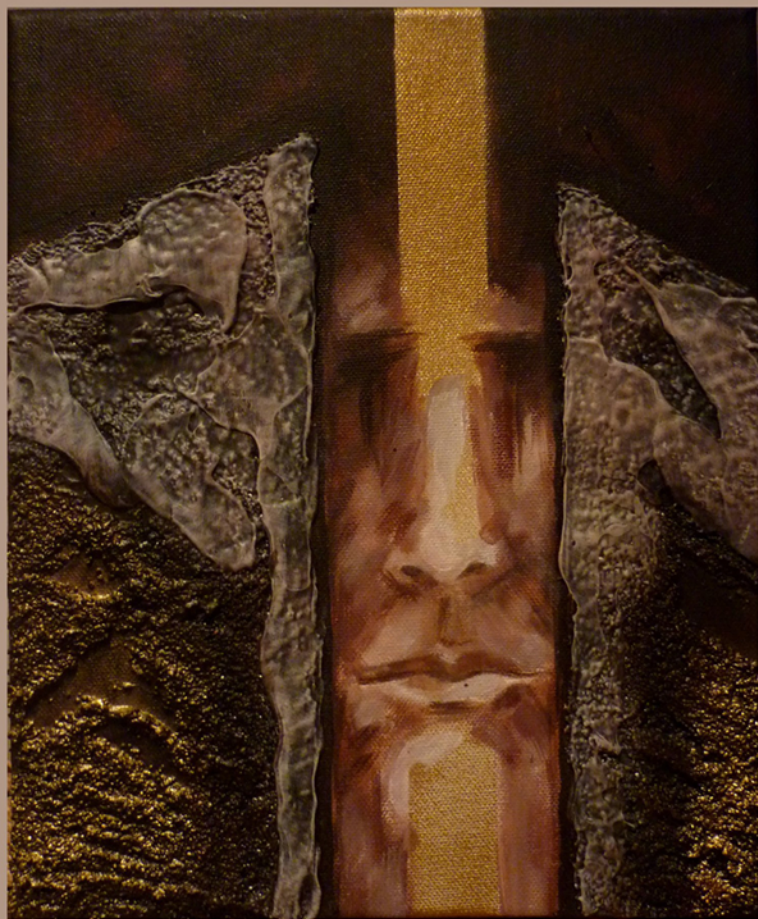# ETHICS OF SOCIAL CONSEQUENCES

## Philosophical, Applied and Professional Challenges

### Edited by Vasil Gluchman

# Ethics of Social
# Consequences

# Ethics of Social Consequences:

## *Philosophical, Applied and Professional Challenges*

Edited by

Vasil Gluchman

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# INTRODUCTION

# ETHICS OF SOCIAL CONSEQUENCES – THE PAST AND THE PRESENT

## VASIL GLUCHMAN

To begin with, we should characterize ethics of social consequences. It is an ethical theory developed in Central Europe (mainly in Slovakia, but even in Poland and Czech Republic), but not only in this territory, because its followers and propagators can even be found in Ukraine, Romania and Argentina. Ethics of social consequences is determined mainly as a theory of the good (however, it also consists of the determining what is understood by the right), because it is based upon the formulation of a clear value structure. The fundamental source values of ethics of social consequences are humanity, human dignity and moral right which are developed and executed within the correlation of the positive social consequences which clearly express the clear consequentialist value orientation of this theory. Other values that are developed in the context of positive social consequences are related to fundamental values. There are even secondary values within the ethics of social consequences such as justice, responsibility, moral duty and tolerance. Their task and significance within the mentioned structure is given by their competence to support the achievement and the execution of a moral good. Thus, it is about veering towards value pluralism which refuses maximization as a criterion of the rightness of one's acting, while not accepting impartiality as a fundament of the assessment of and approach to the solution of an individual's and moral community's ethical and moral problems. Basically, we can align the ethics of social consequences to the ethical theories found in non-utilitarian consequentialism.

Ethics of social consequences originated as a need to form the sources, or criteria for the evaluation of the development of ethics in Slovakia (being the topic of my book *Angažovanosť, solidarita a zodpovednosť* [*Commitment, Solidarity and Accountability*] (1994). In the search for adequate criterion of evaluation, I did not find more proper standards for

the comparison upon which I could rely without restrictions and upon which I could strive for an objective judgement of the significance and the role of ethics in the history of Slovak intellectual development, especially from the end of 19th century until the beginning of the 1990s. There was a need to form the starting points for which utilitarian ethics offered certain resources emphasizing the utility and the consequences resulting from our actions. The presented source enabled an evaluation of ethics in Slovakia from the outside, with no research of inner motives, or reasons for particular opinions. On the other hand, it has been proven that utilitarianism in the context of ethical discussions did not satisfy the needs and did not respond to the criticism from its objectors around the world.

However, there was an increasing need for more significant separation of ethics of social consequences from utilitarianism, but on the other hand, the relation to consequentialism was apparent. On the grounds confronting the values of ethics of social consequences with intense discussions about the forms of consequentialism found in world philosophical journals in the 1980s and 1990s, there was a necessity to differentiate between non-utilitarian consequentialism and utilitarianism including the association of ethics of social consequences to the stream of non-utilitarian consequentialism represented by e.g. Philip Pettit,[1] Amartya Sen,[2] Michael Slote (in his older works, mainly from the 1980s)[3] and others. The first phase of the development of ethics of social consequences began in 1994, or rather, in 1992, as the first attempts to present a version of consequentialist ethics appeared then and this phase lasted until 1999.[4]

I determined consequences resulting from the acting of moral agent as fundamental criteria of evaluation in my work *Angažovanosť, solidarita a zodpovednosť*, other criteria consisted of the motive and intention of the moral agent, although I did not pay too much attention to them. I even dealt with the analysis of moral responsibility in the context of the consequences resulting from the acting of a moral agent. Therefore I stated that it is necessary to define the primary responsibility of the moral agent for the consequences immediately resulting from his actions or acting at all. In relation to other consequences that result from the combination of particular circumstances or actions of other persons, then we can think only of secondary responsibility resulting from the fact that a moral agent should even consider secondary social consequences that could arise from his decision and acting. First of all, every decision which is made and every action which is taken should be assessed individually from the point of view of the above mentioned criteria. An integral part of the definition of ethics of social consequences is the effort to have a sense of responsibility becomes an attribute of the life of a moral agent, to make

responsible decisions, to act responsibly, regarding primary and secondary social consequences resulting from a given action.[5]

I have researched historical-philosophical and ethical contexts in my book *Etika konzekvencializmu* [*Ethics of Consequentialism*] (1995) to which the ethics of social consequences is related. I analyze some milestones in Aristotelian ethics that suggest that he assigned a significant role to the evaluation of man upon his acting. Further I dealt with research of Epicurus' opinions where I concluded that Epicurus directly applied the principle of utility to the understanding and execution of justice. One can identify justice and utility in his knowledge. Thus, just is beneficial and then beneficial is just. In spite of the fact that Epicurean ethics is focused mainly on the individual, utility in terms of society related to the needs of mutual coexistence is concerned with identification of utility and justice.[6]

I dealt with research of modern philosophy, especially within the utilitarian aspects of David Hume, Claudius Adrien Helvetius and Paul H. D. Holbach. I found out by analyzing Hume's opinions that Hume considered self-love as a significant principle of human nature that consists of huge extensive energy. Self-love and the utility related to it are a source of moral sense when properly regulated. The application of self-love and utility cannot be understood as a guide to selfish acting. Acting based on self-love and utility can support the happiness of society and, as such, perhaps can be recommended to the performing. Hume's perception of utility is over-individual and has social parameter, because it leads to the public good, supporting peace, harmony and social order.[7]

However, I focused mainly on research into the classical and post-classical utilitarianism of 18th and 19th centuries. I paid attention to the opinions of Jeremy Bentham and John Stuart Mill within classical utilitarianism of 18th and 19th century. I concluded within the context of their research that not just Bentham's ethics, but even all classical utilitarianism, is based on rationality and psychology. The interconnection of these two elements determines all positive and negative aspects of this phase of the development of utilitarian ethics with its culmination in politics, legislation and economy. Similarly, I stated that it lead to the systematization of hedonistic-utilitarian and eudemonistic-utilitarian thinking at that time. Furthermore, I stated that Bentham developed the old, or constituted the new, understanding of fundamental theses of the system of utilitarian ethics with his preciseness. Therefore, I considered it more than necessary to be reminded of the pre-history of utilitarian ethics when individual aspects of potential utilitarian thinking were developed. In relation to Bentham, we can think of the beginning of utilitarianism itself

in its systematic state, because these opinions were expressed in the form of ethical systems since that time.

