates as the articulated recognition of human dignity the *Moral Law,* which asserts its normative power and binding force as a *Categorical Imperative* on every subject as a member of humanity *via* its universality-guaranteeing law-like character. For our purposes of a hermeneutic reconstruction of universal respect for human dignity we shall focus on three dimensions that recur across its major formulations. In a first dimension the self is conceived as an *absolute lawgiver* over her own realm of possible actions. The concept of law in this regard captures a unique and revolutionary conception of *autonomy as self-determination*. The subject is granted the ab-solute, i.e., un-conditional power over her own will, which she is taken to be able to determine based on the self-application of the Moral Law: 'Act only according to that maxim whereby you can at the same time will that it should become a universal law' (Kant 1993, 30).

The possibly tautological adjective of 'universal' applied to the concept of law, second, emphasizes that this self-application entails a *universal meaning* in which my own self-determination generates a framework of conformity of my intended acts as applicable to all subjects in such a situation. Universality thus entails deep equality with all others regarding one's moral status, as every subject is to self-subordinate under this frame, thus no exception, special status, or particular treatment is (morally) acceptable. The equality-entailment, which is intrinsically related to the Moral Law as self-imposed, is then, third, fully integrated (*aufgehoben)* by making the subject, both *vis-à-vis* the self and

vis-à-vis Other, the insurmountable pole of moral orientation. This normative marker resides precisely in her capacity to self-determine universally. The *'Respect-for-the-Humanity-in-the-Other* formula of the Categorical Imperative expresses this fact: "Act in such a way that *you treat humanity*, whether in your own person or in the person of any other, never merely as a means to an end, but *always at the same time as an end"* (Kant 1993, 36).

The Other, precisely as a rational subject with absolute human dignity through its capability of moral self-determination, ought never only be made a tool or means for my own interests, projects and endeavors. Within the hermeneutic framework, the orientation toward the self-determination of the Other becomes the recognition of her own, culturally situated self-under-standing according to which she determines herself and her actions. Kant's universal aspiration, based upon a sharp divide between a *transcendental realm* – the kingdom of ends – and the *empirical realm*, is now obsolete. Yet if Kant's metaphysical divide between the transcendental and the empirical is rejected, how can a universal morality possibly be reconstructed? On which grounds can an absolute recognition of the Other's dignity be based? How can the orientation towards the humanity of the Other as a self-determining agent – who is inescapably situated in contingent social, cultural, and historical contexts – be established and maintained? What seems clear is that the recognition of the Other's irreducible human dignity will now have to be oriented towards a self that is understood to be contingently situated, socially and culturally defined, shaped by historical forces, and equipped with a unique biography. Moral recognition cannot be content to address a transcendental subject devoid of all situatedness abstracted conceptually from the Lifeworld. Recognizing and understanding the subject's self-understanding – always as an end-in-itself, never only as means to my interpretation – will be filling out the *Ethical Demand* to respect the universal and yet concrete humanity of the Other.

II. Towards a Hermeneutic Phenomenology of Normative Sources

If the transcendental path towards the recognition of human dignity is both metaphysically problematic and burdened with a narrowing abstraction from the concreteness of human existence, we need to find an alternative ground *within social practices* to develop a philosophical ethic. Such a situated stand-point, however, must entail two basic premises. On the one hand, we need to preserve and indeed strengthen *the self-reflective relation to one's own self* as a morally accountable agent. This has to be done against *the Background* of an

uncontrollable, holistic and complex socio-cultural world. On the other hand, we need to radically foreground the *normative indebtedness to the Other*. While reflexive self-determination remains an essential part of moral agency, what truly defines the moral stance *as moral* is its Other-directedness. Moral action is to be focused on doing justice to and respecting *the Other* as an infinitely valuable other self or being. Both dimensions have to be shown as emergent from basic phenomena constituted such that they allow for a reflexive appropriation towards a universal moral standpoint.

As these phenomena are both basic and yet immersed in social and cultural contexts, as well as disclosed by us who are similarly immersed in such contexts (thus affecting our pre-understanding), they are likely to display a double-edged character as both enabling and constraining. In our normative orientation, we are thus similarly called upon to relate to the original morally relevant phenomena and situations to *reveal* 'sources of normativity;' as well as to methodologically reflect and integrate that these phenomena are embedded in socio-cultural practices and contexts that may *distort, mask*, or *cover* these sources. This double feature points towards the need of a reflexive uptake of situated disclosures that maintain a grounding character while being re-constructed against a possible obscuring and diminishing context. We thus need (a) to be open to phenomenologically understanding and revealing *original experiences* that lead to sources capable of morally impacting us, and (b) to articulate and forge tools that allow us to challenge and undo the *distortive and distracting forces* that make their uncompromised understanding impossible. Both empathetic immediacy and reflexive analysis are needed to retrieve universal sources of normativity that remain otherwise unacknowledged and hidden.

Foregoing a metaphysical or transcendental path, we cannot be content with merely explicating allegedly essential or universal concepts. We need to build the grounds up from existential bootstraps, to identify *basic phenomena* embedded in the Lifeworld entailing promise for universalization in the right way. A hermeneutic phenomenology relies on basic life-manifestations, *Lebensäußerungen* (Dilthey) as symbolic expressions of human agency. Formally guided by the three basic speech act orientations of a first-, second-, and third-person attitude, we can distinguish the experience of 'iconic' bodily expressions (revealing the emotional-individual subject), symbolically mediated intentional expressions (articulating speech acts in intersubjective encounters), and action-contexts (representing meaningful contexts of acts and practices). We can distinguish three classes of such acts in which symbolic phenomena present themselves as *understandable.* As Max Weber and Wilhelm

Dilthey observed, it is with regard to three broad types of symbolic manifestations – bodily 'expressions'/gestures, symbolically defined acts, and purposively undertaken actions and practices – that we understand and interpret human agency (Weber 1957; Dilthey 2002). The subjectivity of the Other is a constitutive yet implicit entailment of understanding these symbolic expressions; we implicitly take them always already *as manifestation of human intentionality*. According to Dilthey, they can be analyzed as elementary acts that make sense *as expressions of someone else.* They are embedded in *lifeworldly contexts* within which one person must know what the other wants (Dilthey 2002, 228).

> In each of the three classes, individual life-manifestations can be interpreted in this way. A series of letters combined into words that form a sentence express a proposition. A facial look signifies pleasure or pain for us. The tapestry of human action consists of elementary acts, such as the lifting of an object, the swing of a hammer, the cutting of wood with a saw, that indicate the presence of certain purposes" (Dilthey 2002, 228).

Their understandability, to be sure, is grounded in the encompassing fact that human agency expresses itself via some symbolic medium against a shared Background of pre-understanding.

If we now aim to identify 'basic phenomena' suitable to articulate grounds for moral agency, we are held to three constraints, each of a different kind. The first precondition that must be met is the empathetic capacity to recognize and identify the meaningful expression as *a human expression*. There is a basic sense of transposition of one's own experiential awareness onto the outer manifestation such that it shows itself as symbolically constituted, i.e., expressive of human agency. The second constraint is that these phenomena must *be morally impactful*. The phenomenon must, so to speak, *ontologically* display *normative* features.[2] If we further reflect on how the grasp of meaning *vis-à-vis* these symbolic appearances is possible, the relevance of shared background assumptions and practices comes to light.[3] Our habitually acquired *pre-*

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[2] The phenomenological approach reveals that these social expressions are essentially *normatively structured as such*. They are thus anchoring the moral dimension from the start within the context of reconstruction and do not add 'values' or a 'moral attitude' onto the allegedly purely 'existing' world of facts.

[3] 'A sentence is intelligible by virtue of the commonality that exists within a linguistic community about the meaning of words and of forms of inflection and about the sense of the syntactical structure. The code of conduct that has been established in a specific cultural

understanding often makes *explicit* inferences from the 'immediate' or elementary phenomena to their experienced content obsolete, while at the same time pre-defining its sense as an identifiable and shared meaning. This puts a third and crucial constraint on phenomenological grounding. The anchoring and unleashing of the moral force of immediate phenomena requires reflexive awareness of their apparent hiddenness. It calls upon a reflective capacity for cultural self-awareness and potential self-distanciation to (re-)experience their moral power against normalizing, covering, and levelling tendencies. The challenge is to let oneself be empathetically addressed and called upon by their normative-experiential force.