Considering the concern of John Stuart Mill in the development of utilitarian ethics, I mentioned his role in formulating the qualitative aspect in utilitarian ethics. I emphasized this moment in Mill's viewing the qualitative aspect mainly in better competency of certain things and events to satisfy our interests or our needs. That is the reason, in his opinion, why we can prefer pleasure over other needs.[8] A significant part of this work is a review of the most significant streams of contemporary utilitarianism, thus act utilitarianism and rule utilitarianism.

Great attention is paid to analysis of the opinions of the main representatives of these streams, thus the opinions of John Jamieson Carswell Smart (act utilitarianism) and Richard Booker Brandt (rule utilitarianism). Apart from them, I have researched the opinions of some other representatives of the presented main streams of contemporary utilitarianism in my work *Etika konzekvencializmu*, such as Donald Regan and Daniel Holbrook (act utilitarianism), as well as John Charles Harsanyi and Conrad Derall Johnson (rule utilitarianism).

In relation to historic-philosophical and ethical research into utilitarian and consequentialist ethics, I have elaborated other aspects regarding the broader contexts of ethics of social consequences. I specified particular reasons for the need for differentiating between utilitarian ethics and the forms of consequentialist ethics that are founded on non-utilitarian fundamentals. With this in mind, I specified and identified the features of those theories that can be commonly characterized as non-utilitarian consequentialism. In contrast to utilitarianism, among these common features, I identified differences in understanding the good and the right, differences in understanding the role and the significance of values and principles such as utility, happiness, pain, pleasure, satisfaction of desire etc. Moreover, we can consider the refusal of the principle of impartiality and maximization. Based on the determination of these features among non-utilitarian versions of consequentialism, I assigned the evaluator relative theory of Amartya Sen, the virtual consequentialism of Philip Pettit, the satisficing consequentialism of Michael Slote and the probabilistic consequentialism of Frank Jackson and the ethics of social consequences that I have characterized as one of the forms of modified non-utilitarian consequentialism.

I came to the conclusion during my research into their theories that the conceptions of non-utilitarian consequentialism of Sen, Pettit, Jackson and Slote, as well as other non-utilitarian versions of consequentialism, strived to omit the traditional type of objectivized rationality characteristic of

utilitarian ethical theories. The subjective and psychological moment related to the character of the fundament of particular a moral agent rises in its prominence. Non-utilitarian consequentialism emphasizes the role of a particular individual with all of his social relationships within a particular group, community and eventually society.[9]

I continued in my analysis of historical-philosophical and ethical contexts, which are the sources of ethics of social consequences, in my other work *Etika sociálnych dôsledkov a jej kontexty* [*Ethics of Social Consequences and its Contexts*] where I dealt with research into the opinions of Baruch Benedict Spinoza and partially with the issues of justice in teaching of Aristotle. I came to the conclusion during research into Spinoza's opinions that we can consider Spinoza as a part of the chain of modern ethics heading towards the formulation of utilitarian ethics at the end of 18th century. In many cases regarding Spinoza, we can talk about the indications of a hedonistic, eudemonistic or utilitarian approach to the solution of ethical issues. Often there is only a formal similarity between Spinoza and classical utilitarianism that refers to the similarity of the researched issues or approaches to their solution. However, it did not always result in the similarity of the conclusions to which they came. In spite of this, we can state that particular aspects of Spinoza's ethics contribute to the formation of classical utilitarian ethics.[10]

I also paid attention to some contemporary ethical conceptions in the above mentioned work that concern the issues solved in ethics of social consequences in various contexts. I particularly analyzed Erich Fromm's conception of radical humanism and I found, by detailed research, that humanity and productivity are the fundamental terms of Fromm's ethical conception. Both are an integral expression of the interconnectedness of the extrinsic and intrinsic value of a human being, because they create the symbiosis of goals and means in the execution of man as a moral agent and the object of being. Humanity and productivity create dialectic unity, because humanity is the assumption of the execution of productivity and on the other hand, it is the goal of the execution of productive forces and competencies of man in searching for new solutions to the conflict of the good and the bad in many of its forms. In spite of some utopian features in the forming of something that we *ought to do*, we can state that Fromm's ethical conception is truly realistic in its understanding of man and is productively inspirational for the morality of society and the morality of contemporary man in many ways.

As humanity, creativity and productivity are terms that are an integral part of ethics of social consequences, we can state that the understanding of humanity and creativity derived from it, is similar in certain aspects to

Fromm's conception in ethics of social consequences. It is about the similarity of basic orientation, i.e. the orientation for the life of man. This tendency is expressed as biophilia; generally as an orientation for life in Fromm, in the principle of humanity that is expressed in ethics of social consequences through rights and human dignity, is about a more particular determination of the content of humanity. Another difference between Fromm and ethics of social consequences is that life in Fromm's conception is an absolute value connected with the good; the life of man in ethics of social consequences belongs to the most significant values, but it is not considered as an absolute value. It is given by the fact that we cannot talk about absolutely valid values within the ethics of social consequences.[11]

I have already suggested in my work *Angažovanosť, solidarita a zodpovednosť* that the principle of responsibility is very significant within ethics of social consequences. Therefore, I dealt with Hans Jonas' *ethics of responsibility* in researching the contemporary contexts of ethics of social consequences. I acquired the knowledge that only one of the many scopes of Jonas' conception is about the reduction of moral responsibility to very important. Likewise, Jonas reduced the good only to the good of a being, by which he sets other forms of the good apart from it, because they have subjective character. Jonas' understanding of the good as the existence of humanity has of course its own metaphysical scope that is very important, but we cannot depersonalize the existence of humanity from man himself and humanity at all. This existence makes sense through a subjective scope of a given existence; thus its good.

Jonas' principle of responsibility is focused on the future as a priority goal, whereas the present is overshadowed. Perspective responsibility is primary, responsibility to the present, and retrospective responsibility is vague. We can find similar moments in utilitarianism too, where the past is only a little interesting, because the future is determining. But responsibility for the carrying out of human rights and the fulfilling human dignity is responsibility predominantly for the present that necessarily consists of the scope of responsibility in itself regarding the future. Among contemporary significant ethical theories, I partially paid attention to research into Rawls' conception of the justice. During my research I found that Rawls' theory of justice is focused only on the socially ethical scope of justice, i.e. strives to modify the relationship between society and individuals, or between individuals from the social point of view, thus from the point of view of the structure of society. It does not deal with issues of individual ethics at all, i.e. issues regarding, for instance, interpersonal relationships outside of issues of society organization.

Rawls' theory of justice reduces the execution of justice to its execution in the field of material and economic interests, with the aim of stabilizing society and reasoning economic inequality by mutual utility of this inequality. Rawls' theory of justice is related mainly to the macroeconomic level at which its application is very important. This conception of justice is an execution of the principle of justice from above, while the ethics of social consequences is about the execution of the principle of justice from below, i.e. mainly in the individual life of a moral agent.[12]

The focus in my work *Etika sociálnych dôsledkov a jej kontexty* is placed especially on further development of the theory of ethics of social consequences, formulation of its value structure, determination of the basic terms that ethics of social consequences works with, also determination of the correlation between particular values and principles. These values are specifically determined as the core of the value structure of ethics of social consequences: humanity, human dignity, legality, justice, responsibility, moral duty, tolerance and positive social consequences.[13]

The source for the elaboration of these issues in the presented work is philosophical consideration of the social context of the present when an ethical theory is developed. It is very often confronted with statements about the moral crisis of humanity, value crisis, including moral values. Considering the given questions, I came to the conclusion that it is necessary to accept the fact according to which evil is a natural part of our being and life (Fromm), as well as the good. Spinoza claimed that good and evil are products of man and they don't exist apart from it. The reality we are surrounded with does not include good and evil as a part of our daily life and we are able to understand, perceive and evaluate good even through knowledge of evil. Evil is an integral part of our being and life, because it can be the result of an intended, or even unintended, activity or an occasional activity or the product of certain coinciding unexpected circumstances. It means that evil is neither necessary for us to be competent to recognize the good (teleological approach). It is rather necessary to understand evil in context with the fact that the existence of humanity and its moral development is inconceivable without solving the conflict between good and evil. The effort to overcome the evil inside us and all around the world leads us towards the moral development of humanity, i.e. to the execution of humanity in the world, thus leads to the execution of human rights and the protection of human dignity.[14]

The book *Človek a morálka* [*Man and Morality*] (1997) most significantly forms the ethics of social consequences mainly in relationship to the elaboration of the issues of morality, the moral agent and fundamental human rights. We understand morality in terms of ethics of social

consequences as the current state of moral consciousness and moral relationships existing in a social community and the whole society. On the other hand, the moral visions, goals, or moral ideals of a social community and all of society that express a certain moral perspective are a part of that morality. The moral status of a social community and all of society is manifested mainly in the conduct and the acting of its members from the point of view of executing good in the long-term time.[15]

A moral agent is understood in ethics of social consequences as an agent of morality fulfilling required criteria, i.e. he/she is able to recognize and understand the existing moral status of society and is competent of conscious and voluntary activity, for which he/she needs to take moral responsibility. On the other hand, the object of morality, i.e. the subject of moral acting, is all human beings and also animals to some extents, we could even state that the entire universe can potentially be the subject of our moral interest and acting.[16]

Humanity as one of the fundamental values in ethics of social consequences is simply expressed as respect for the human being *per se*. The self-confirmation of human beings as human beings can be executed only in the form of moral self-confirmation, thus in the form of acting in accordance with the principles of humanity. Every moral agent must prove his human nature independently of his competencies of moral reasoning by his acting and negotiating of what Kant called our animal nature. Respect for the nature of a human being (expressed in the form of respect for human life) is a fundamental moral imperative of the further existence of humanity. We understand the principles of humanity as the principles that are usually accepted at the level of common sense morality, such as respect for elders, but even respect for everybody who deserves it, then it is respectability and justice in interpersonal relationships, tolerance towards others, mutually beneficial cooperation etc. It could be possible to express these principles of humanity either in the form of the golden rule of morality (in its positive or negative form) or even in the form of Kant's categorical imperative.

It is presented in my work *Človek a morálka* that humanity is a certain moral ideal based mainly upon respect for and the execution of human dignity and this moral ideal is specified through moral principles and particular moral norms that determine the ways of executing humanity in the life of an individual, a moral community and the entire human society. Thus, humanity and the principle of humanity are not identical terms, because the principles of humanity are a certain moral guide for the execution of moral ideals in our everyday life. Humanity and dignity create the core of the content of moral good; both are the highest values

that man should strive for in his acting. These values are operationalized through the principles of positive social consequences having the determined content by the requirement to satisfy the effort to execute and achieve humanity and dignity in the life of an individual, moral community and human society.[17]

It has to be emphasized that in the presented work, some significant changes have been made, because the original principle of legality (occurring in primary versions of the conception at the beginning of 1990s) has been replaced by the principle of moral rights of man. Moral right, as another fundamental value of ethics of social consequences, consists of the idea of moral value that has to be executed. Humanity and dignity are generalized expressions of rights that express the effort to protect or satisfy fundamental moral values of the life of an individual and humanity as a whole. Moral rights specify human dignity, are informal expressions of moral values, whereas legal rights are institutionalized expressions of some moral rights. In a certain sense, we can state that moral right is just the scope or the form for the execution of the moral value itself, because in the final consequence, not moral rights but moral values are the goal.[18]

A great deal of creative work has been done in formulating and developing ethics of social consequences so far. However, there is no way we can consider this theory as a closed entity. On the contrary, the characteristic feature of this conception is dynamic stability that is, on the one hand, stability of basic resources, but on the other hand, openness towards other external suggestions that bring the development of the ethical theory and even contemporary moral practice. The book *Etika sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of Social Consequences within the Contexts of its Criticism*] (1999) deals with new questions that were, so far, generally consequentialist or either ignored or did not pay particular attention to them particularly in the case of non-utilitarian consequentialist ethics. Therein lies the greatest asset and the originality of ethics of social consequences and especially of this work. It even provides an answer for the criticism of consequentialism in general that it often cannot exceed its narrow theoretical scope formed by the founders of utilitarianism, Jeremy Bentham and John Stuart Mill. The book *Etika sociálnych dôsledkov v kontextoch jej kritiky* concluded one phase of intense formulation of the conception of ethics of social consequences.

In the meantime, assessing the development of ethics of social consequences, I stated that it is ethical theory that is an original and productive alternative in comparison to other ethical theories. Furthermore, I stated that

"the originality of ethics of social consequences can be expressed in four main points: Firstly, originality of the definition of ethics of social consequences (and other forms of non-utilitarian consequentialism) in relation to utilitarian ethics (it is a form of "negative" definition of ethics of social consequences in its relation to utilitarianism); secondly, the originality of fundamental resources of ethics of social consequences (it is about positive definition of this ethical conception) as well as its fundamental values and principles; thirdly, the originality of the topics discussed in ethics of social consequences (it is the application of values and principles resulting from positive determination of ethics of social consequences, but even partially from negative determination of some philosophically generalized contemporary moral issues); fourthly, the originality of the conclusions in ethics of social consequences (it is an example of the fact that it is possible to apply and execute traditional moral values within this ethical conception and generally within non-utilitarian consequentialism; ethics of social consequences is one of the possible alternatives that searches for and finds models of solutions to particular moral problems of an individual or social community within the context of consequentialism)".[19]

The first more serious external "stoppage" and consideration of ethics of social consequences was the edited volume *Reflexie o humánnosti a etike* [*Reflections on Humanity and Ethics*] from 1999 where many authors critically faced the opinions contained in the primary versions of ethics of social consequences. The edited volume *Reflexie o humánnosti a etike* is thematically divided into two parts: the first one deals with the search for issues of humanity in philosophical, ethical, spiritual social and literary contexts. The second part is focused on the search for certain aspects of the formation of ethical theory at present, predominantly in relation to ethics of social consequences. Cyril Diatka deals mainly with ethics of social consequences in which he considers the concept of metaphysically oriented philosophy and ethics as more than important.[20] Tatiana Machalová analyzes morality as an agent – an inter-subjective phenomenon. She points mainly to the tendency that is related to Nietzsche and Foucault and their effort to destruct the traditional moral center. On the other hand, she presents Lévinas as a positive example that insists on the moral responsibility of an individual for others. Unlike ethics of social consequences, she strives to determine fundamental principles of the ethical conception that in her opinion, enable an agent to reason – the inter-subjective character of morality and the responsibility to characterize not just as a quality of decision-making and acting of man, but as a basic virtue of man, as the "knot" of his subjectivity.[21] Zlatica Plašienková and Lenka Bohunická deal with the questions of the center of morality and

responsibility in ethics of social consequences in their article. The authors came to the conclusion that these issues are solved insufficiently or not comprehensibly enough in ethics of social consequences.[22]

Petr Jemelka searches for some moments within environmental ethics that result from ethics of social consequences in his article. He stated that the presented ethical conception represents interesting potential for environmental ethics, but cannot avoid ontological issues that are one of the fundamental sources of the solution of environmental problem.[23] Jana Sošková presented the problems that arise for ethics (including ethics of social consequences) in relation to artificial worlds that are produced by art. She does not consider refusing such worlds as an adequate approach. In her opinion, the absence of detailed analysis of these worlds in relation to experience of an agent, including his moral experience, is, in fact, a warning.[24]

However, the most significant evaluation of the first phases of the development of ethics of social consequences and the formulation of new suggestions for development is Theodor Münz's study *Etika sociálnych dôsledkov Vasila Gluchmana* [*Ethics of Social Consequences of Vasil Gluchman*] (2002) published in the Slovak journal *Filozofia*. Münz attempted to carry out complex analysis and evaluation; he even formulated some suggestions for the further development of ethics of social consequences. Many of Münz's reflections are significant for the further development of this theory, but the most significant is the suggestion regarding ignorance of some biological factors in ethics of social consequences.[25] Inter alia, it was a matter of problems related to humanity *per se*, including the understanding of humanity in ethics of social consequences. Münz warns that the effort to perform humanity can be the way to hell in its final consequence, because it can bring more harm than benefit. He points to the danger of the continuity of population explosion that could lead to catastrophe, an increasing number of old people causing economic and social problems, care of physically and mentally disabled people that leads to a weakening of human genetic resources in the final consequence, etc. He warns even of the possibility that future rejections of our vision of humanity and asks the question, what to do next.[26] In spite of some critical remarks, Münz positively evaluates the presented ethical theory, assesses its originality, conceptuality, systematic organization that in his opinion, is not a common phenomenon found in Slovak philosophy. He expresses his hope that ethics of social consequences will be actualized and respond to the questions more significantly in the field of environmental problems.[27]

In relation to Münz's suggestions, we can reflect on the beginning of the second phase of the development of ethics of social consequences that is characterized by a return to its originally formulated values of ethics of social consequences and their reformulation or redefinition. The second phase was from 2003–2008 and was dominated, at first, by published studies in the journal *Filozofia* or in some edited volumes. The book *Etika a reflexie morálky* [*Ethics and Reflections on Morality*] (2008) is related to it. It is thematically focused on two fields of problems: at first, the ethics of social consequences in its two aspects, as a theory of right (acting) and a theory of good. I repeatedly deal with the issues in my book *Človek a morálka* with the theory of good, I focus on the search for fundamental values of this ethical theory, i.e. humanity, human dignity and moral rights of a man.