Emmanuel Levinas attempts to establish the encounter of the Other's face as having such potential. The face (*Antlitz*), a complex *iconic* expression of human agency, is to present us with an infinite source of concrete human reality as an irreducible inter-subjective and *morally obligatory* phenomenon.

> To manifest oneself as a face is to impose oneself above and beyond the manifested and purely phenomenal form, to present oneself in a mode irreducible to manifestation, the very straightforwardness of the face to face *without an intermediary of any image*, in one's nudity that is, one's destitution and hunger (Levinas 1969, 200).

Both the Other's transcendence as a human (finite/infinite) subject and her concrete vulnerability are brought together here, prior to being culturally, symbolically, or historically disclosed. For Levinas, *Being-addressed* by the face puts a *moral demand* on me *immediately*, i.e., grounding moral obligation prior to any significance within the cultural realm:

> It is not that there first would be the face, and then the being it manifests or expresses would concern himself with justice; *the epiphany of the face qua face opens humanity*. The face in its nakedness as a face presents to me the destitution of the poor and the stranger; … To hear his destitution which cries out for justice is not to represent an image to oneself, but is to posit oneself *as responsible* (Levinas 1969, 213, 215).

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sphere makes it possible to choose from a range of greetings and gestures to communicate a definite stance toward other persons and to have it understood as such. In many countries the crafts have developed a specific procedure and special instruments for achieving an end. This means that when a craftsman uses a hammer or saw, his purpose is intelligible to us' (Dilthey 2002, 230).

Levinas establishes *phenomenologically* that there exists *a uniquely intersubjective appeal*, a relation with a strong normative claim, based on an embodied expressive phenomenon. The human face (*Antlitz*) is neither reducible to a merely *subjective expression* nor reconstructable as *a mediated representation* based on some other fact existing prior to it. Yet the way Levinas presents the force of the face as such contains several problems. First, presenting the Other's face as demanding in an absolute and un-mediated fashion "to posit oneself as responsible" oscillates strangely between, on the one hand, becoming responsible *before* the Other; this would make that subject *the quasi-absolute Master and superior Other towards me;* and, on the other hand, becoming responsible for the Other such that the encountered subject "in its nakedness as a face… its destitution and hunger" is turned into an object *to be cared for*. This would diminish the Other as an autonomous subject, subjecting her to our mastery and care.[4] In both extremes, the *mutual reciprocity* entailed in the dialogic relation is shifted toward a subject-object dynamics in which either the Other or me has the upper hand. If we instead embed this encounter in the dialogic relation, the irreducible claim of the Other onto me implies a similar recognition of myself by the Other. Here we both become ends-in-themselves for one another.[5]

A second problem with Levinasian phenomenology of the face is that the *cultural mediation* of this experience is not sufficiently taken into account. With regard to its allegedly immediate encounter, experience shows the countless ways in which concrete faces are either excluded from perception and made invisible or are disclosed in terms of pre-conceived schemes that cover any morally impactful effect. Assuming a phenomenological immediacy of the face ignores the often implicit and habitual objectification of the Other (and her face) according to deep-seated interpretive schemes, which, for instance, *colonial socialization* produced (Fanon 2008) or otherwise racially, gendered, or class-defined patterns. [6] A fully embedded grounding of an empathetic ethic

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[4] For a critique of care as falling short of recognizing the Other's status as autonomous self, see Darwall (2006).

[5] One may sense that the Other ultimately exemplifies God, a trace of Levinas's Judaic background tradition.

[6] The power-defined schematization of perception (say *via* racial schemes) needs debunking and a cultivation of critical reflexivity; responsiveness to the vulnerability needs to take into account cultural and social self-interpretations and assumptions (just think of controversies surrounding the hijab and burka, Muhammad cartoons, etc.).

needs to take to actual non-ideal conditions of intersubjective encounters seriously. It thus proves necessary to combine morally foundational disclosure of such a basic phenomenon like the human face – which entails the potential to manifest humanity, as Levinas shows – with a reflexive awareness of the ways in which such an encounter is often derailed, undercut, and/or made impossible by existing conditions.