I analyze the presented values in much broader and deeper contexts, even from the point of view of actual moral problems of the present, such as abortion, euthanasia, terrorism, war against terrorism etc. I develop the understanding of the presented values that are essentially consequentialist, as I insist on the achievement of positive (social) consequences resulting from our acting. On the other hand, it has to be emphasized that it is not a classical version of consequentialism very often wrongly associated with utilitarianism, because the aim is to form a theory interconnecting fundamental universal human moral values with the effort to achieve positive (social) consequences resulting from our acting. In spite of the fact that motives and intentions have their own place in the conduct and the acting of man (thus, even in morality), the determining factor for the formulation of the morality of society and the morality of individuals, therefore something which characterizes the moral state of society and the moral level of an individual, is our acting and the consequences resulting from it (of course, from the point of view of a longer time period).[28]

The new moment that I included into the understanding of morality and its individual values, is the biological aspect of morality, or its fundaments that morality and its values are based on and influence it to some extent even today, although we are rarely aware of it. The result is knowledge that the origin of morality is a necessary product of the need for the protection of fundamental values (including moral ones) related to the existence of man as a biological and social being. Another significant shift in developing the theory of ethics of social consequences was the change in understanding the moral rights of man, thus the transition from a pluralist to monistic approach. I veer to the model of the moral right of man that consists of the right for life, its development and cultivation. It

creates satisfactory assumptions in order to modify this moral right into many other forms and real legal rights.

The third phase of the development of ethics of social consequences was started in 2008. The fact that many other authors work on the formation and the development of ethics of social consequences is significant feature of this phase of development. The most significant contribution to the further formation of analytical character of ethics of social consequences is considered to be the development of the theory of right and the conception of the individual, or collective, moral agent through his intellectual and cognitive thinking, conduct, acting and evaluation.[29] The strong way of developing analytical thinking in this particular conception was done by Adela Lešková Blahová when analyzing and elaborating the term 'life' within bioethics.[30] Similarly, Katarína Komenská researched and developed the term 'moral community' in ethics of social consequences in the context of our relation to animals.[31] Gabriela Platková Olejárová analyzed the term 'justice', Marta Gluchmanová dealt with the research of the term 'moral right'.[32] Throughout the presented development of ethics of social consequences, authors even focus on the application of its terms, principles and values to the problem of more fields of applied ethics including professional ethics, such as bioethics, business ethics, or financial ethics, ethics of teaching, academic ethics, police ethics, military ethics.[33]

The edited volume *Hodnoty v etike sociálnych dôsledkov* [*Values in Ethics of Social Consequences*] (2011) belongs to this scope. It is the second outcome of the reflection of the almost twenty-year development of ethics of social consequences. A fundamentally new aspect of this reflection is the fact that it is not only about the evaluation of the past development of this ethical theory but it consists also of significant contribution to its development, mainly related to its application as a source methodology for solving the problems of applied ethics that even brings significant suggestions for the development of ethics of social consequences itself. The contributions of other colleagues move ethics of social consequences to its new level. It is no longer only an individual matter, but we can state that a new school has been created, a new tradition of philosophical-ethical thinking has been built in Slovakia and Central Europe, to not only my former students which contribute, but even other "external" academicians, who found or are looking for a new methodological source of their research in ethics of social consequences and joined the project of the development of the theory of ethics of social consequences.

The first part of the edited volume, *Hodnotenie etiky sociálnych dôsledkov* [*Evaluation of Ethics of Social Consequences*] consists of more complex analysis and evaluation of the development of ethics of social sciences in the works of Igor Kišš, Josef Kuře and Daniela Navrátilová. Igor Kišš strives to evaluate the presented ethical theory in the context of teleological ethics and predominantly of his theory of human deontology. He appreciates mainly the connection of ethics of values and teleological ethics within the ethics of social consequences that in his opinion could be also called *human teleology*. However, Kišš points to the shortcomings of this ethical theory which are dominantly in the absence of the emphasis on absolute ethics and in ethical pessimism in certain forms.[34] Josef Kuře characterizes ethics of social consequences as a temporary ethics responding to the dynamics, variability, indefiniteness and instability of our era. He especially appreciates its "ecumenical" character and sees further space for its development in the emphasis on the acting agent in various relations.[35] Daniela Navrátilová deals primarily with the significance of the value of humanity in her assessment of ethics of social consequences. She disputes the place, the meaning and the role of biological factors in morality and its development including the value of humanity in relation to humanity and its determination within the ethics of social consequences. The author also suggests completing the ethics of social consequences in terms of aims, goals and other values that primarily have its place in virtue ethics in relation to the possibilities of the application of this theory related to economic issues.[36]

The second part of the volume, *Ďalší rozvoj axiologickej problematiky v etike sociálnych dôsledkov* [*Further Development of Axiological Problem in Ethics of Social Consequences*] consists of articles that critically develop the conception of ethics of social consequences. That is not to say that it deals with repetition of what has been written within the mentioned theory, but that is about polemics, for example, with axiological determination of the value of life, or the moral agent and their development in the context of source values and principles of ethics of social consequences. It is similar to the problem of justice and the moral right of man. Adela Lešková Blahová analyzes the soft anthropocentrism of ethics of social consequences, searches for and develops the understanding of the value of life in ethics of social consequences in the context of moral biocentrism.[37] Gabriela Platková Olejárová develops and deals with the understanding of the value of justice in ethics of social consequences (especially in context of economic issues), as questions of justice were not analyzed and developed in the presented conception.[38] Marta Gluchmanová applies the understanding of the value of moral right

in the context of professional ethics, especially issues regarding the problem of ethics of teaching and teacher's performance. Ján Kalajtzidis pays primary attention to critical analysis of understanding a moral agent in ethics of social consequences and in terms of economic aspects, he came to the conclusion of a need to extend the original determination of a moral agent in the category of collective moral agent.[39]

*Kontexty hodnôt etiky sociálnych dôsledkov* [*Contexts of the Values of Ethics of Social Consequences*] is the title of the third part of the edited volume in which authors develop or consider the possibilities for the application of the values of ethics of social consequences for example in relation to economic, social-political and medical issues. Martin Lačný reflects on the possibilities for the application of the values of ethics of social consequences in the economic sector in his work and compares them, for example, with the approaches of other authors such as Novak, Putnová and Seknička and others.[40] Janka Kyseľová considers guilt, responsibility and punishment in context of the value of humanity is one of the central values within ethics of social consequences.[41] Rudolf Novotný deals with the values of humanity and human dignity in the context of the holistic approach expressed in Eastern and mainly in Buddhist philosophy.[42]

The fourth part of the book *Konfrontácie s inými etickými teóriami* [*Confrontation with other Ethical Theories*] consists of comparisons or, even, the development of ethics of social consequences when confronted with other ethical theories in the long term. For instance, Lucas E. Misseri deals with the comparison of the understanding of human dignity in Pico della Mirandola and in the theory of ethics of social consequences. He came to the conclusion that in both conceptions, there is the same emphasis on the value of human dignity and, in spite of many differences, he holds the view of the similarity of the opinions on the human being.[43] I argue with Erazim Kohák primarily about the understanding of good in my work, but even in relation to some other questions or determinations in Kohák's existentialist-phenomenologist conception.[44] Corneliu C. Simut analyzes the opinions of Victorio Mancuso upon the value of humanity.[45] Grzegorz Grzybek deals with a comparison of ethics of social consequences and individual development ethics in which he focused his attention on comparing the axiological fundaments of these theories and also of their norms and principles. He states that while ethics of social consequences belong to consequentialist conceptions and his individual development ethics to personalism, they do not differ axiologically. In his opinion, the differences are mainly to be found during the assessment of acting.[46]

The edited volume *Hodnoty v etike sociálnych dôsledkov* can be considered as a successful critical evaluation of the previous development of the presented ethical theory. It can serve as a source of consideration at the same time regarding which direction to follow in the future. I can see the perspectives of the development of ethics of social consequences in three ways. The first aspect of the development consists in the formulation of values and principles that were either not elaborated upon or drafted just very briefly. The second aspect is related to the application of ethics of social consequences as methodological source for other fields of applied ethics. The third one regards critical revaluation and modification of already formulated theses, because ethics of social consequences develops primarily as an open concept in which the process of verification of particular determinations, statements or conclusions runs permanently.

My book *Profesijná etika ako etika práce a etika vzťahov* [*Professional Ethics as Work Ethics and Relationships Ethics*] (2014) belongs to the scope of the further development of ethics of social consequences. In this book, I formulated theoretical presumptions of a new understanding of professional ethics exceeding the scope of the present approach to professional ethics not only in Slovakia, Central Europe, but even all over the world. I do not understand professional ethics in a reduced form only as a matter of codes of ethics and their application in the presented fields of professional life. I set the form of professional ethics as work ethics and relationship ethics. On the one hand, it is about a broader understanding of work ethics, its values, approach to work, quality of work, work satisfaction, quality of work life. In relation to that, on the other hand, relationship ethics regards the issues of communication, trust, justice, responsibility, commitment, loyalty, etc. among all stakeholders. The source of the presented conception of professional ethics is the ethics of social consequences.[47]

It is necessary to state that my English monograph summarizing previous results of the development of ethics of social consequences was published in 2003 (*Human Being and Morality in Ethics of Social Consequences*).[48] Furthermore, the results of the second phase of the development of ethics of social consequences were also published in Polish, entitled *Etyka społecznych konsekwencji* [*Ethics of Social Consequences*] (2012).[49] Fundamental values and sources of ethics of social consequences have also been published in Spanish in the book *Dignidad y consecuencias: ensayos de una ética socio-consecuencialista* [*Dignity and Consequences: Efforts of Ethics of Social Consequences*] (2014).[50]

The edited volume *Ethics of Social Consequences: Philosophical, Applied and Professional Challenges* is a contribution to the third broadly conceived reflection on ethics of social consequences and its further development.

# Notes

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# PART I:

# PHILOSOPHICAL AND ETHICAL ISSUES IN ETHICS OF SOCIAL CONSEQUENCES

# CHAPTER ONE

# RESPONSIBILITY AND JUSTICE: SECONDARY VALUES IN ETHICS OF SOCIAL CONSEQUENCES

## JAN KALAJTZIDIS

## 1. Introduction

Despite initial understanding of justice and responsibility as secondary values in ethics of social consequences, development of the theory showed the inevitability of their better comprehension. In this sense, the main aim of the chapter is to introduce them, as well as to help to shift their initial interpretation closer to contemporary challenges of the theory.

Justice and responsibility are introduced in the presented chapter mainly as values,[1] mostly when they are mentioned in connection to real and practical problems of everyday life. At the same time they are introduced as moral ideals but not in the sense of their inaccessibility, on the contrary, in the sense of their functionality and through their exercise as moral principles. In some parts of the chapter terms such as concept or issue in connection with responsibility and justice are used, which occurs particularly when the general discussion is presented.

There are three important questions associated with the issue of responsibility. Who is responsible? For what is he/she responsible? And to whom is he/she responsible? Before trying to answer those questions, theory must be able to answer first the cardinal question: what is responsibility?

The main aim of ethical thinking has always been the human being – man (moral agent, person). The way he/she is able to make decisions, consequences which are outcomes of those decisions and above all, the ability of a moral agent to bear the responsibility for those consequences. The ability to bear them is important so he/she (moral agent) can be praised or blamed, and then rewarded or punished for them. Responsibility always was and still is a key concept of morality.

In this light it is quite surprising that the concept of responsibility is new and insufficiently elaborated in ethical (philosophical) reflection. On the other hand, legal understanding of this concept is solid and clear. For example in penal law, responsibility is understood as an obligation to accept punishment. In civil law, responsibility is defined by the obligation to compensate (to make up) for what was caused. Thus, the formal (juridical) notion of responsibility is strongly and unilaterally connected to obligation either to accept the punishment or to compensate.[2] McKeon, one of the few authors who studied the issue of responsibility from its historical perspective, found out that the first attempts for ethical (philosophical) reflection originate only in the second half of the 19th century.[3] Most likely the first use of the word responsibility in philosophical literature, is not much older and it first appeared in David Hume's *Treatise of Human Nature* (1740).[4]

In the second half of the 19th century, the concept of responsibility was explained through, and substituted with, the terms *accountability* and *imputability*.[5] Both of those concepts are important parts of responsibility, but cannot and should not be used interchangeably. In the perception of ethics of social consequences, imputability as a part of responsibility is understood as an effort to comprehend the assignation of the act (or omission) to the agent. Imputability is a concept which is striving to answer a question: what are the necessary conditions of acts (or omissions) in order for us to be able to impute it to agent? This notion is closely linked to the issue of causality and to the issue of free will. Imputability is a prerequisite for accountability, imputability causes accountability. Accountability is a part of responsibility which is striving to answer the questions: how we can hold an agent accountable (liable or answerable) and what does it mean? In which way should we apply sanctions on agent? Accountability is the ability of the moral agent to bear the consequences of those acts (or omissions) which were imputed to him/her. It is an ability to be praised or blamed, rewarded or punished. In this regard accountability is closely linked to the issue of justice.

In ethics of social consequences, responsibility is understood as a complex concept which combines the notions of imputability and accountability. While by help of the notion of imputability we try to understand the conditions which must be satisfied before we assign the act to the agent. The notion of accountability is used to help us understand what it means to hold somebody accountable and how it can be done.

## 2. Different Types and Distinctions of Responsibility

In academic literature we may find a lot of different distinctions and types of responsibility. For the main aim of the chapter (to introduce responsibility in ethics of social consequences) distinguishing formal and informal responsibility is foremost in importance.[6] In connection to informal responsibility we need to differentiate moral and causal responsibility. Formal responsibility is understood in this distinction as legal responsibility. Moral responsibility which exists only in connection to the moral agent can be distinguished with regard to the bearer of it onwards: individual moral responsibility and collective moral responsibility. Then there is a specific type of semi individual and semi collective responsibility which can be called collective moral responsibility as joint responsibility.

For moral agent (regardless of its type: individual or collective) to be morally responsible, the specific demands which are imposed to her, need to be fulfilled.[7] When reasoning about collective moral responsibility, the agent who is able to fulfill these demands is the collective itself. The collective itself is the bearer of moral responsibility.[8] There are authors who accept the general notion of collective responsibility in the sense that there is something other than solely individual moral responsibility. But they reject the idea of the collective as moral agent. What they advocate is an individualist account of collective responsibility. On this view collective responsibility is understood as joint responsibility which is ascribed to individuals. As authors of this concept hold; "Each member of the group is individually morally responsible for the outcomes of the joint action, but each is individually responsible jointly with others".[9]

When dealing with collective moral responsibility we can identify various forms of it. There are at least (according to Joel Feinberg) four different types. The first one is collective moral responsibility with vicarious liability – "when contributory fault, or some element of it, is ascribed to one party, but the liability to a different party".[10] In this type of collective moral responsibility liability is separated from fault.[11] Another type is collective moral responsibility where liability is with noncontributory fault. This sort of collective moral responsibility is a form of responsibility when every member of a group shares the fault, even if any resulting harm is the fault of only one member.[12] The third type is contributory group-fault responsibility – collective and distributive, where liability is attributed to a whole group because of the contributory fault of each and every member. Responsibility is understood as the sum of all individual responsibilities.[13] The last type is called contributory group

fault – collective but not distributive. In this case there are some types of harm that are ascribed to a group but not to the fault of all, or even any individual member. Responsibility is understood more widely than just as the sum of the responsibilities of the group members.[14] When the authors of ethics of social consequences discuss collective moral responsibility, they have in mind the last type mentioned by Feinberg.

Every moral agent irrespective of its type exists in a specific time and space. In this respect when we examine the concept or responsibility, it can be examined only in the frontier of these variables. It is possible to distinguish responsibility (irrespective of whether it is formal or informal) in respect of what we did or did not do (action, omission) as retrospective. On the other hand, in respect of the future we distinguish prospective moral responsibility. Prospective moral responsibility is a form of responsibility which is ascribed to an agent before something happens (before the action). Usually prospective responsibility is connected to the concept of duties and retrospective is tantamount to a sort of blameworthiness or praiseworthiness. Retrospective and prospective responsibility are inextricably linked and prospective responsibility is usually understood as a prerequisite for retrospective responsibility.[15]

Another possible way to distinguish responsibility is to consider for what it should be ascribed and born for. On the one hand there is responsibility for the action itself, and on the other hand there can be responsibility for the consequences (outcomes) of the action or the omission.