Yet even if the face is *seen* – i.e., perceived in the morally relevant way – we should be on guard not to detach its 'humanity' from the mediated forms that define, for the Other herself, the full scope of her identity. To understand this phenomenon as defined by "the very straightforwardness of the face to face *without an intermediary of any image*, in one's nudity" deprives the Other of her own, taken-for-granted social and cultural context. Yet to abstract the Other as 'naked and absolutely vulnerable,' without including the Other's self-identifying and identity-constituting Background, undermines ethical recognition in the fullest sense. It is as if the absolute claim of the Other, demanding my responsibility for her as a universal subject, is fused with an equally important recognition of her fragile, embodied, individual existence, but without taking her self-understanding into account. Since self-understanding is constituted against the background of particular contingent cultural contexts, a mere constitution of the Other as *'naked' and vulnerable Other* dismisses a *hermeneutic recognition* of these self-identifying and identity-constituting Backgrounds. It thus distills, once again, a somewhat reduced conception of the Other, i.e., both as a transcendent claim-maker "beyond the manifested and purely phenomenal form" and as an embodied individual self "in its nakedness." The mediating horizons against the backdrop of which the self asserts its autonomy and within which it finds itself as a *self-defining concrete subject* are left out of the moral framework.

In Levinas, the Kantian transcendental subject quasi returns as a universal claim-maker situated within the body of the vulnerable Other; the full phenomenological embeddedness, both in terms of the distorting impact of power as well as the enabling condition of cultural self-understanding, is not captured. Yet this does not diminish Levinas's forceful insight into the moral potential of the face as a moral source; it needs merely to be integrated into a conception that takes account of the power contexts and cultural horizons that define situated human agency, i.e., both constraining and enabling. We need to reconstruct and reveal basic moral phenomena like the face against the

backdrop of their mediation.[7] What is at stake is thus not only to identify and articulate basic moral phenomena that have the force, if rightly understood, to address oneself as a moral agent called upon to act. What is additionally needed, given our discussion, is an account of how *the situated self* may possess and develop the required cognitive capabilities to engage such phenomena *in the right way*. To such an account and its normative promises we now proceed.

III. Grounding Empathetic Normativity in the Dialogic Self

Hermeneutic phenomenology takes its cue from an *intuitive concept of reflexive agency* (similar to Korsgaard 1996). Assumed is a notion of an irreducible self-relation, a sense of self that uniquely *understands* its own agency as such (what Heidegger (1969) called *Jemeinigkeit* or Mead (1934) designated as the "I"). Individual agency entails the consciousness of oneself as self, the capacity of intentional causation, and the capacity to distinguish between one's own effects in the world and factors determined by the world (Kögler 2012). Yet no essential core- or immediate self, no Cartesian *pure mind* is presupposed; the phenomenologically given potential for reflexive attitudes and creative transformations of existing contexts, evidenced in everyday cultural acts, provides the starting point. *Social situatedness* (and with it the media of language, the body, and power relations) is thus both a *relational and a foundational* concept.[8] The self exists as a projection of such-and-such an 'identity' against the background of pre-given practices and structures within which it intuitively and reflexively identifies itself. From this, the dialectical nature of agency emerges, i.e., that it is con-jointly self- and socially 'determined,' that it exists as a constant tension and challenge between its own autonomous self-understanding and the conditions that enable it to do so.

A. Developing the Dialogic Self

In order to articulate this more fully, we can draw on a *developmental account of the self* which shows how certain *cognitive capabilities* are formative in

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[7] Besides the iconic embodied expressions like the face, we can in this manner reconstruct the legitimate claims made onto the Other to treat us with good will in social interaction (Strawson 2008), or the moral call we experience when we find ourselves in situations that call for our help (Singer 1972; Kögler 2023).

[8] See the contributions by Winter, Turner, and Susen in Dunaj – Mertel (2022).

establishing a *reflexive self-relation*.[9] Guiding ideas come from G.H. Mead (1934), and recent authors like Paul Harris (2008), Alex Gillespie (2012), Samuel Fleischacker (2019).

- The self is structurally defined by *imaginative perspective-taking*, i.e., a self develops as a distinct and conscious 'object' if it can see or understand itself from the perspective of another self, by 'taking-the-attitude-of-the-other.'
- Developmentally, there is a basic 'intuitive' stage of play, as being practically immersed in social roles and their scripts.
- There follows a reflexive rule-following stage in which the roles are seen as interchangeable, such that the position of a subject following general rules – seeing itself from the perspective of a *Generalized Other* – becomes possible.