As has already been mentioned the essential difference between moral and causal responsibility is that moral exists only in connection with the moral agent.[16] More precisely when we reason about moral responsibility we must focus on the possibility to refer to a specific action or omission (which can be linked to the moral agent) as morally relevant. Action or omission are morally relevant if the decision making (to act, or to refrain from the act) is made between good and bad, right and wrong. In other words we must be able to evaluate the action or omission in moral terms (be able to use moral categories when talking about it).[17] While the moral agent is necessary for moral responsibility, he/she is unnecessary when we are reasoning about causal responsibility. That doesn't mean that there could not be one. Situations of causal responsibility which are somehow connected to moral agent and his actions or omissions can exist, but in those situations what the moral agent did or did not do can be labeled as morally indifferent, not morally relevant.[18]

We can say, however, that X is responsible for A when reasoning about moral responsibility. When we describe action in connection to

causal responsibility we ought to say X did A or even X caused A. If for example our boat is late and I proclaim that the captain is responsible for the delay (he got drunk last night for example), then what I mean is that there is a moral agent to whom we can ascribe the moral responsibility. But if our boat is late because of bad weather, then I should say that the delay was caused by bad weather. There is no moral agent to whom the responsibility can be ascribed. The connection between bad weather and delay which exists is purely causal, a connection between the exhausted captain and the delay is causal and in, addition, morally relevant.[19] As a result of these essential differences (moral agent and moral relevance) we are able to ascribe responsibility and have the possibility to hold the agent accountable.

Another topic which is closely related to moral responsibility is the issue of omission. When we reflect on moral responsibility, we usually do not reason only about responsibility for the act – for what we did. But almost always we consider the consequences of our actions. As I mentioned before, we can distinguish between moral responsibility for the action and moral responsibility for the consequences. What must be stated is that not only actions (what we did) can bring consequences but equally our omissions (forbearance) bring consequences as well – and this observation is very important in the discussion about moral responsibility.[20] Of course there are a lot of different questions in connection to this topic.[21] Is John (from our short story) responsible for death of the child, or is he responsible for refraining to act? Or is it possible to hold him accountable for both? There are of course arguments for each of these notions, even this article will argue for the view that neither the action nor the omission is important, but the consequences which are the result of them. One of the reasons why, is the fact, that we can evaluate consequences more objectively than we can action or omission.

As stated at the beginning, the issue of the free will is very important in the discussion on responsibility (especially in the notion of imputability). It is an attempt to understand under what conditions of the agent and the action we can assign moral evaluation to the agent; assign praise or blame and then to reward or punish him/her. Ethics of social consequences holds the view known in academic literature under the term compatibilism (soft determinism). The essence of the idea is that it is possible to believe in determinism and free will at the same time. That free will and determinism are compatible. The result of this position is that we can accept determinism and still reason about moral responsibility.[22] Compatibilists believe that causal determination of actions is consistent with moral responsibility for those actions.[23]

Ethics of social consequences states that there is a difference between free will and moral freedom. Free will is ontologically granted, but moral freedom must be acquired. Acquisition is possible only through the process of moral development, in the context of becoming morally mature. Moral freedom is a function of the reflective ability of a moral agent and the content of moral freedom is set up by the good which the moral agent is trying to achieve. Manifestation of free will is that the agent can freely choose how he/she wishes to act within what is required by the moral norms and within the resources which are available to fulfill the requirements. Moral freedom rests upon the ability of the moral agent to overcome the required, and to actively create and / or transform moral values and norms which he/she practices. Manifestation of moral freedom lies in the ability of the moral agent to choose the moral objectives and moral means without being restrained by the moral norms valid in a social community or society.[24] As well as freedom to act is the prerequisite to free will, free will is a prerequisite of moral freedom.

## 3. Moral Responsibility in Ethics of Social Consequences

After an introduction into the understanding of responsibility in general, now we can look more closely at moral responsibility as it is understood in the theory of ethics of social consequences. Ethics of social consequences is an ethical theory which complies with all of the necessary aspects (normative aspect included) to be characterized as contemporary ethical theory. One of the functions of the normative aspect is to produce evaluations of the decisions and acts of the moral agent. As a consequentialist ethical theory, the ethics of social consequences evaluate acts[25] based on the consequences of those acts. Even if consequences are not the exclusive criterion, they are the most important one. As additional (auxiliary) criterion, motives and intentions are used. Responsibility as well as justice have been understood in ethics of social consequences from its beginnings as secondary values and, as such, not enough attention has been given to them.

In a wider ethical context, the issue of responsibility was and, I believe, still is, one of the main ethical quests. The original explanation stated that the principle of moral responsibility is closely connected to the principle of moral justice, which determines its content. Moral responsibility is interconnected to the realization of the principle of justice which is understood as acting in compliance with fundamental moral values valid in human society. In other words human dignity, humanity and moral right (s) are values which are necessary for understanding and

determining moral responsibility.[26] All of the stated might be true and the values of humanity and human dignity are very important for moral responsibility. Still it is very hard or even impossible to find out (from what was mentioned) what moral responsibility is, and how it can be understood specifically.

Besides this very partial explanation, ethics of social consequences discussed responsibility in connection with issues of the moral agent and moral agency. Moral agent is defined as a subject of morality who is able to fulfill the following requirements which are: to recognize and understand the moral status of society; the ability to act deliberately and freely;[27] and most importantly (for the presented topic) he/she must be able to bear a moral responsibility for those acts.[28] Moral responsibility is even used as a tool by which ethics of social consequences distinguish different moral agents (two main types). More precisely, the ability to realize moral responsibility and to handle it in the process of moral reasoning, decision making and acting, is used to distinguish moral agents. Ethics of social consequences claims that every moral agent is responsible for his/her acts[29] but the degree to which the moral agents perceive this responsibility and acts on it is questionable.[30]

According to ethics of social consequences it is very difficult to exactly identify for which consequences a moral agent can be accountable. That is why the theory reflects on different types of responsibilities such as: direct and indirect, important and less important. These categories have never been explicitly settled on and what can be asserted is that direct responsibility is the one which is ascribed for direct consequences ensuing from the moral agent. Consequences resulting from the act of moral agent but which could be influenced by other moral agents or unexpected circumstances are those labeled as indirect. The difference between important and less important responsibilities can be determined by the effect of the consequences of the act on the life of moral agent and (or) his/her social community.[31]

As a result of the rapid growth in science and technology, realization of the importance which moral responsibility has for the preservation of humankind is growing as well. Even it is impossible to achieve maximal moral responsibility (at least because it is impossible to predict all possible consequences) it is important to strive for it. It is much more effective to strive for it than just to complain about the moral crisis. One of the examples that mankind realizes its moral responsibility more widely than ever before is the way how the concepts of moral agent and moral subject have progressed, and how are they understood today (wider than ever before).[32]

Ethics of social consequences (as mentioned above) is using moral responsibility as a medium (one of) by which moral agents can be classified. The distinction between different moral agents is qualitative, and can be expressed by their attitude towards moral responsibility; more specifically by their stance towards the realization and acceptance of moral responsibility. The first type of moral agent – conform moral agent is able to understand and bear only moral responsibility which is a result of direct consequences. The moral responsibility is immediate. The moral agent is unable to anticipate the consequences of his/her actions more deeply and is, as a result, unable to understand the responsibility which results from them. The responsibility which is realized can be related only to a close circle of actions (from the chronological and dimensional meaning). A conform moral agent does not understand indirect or intermediated responsibility which was not caused directly by him as his intention.[33]

The second type of moral agent which is recognized by ethics of social consequences is called – reflective moral agent. The relationship between a reflective moral agent and responsibility is on a qualitatively higher level. The moral agent reflects on his/her actions and the consequences which results from those actions. The agent is able to anticipate responsibility which is linked to those actions and consequences. However, responsibility which is realized is related not only to immediate acts, but in addition, even over those, which cannot be labeled as deliberated. Moral responsibility is understood in a broader (from chronological and dimensional meaning) range.[34]

Even ethics of social consequences has operated with terms such as responsibility and moral responsibility from its beginning, the concepts were left undefined for a long time (or at least not explicitly interpreted). As mentioned before, responsibility was interpreted by its connection to moral justice and in interconnection to a moral agent. A disadvantage was that responsibility was defined through the moral agent, and the moral agent was defined via moral responsibility (as his/her bearer). As a result, neither of them was defined clearly enough. Subsequently, the need for closer and deeper understanding emerged, primarily as a need for consistent development of the theory and its functionality with upcoming challenges (e.g.: applied ethics, different understandings of moral agency etc.). Those and other issues subsequently motivated need to study the notion of responsibility more extensively.