The reflexive self emerges from embedded situations in which it develops it(s) self dia-logically, i.e., *in constant exchange with other agents*. This self-conception is thus deeply socially constructed and 'embedded,' and yet it accounts for an intrinsic reflexivity of self, which as such exists *via* its self-thematization from the perspective of the attitude of the Other towards herself. The self possesses the capacity to reflexively thematize precisely those perspectives, which may also impinge on the self *via* habitual patterns of understanding and discursively defined interpretive schemes.[10] The distinction between a shared and holistically acquired background of assumptions and practices define **"**Me" (according to Mead's terms), whereas the capacity to transcend and transform the social self by what "I" do, feel, and think remains present and a possibility (Kögler 2012). Samual Fleischacker emphasizes the *dialogically fluid nature* of this self-conception made possible by linguistic mediation:

> Kögler suggests that the very notion of a perspective is a linguistic one, and that even our awareness of our own perspective – our self-consciousness – should be understood as 'reflexive' and 'dialogical.' In self-consciousness, we are always engaged in 'a dialogue with [ourselves],' a relationship between 'I' as [a] thinking self to 'me' as the 'object' of my reflection. Thus,

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[9] Different from Nussbaum's approach, the aim is here not a list to connect normative values to actual capacities, but to reconstruct how specific types of normative orientations follow from this account of a dialogic self.

[10] Such a background structuration accounts for structural and systemic influences of power on social selves *via* inculcated dispositions. See the contributions by Winter, Susen and Kögler in Dunaj – Mertel (2022).

the very possibility of self-knowledge [is] derived from a socially shared and intersubjective source.' …this entails that other people can help figure out who exactly I am: I never have an 'absolutely privileged position *vis-à-vis* the meanings that make up [my own] sense of self' (Fleischacker 2019, 44).

B. Stages of Empathetic Understanding

Self-relations thus do not lack a unique focal point of self-reference, but self-conceptions and self-understandings are intrinsically other-related, structurally open-ended and never finite. They are "culturally mediated" from the get-go. Research on the implications and structure of empathy as perspective-taking reveals a set of distinctions or 'stages' which entail a complex notion of empathic recognition.

- The stance can be intuitive, as an unconsciously projected immersion, or be a theoretical-conceptual construction, as a reflexive and self-conscious projection (as fleshed out in the debate between 'simulation theory' versus 'theory theory;' see Kögler – Stueber 2000).
- The more distinct the Other's social and cultural contexts are, the more discursive concepts and mediations must be applied (a basic empathetic understanding must give way to reflexive perspective-taking).
- The reflexive perspective-taking can be undertaken in a self-oriented manner – I project *myself* in the Other's situation – or be Other-oriented – I make sure I understand the *Other as Other* and aim to reconstruct her experiential horizon.
- Other-oriented understanding can be focused on the Other's symbolic order or on deriving universal standards in a reflexive turn, as the self becomes capable of assuming a *universal perspective via* generalizing of the participant's situated perspective and roles.

In this model, we have a gradual ascension from an intuitive and implicit empathetic understanding to a final reflexive awareness of shared cognitive powers. The intuitive empathetic understanding of the experiential contexts of the Other is bridge-building insofar as it 'immediately' acknowledges the Other as a human subject; yet it is almost necessarily prone to *assimilate* and to thus fail to fully engage the hermeneutic difference. Recognizing this difference demands an explicit articulation of the background assumptions and practical involvements of the Other's symbolic expressions as a next necessary step. Moral recognition thus involves a reflective cultural understanding so that we can fulfill the demand to *not* make the Other only a means

of our interpretation but instead to respect her as interpreting her as an end, i.e., in light of her own self-understanding. This instantiates the moral dimension of interpretation as Other-oriented instead of self-centered. Finally, the cognitive capability to take the perspective of the Other can reflect on itself as allowing the understanding of *any hermeneutically disclosable position.* This means that it entails a *universal capacity* to include all agents, however situated. This universality is *instantiated* precisely by the concrete understanding of Others in their contexts, which nevertheless transcends the boundaries of any one of them.

The values of reflective self-determination and respect for the human dignity of the Other are thus built into all dialogic understanding. As such, they remain reflectively related to their specific contexts within which these normative stances have to be articulated, defended, engaged with, and realized. This moral universalism does not side-step concrete and contingent cultural contexts but develops the universal value-orientations as emergent from them. An empathetic ethic is essentially defined by the cultivation of the required cognitive-empathetic capabilities. These capabilities do not constitute immediate access to a transcendental or ideal realm, a 'kingdom of ends, but rather ground the possibility of a gradual emergence towards a 'higher' or 'universal' perspective onto moral issues. In the dialogic perspective, this gradual emergence is to the *practical-educational development of such an attitude in the actual situated subjects in concrete dialogues and interactions.*

C. Normative Orientations of an Empathetic Ethic

Based on such an account of empathetic capabilities, several normative implications of a dialogic understanding of the Other can be developed; they articulate and advance the hermeneutic appropriation of the Kantian respect for human dignity. Building on the anti-instrumental dimension of respecting one another always as ends and never merely as means, it is based on our *social situatedness* emphasizing the mutually binding and recognizing nature of our dialogic selves.

1. Ontological Indebtedness towards the Social Other

The fact that we inescapably depend on others in order to constitute ourselves grounds an *ontological 'debt' towards others*. Since it is to others that we largely 'owe' who we are, we are held to recognize them as invaluable dimensions of our existence. Inasmuch as we are capable of recognizing ourselves as a self by taking the perspective of the Other towards ourselves, and inasmuch this assumes the stance of the other as non-objectifiable subject – i.e., not as an

external or physical object, but as a co-subject capable of *recognizing* us – we owe to the Other the recognition of an infinitely transcendent and yet present Other. A social world that enables a dignified existence (as grounded and defined by practices and institutions oriented towards ideals of human dignity) is a world in which agents are thus recognized. Importantly, under dialogic conditions of *mutual accountability* (*pace* Levinas), such recognition does not amount to an unconditional acceptance of the Other's claims. While the Other's claim-making status is unconditionally respected, her symbolic acts stand under the condition of mutual criticizability. Epistemic humility on the side of the interpreter is thus complemented by the reflexive accountability of the Other to also concede errors and flaws.[11]

2. Orientation towards the Other's Cultural Self-Understanding

The orientation towards the Other is not self-transposing empathy, not self-centered, but a de-centering other-oriented transposition into the Other's perspective. The idealized Other-orientation, always proceeding initially from my own background understanding, approaches the Other's self-under-standing, including the symbolic, cultural background assumptions, and social practices as constitutive for true dialogue. Fulfilling this regulative ideal involves a reflexive awareness of the inherent dialectic of assimilation and distanciation in interpretation, in which self and Other are mutually recognized. This safeguards that the Other is regarded as both *situated in and transcending* her background assumptions and practices.

3. Recognition of Shared Universal Capacities

Since the situated perspective-taking is capable to ascend from dialogically adopting particular perspectives to a generalized understanding it can devise generalized rules that apply to everyone, insofar as they (can) adopt such a generalized attitude. The normative source for treating subjects as free and equally resides in this generalized empathetic capacity. Yet whatever the generally shared rules to which subjects can thus ascend and agree to will still be inescapably emerging from and shaping contingent contexts. The grounding of universal norms and values emerging from such a situated perspective-taking thus cannot be hypostatized into a distinct realm of an 'kingdom of ends' or a metaphysically or theologically defined realm of real

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[11] For further discussion, see Stueber (2022) and my reply (Kögler 2022).

values or 'truths,' but remains intrinsically tied to the always situated and revisable self-understanding of actual selves.

4. Reflexivity regarding Power Relations

The transcending force of mutual perspective-taking is complementarily capable of a perspective- switch according to which one understands oneself and the Other as pre-defined through power and domination. Transcending particulate standpoints through concrete others, guided by a generalized attitude, holds the promise to understand how structural and systemic dispositions and conditions have shaped one's own and the Other's pre-understanding; they reveal how structural constraints may impinge on the perspective, the options and insights one is capable of based on one's particular social situation. The hermeneutic approach to empathic ethical recognition thus remains tied to a non-ideal and critical analysis of symbolic and practical forms of domination *in violation of ethical recognition*.

The cognitive capacities grounded in the dialogic self accordingly enable normative orientations towards one's ontological indebtedness to others, their cultural self-understandings, our shared universally accessible norms and values, as well as addressing the impact of power and domination on our self-understanding. Taken together, they may provide a regulative framework for the realization of an ethic based on empathy.[12]

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