Nowadays, moral responsibility is understood as the ability of an agent to take account for his/her actions or omissions.[35] This competence is interconnected with the possibility to praise or blame him/her (reward or punish him/her). However this understanding is not sufficient enough;

additionally the agent must be able not only to bear something (to take account) but she must be able to act. On the one hand the responsibility is understood as an ability to bear, on the other as an ability to act. It is important to acknowledge this aspect of responsibility; as a facility to assign duties to an agent. The agent must be able to act on behalf of something. If the agent is not capable of acting on behalf of something, it is impossible to refer to him/her as responsible and therefore as an agent. There is no purpose in assigning duties to somebody who is unable to be accountable for them. In this sense, responsibility is understood as an integral and central attribute of moral agency.[36]

There are three conditions which must be fulfilled when we want to ascribe moral responsibility to a moral agent and hold him/her responsible.[37] The agent must be confronted with the situation which is morally relevant. He/she must face a morally significant choice involving the possibility of doing something good or bad (right or wrong). The second condition is that he/she is able to judge the situation. The moral agent must be able[38] to acquire relevant information to make a judgment. She must be in the position to see what is (was) at stake. The third condition is to be able to take charge of the way he/she shape his/her judgment; he/she must be able to choose on the basis of judgment. The choice must be within the domain of the agent's will (control).[39]

It must be stated that the issues of moral responsibility and moral agency are inseparable. Without moral agency there would be no moral responsibility. Without moral responsibility there would be no moral agency (notion of moral agent) as we know it.

Today's understanding of moral responsibility in ethics of social consequences is more complex than ever before. Moral responsibility is understood through three aspects implicitly inherent to it. Moral responsibility is understood through notions of ability, duty and a guarantee. The notion of moral responsibility as ability is aimed at the concept of the moral agent. Morality generally requires accountability (individual or collective), before ethical evaluations can be assigned. Hence, this notion expresses a capacity which must be fulfilled by an agent to become a moral agent.[40] Being morally responsible (through the notion of ability) means being eligible for moral evaluation. Moral responsibility as an ability is a requirement which must be fulfilled before we could reflect on other notions of responsibility. This notion of moral responsibility is a grounded one. Without the ability of an agent to become a moral agent, there is no point on reflecting on other aspects of responsibility. Only when an agent is able to fulfill requirements, only then does it make sense to consider assigning duties which can be later

sanctioned (praised or blamed and then rewarded or punished) as a sign of approval or disapproval. Moral responsibility through the notion of duty is understood as an ability to act when required. And only when the agent is capable of fulfilling them (former understandings of responsibility), only then does it make sense to talk about moral responsibility as guarantee, which is understood as an ability to bear consequences.[41]

Moral responsibility understood through the notion of duty expresses obligations or tasks which are assigned to the moral agent. In ethics of social consequences those are described as: to make decisions (to deliberate) and act on them, in that way, those consequences which will be outcomes of those decisions and acts, would be mainly positive.[42] Moral responsibility is understood as a duty to act in compliance with justice and fundamental moral values valid in human society in particular: human dignity, humanity and moral right (s). Moral responsibility understood via the notion of duty is with respect to time understood as prospective moral responsibility which is a precondition of retrospective moral responsibility (the notion of guarantee).

Moral responsibility understood through the notion of guarantee is in the view of ethics of social consequences perceived as an ability to bear consequences and therefore to achieve acts which are in accordance with moral duty. The possibility to exercise moral responsibility via the notion of guarantee means that it is possible to impute reward or punishment to a moral agent. There are two types of sanctions. On the one hand, we can ascribe positive sanctions – such as praise. On the other hand, there are negative sanctions – such as blame. Negative sanctions punish the moral agent for not acting in compliance with what is required and on the contrary, positive sanctions reward him/her for acting in compliance with it.

## 4. Justice in Ethics of Social Consequences

There are two main well-known philosophical methods of justification for the punishment of the moral agent. Both of them seek to explain why are we permitted, or even required to punish. The most influential is probably the (deontological) retributive theory which is based on the belief that offender should be punished for what he/she did because he/she deserves the punishment. The punishment is retrospective. A retributive understanding of justice requires the offender to forfeit something in return for the offence. Consequentialist theory looks forward and expects that the punishment will bring reparation.[43] A simplified difference between those justifications is that proponents of retributive theory believe that the agent

deserves punishment as the best response for what he/she did, and proponents of consequentialist theory believe that punishing agents yields better results than not punishing them. The consequentialist argument for punishment is not advocating retribution, but it is looking for the ability to achieve positive social consequences in the future. Ethics of social consequences as proponent of the consequentialist approach is not looking for retribution in punishment, but for reparation. By punishing the moral agent we strive to promote acts which are desired, and to avoid undesired acts. Moral responsibility understood via the notion of guarantee represents, then, the capability to perform reparation. In the words of ethics of social consequences, retrospective responsibility (responsibility via the notion of guarantee) is an attempt to achieve positive social consequences, and on the other hand it is an effort to keep us away from obtaining negative social consequences.

Justification for punishment brings us closer to the notion of justice in the theory of ethics of social consequences. As mentioned before justice was alongside with responsibility understood as a secondary value and as such was neglected. Original notions of justice were reduced to claims such as that justice is a defining moment of good; and that justice is a particular evaluation of humanity and the legality of the decision making and acting of a moral agent. Justice was understood as conformity of acts made by a moral agent with the moral values valid in the society.[44] A little later, the claims were advanced on demands that justice cannot contradict any of the fundamental moral values and that the principle of justice must serve the moral agent and not the other way around; that the moral agent should serve the idea of justice.[45]

In addition to these claims, ethics of social consequences started to build up the notion of justice via its critique of Rawls's theory of justice. The focus of Rawls's theory on social institutions was primarily criticised, and in this sense neglecting of individual moral agents.[46] The macro-social tone of Rawls theory was regarded as insufficient for the upcoming challenges of ethics. Ethics of social consequences, of course, accepts that it is important to study justice on a macro-social level as such, when justice is used as a principle for arranging the institutions in society. But effort to study justice on a micro-social level in connection to moral agents is emphasized.

Gabriela Platková Olejárová, one of the authors of ethics of social consequences, studied justice in connection to business ethics, and claimed that the main requirement for achieving justice in the actions of a moral agent is freedom. She linked justice with individual freedom which manifests itself in the free will of the moral agent and equality of laws. By

equality of laws she meant moral law which represents a guarantee of decent life. Decent life then must be realized in accordance with human dignity and humanity.[47] This and other brief discussions helped to set up a basic understanding of justice in the view of ethics of social consequences more as a value than as a virtue.

Platková Olejárová stated that if a moral agent acts freely (in accordance with free will) and he/she does not harm, endanger or interfere with the rights of other moral agents (does not act in contrary to humanity) because he/she acknowledges their human dignity, then the agent acts in accordance with justice. The act is considered right and praiseworthy. In this sense, acts which are in accordance with the value of humanity are just, right, moral and praiseworthy; and those which are not in accordance with it are in contrast unjust, condemnable and inhumane.[48]

The search for the justice and the feeling of injustice are one of the first experiences which every human being experiences in his/her life. From the early childhood until our death we are all looking for justice. To distinguish between different types and categories of justice and to understand them, is therefore even more puzzling than it was with the notion of responsibility. One of the first attempts to distinguish between different types of justice can be found in the work of Aristotle - more precisely in his *Nicomachean ethics*. In book V – *Justice* Aristotle wrote that unjust mean either lawless or unfair and just means either lawful or fair (equitable).[49] Therefore, the first distinction which presumably should be made is to separate between notions of justice (and just) as legal concepts and justice (and just) in its ethical-philosophical meaning. Just as a legal concept is understood in ethics of social consequences solely as lawful, just is then something which is in accordance with law, something which is legitimate.

In ethical-philosophical reflection, justice is understood much more widely. In ethics of social consequences justice is understood as an attribute of specific processes (distribution or transaction), as an attribute of specific conditions (rules, norms and/or rights) and as an attribute of specific entities (human beings, moral agents, society). When reflecting upon what Aristotle calls particular justice, he distinguished between distributive and rectificatory. Distributive justice "is that which is shown in the distribution of honour or money or such other assets as are divisible among the members of the community". Rectificatory justice is that which rectifies the conditions of a transaction (remedies unequal distribution of gain and loss) and Aristotle divides it into two parts: voluntary and involuntary. Voluntary transactions are those which have a voluntary initial stage such as: selling, buying, lending at interest etc. Involuntary

transactions are either secret (theft, adultery et al.) or violent (assault, murder et al.).[50]

Even the theory of distributive justice goes back at least two millennia, allocation of scare resources or products among individuals with competing needs or claims in a society or group is still problematic.[51] The term distributive justice is, in contemporary literature, frequently used as a synonym for social justice, which is best known today through the writings of the political philosopher John Rawls. It is remarkable as, Jackson noticed, that the concept of "social" in the framework of distributive justice was only introduced in the late nineteenth century. There are different preconditions set by different authors for this contemporary understanding. What might be unifying is the premise that social justice depends upon the existence of an agency that can be charged with responsibility.[52] In this sense, distributive justice in ethics of social consequences is understood as allocation of scare resources or products among individuals with competing needs or claims in society, but with the explicit aim to this modern conception of it.

Rectificatory justice, in Aristotle's writings, inspired different notions and understandings of this apparently complex issue. Ethics of social consequences is developing two different types of justice which are linked to it. On the one hand there is justice which deals with justification of punishment which was mentioned above. There are two ways of justifying it: retributive and reparative which is upheld by ethics of social consequences. Reparative justice in the view of ethics of social consequences is trying to answer questions such as: Why should we punish? For what should we punish? And who should we punish? Reparative justice is closely linked to the concept of responsibility understood via the notion of guarantee. The second type of notion which is used by ethics of social consequences and which was inspired by Aristotle's rectificatory justice is commutative justice. Commutative justice is understood as a concept which deals with fair exchange of goods and fair participation of sellers and buyers in exchange systems.

Finally, there is a possibility to consider what might be called procedural justice. Procedural justice is, in the ethics of social consequences, understood as a procedure (not a form of justice) which must be followed (it must be in compliance with fundamental moral values valid in human society)[53] in the process of deliberation of acts and their performing by moral agent. Without following it, the act cannot be evaluated as moral. In this notion, justice is used as a condition.

As mentioned earlier, ethics of social consequences expands upon the notion of justice (distributive) through critique of Rawls theory of justice.

To some extent, Rawls' theory was accepted as beneficial and necessary, but in the view of ethics of social consequences there are a few characteristics which are not suitable for contemporary distributive justice.

There are, as Amartya Sen noted, two different lines of reasoning about justice. One concentrates on identifying just social arrangements, and understands the characterization of just institutions as its principal goal (and often the only identified task) of theory. This type of reasoning is woven around the idea of social contract. The secondary aspect consists of a variety of different approaches that shares an interest in not only concentrating on institutions but also on people's actual behavior, social interactions and other determinants.[54] Ethics of social consequences accordingly refuses strict orientation on just institutions which are understood as important but not sufficient. Ethics of social consequences refuses to accept the foundation of distributive justice on social contract as satisfactory, and alongside with Sen finds Rawls' understanding of justice unnecessarily utopian.[55] The limitedness of Rawls' understanding is also evident in his focus on liberalism as the sole source of justice.

Ethics of social consequences tries to overcome all of those issues by focusing more on the micro-social level and notion of moral agent. In this meaning justice is found in achieving positive social consequences as outcomes of the deliberations and acts of a moral agent. Realizing justice is not about setting just institutions, nor about determining liberties and rights, but about their realization by a moral agent. The moral agent is understood as an autonomous being with the right to choose his/her objectives freely.

In this moment, responsibility and justice are linked. Justice is linked specifically to what I named above: responsibility understood through the aspect of duty, which was defined as to deliberate and act in compliance with justice, moral right and fundamental moral values – humanity and human dignity. Focus of study in the field of distributive justice is, in ethics of social consequences, shifted from the range of political and social philosophy to domain of individual ethics. In ethics of social consequences, justice is studied predominately as a part of the theory of right.[56]

Another explicit connection between responsibility and justice is visible in the application of moral responsibility understood through the aspect of guarantee and the notion of reparative justice. Reparative justice is a concept which is mostly used in legal notions, but, nevertheless, finds its application in ethics, as well. Furthermore, as well as in the legal notion, in ethics, reparative justice is concerned mostly with negative sanctioning: blaming and subsequent punishing. A moral agent is usually

sanctioned for acting in a way which is evaluated as wrong (immoral) or for not acting according to what was expected. As mentioned above, reparative justice tries to answer questions such as: Why should we punish? For what should we punish? And who should we punish? [57]

The first possible answer to the first question is that we should punish to achieve retribution. We punish to pay back for harm which was caused to us by an act or omission of a moral agent, or for the unfair gain made at our expense. The second option which is advocated by ethics of social consequences is reparative argumentation (of justice). Reparative justice in the view of ethics of social consequences is not looking for retaliation as in retributive argumentation, but for support of required and prevention of unwanted behavior. From the consequentialist point of view, the answer which reparative justice can provide as to the first question is: because it may reform the offender, deter future wrongdoing, manifest society's disapproval or even reinforce respect.[58]

It has already been stated that, in respect to ethics of social consequences, moral responsibility, through the notion of guarantee, can be understood as an ability to achieve acts in accordance with moral duty. The argumentation provided by reparative justice is then, in line with it, understood as rationalization of this claim. The argumentation of reparative justice justifies the urge to deliberate and act in accordance with specified conditions, such as to accept the free will of moral agents and to enforce, defend and realize equality of rights and obligations as requirements to a likelihood of achieving positive social consequences over negative.

The answer provided to the first question in ethics of social consequences by the help of reparative justice is, then, a simple one. We should punish in the moral realm because it is necessary to support required acts of moral agents and to prevent undesirable acts of moral agents (support achievement of positive social consequences and prevent negative social consequences). Moreover, this acknowledgment provides us with an answer to the second question (for what should we punish?), as well. We should punish when the free will of the moral agent is disaffirmed and / or realization of his/her rights and duties is impeded (with regard to the consequences).

Understanding commutative justice as a concept which deals with fair exchange of goods and fair participation of sellers and buyers in an exchange system is not satisfactory. This definition is only fragmentary. Commutative justice additionally articulates "the content, processes, social relationships, antecedents, consequences, and boundaries of systems that provide buyers and sellers with fair participation in the exchange of goods

for payment".[59] Furthermore, commutative justice is based on the recognition of rights and duties by a process of exchange or bargaining.[60]

Commutative justice, in the understanding of ethics of social consequences, can then be defined as justice based on acceptance of free will and equal rights of moral agents. Free will and the realization of reciprocal rights and duties should be guaranteed as a precondition of transaction to be identified as being in accordance with commutative justice. Adherence to duties means primarily not to impede on the rights of a moral agent in acknowledgement of his/her human dignity. The outcome of the transaction then should be a prevalence of positive social consequences over negative ones for all moral agents who participated in the transaction. Commutative justice is also interconnected with the notion of responsibility understood through the aspect of guarantee. Violation of the conditions specified in commutative justice may result in the exercise of retrospective responsibility (as a guarantee).

As noted above, justice is studied in the ethics of social consequences as a part of the theory of right. This notion can be illustrated using the concept of commutative justice. In accordance to the theory of right in ethics of social consequences, four different types of acts within commutative justice can be identified. We can consider acts which are just, unjust, not just and not unjust. To understand this categorization let us assume that [A] means that the preconditions which are required (free will and the realization of reciprocal rights and duties) were completed. $\neg$ [A] means that conditions were not met. Prevalence of positive social consequences over negative are indicated as [P>N]. Prevalence of negative over positive as [N>P]. And symbols [N=P] or [P=N] are used when consequences are close to equilibrium. If we go further and try to evaluate these states in mathematical ranks it can be claimed that [A] 1 point, $\neg$ [A] 0p, [P>N] 1p, [N>P] -1p, [N=P] or [P=N] 0p. Ethics of social consequences, then, can claim that just act is when [A] $\wedge$ [P>N]. Unjust act: $\neg$ [A] $\wedge$ [N>P]. Not just: $\neg$ [A] $\wedge$ [P>N], [A] $\wedge$ [N=P]. Not unjust: $\neg$ [A] $\wedge$ [N=P], [A] $\wedge$ [N>P]. Mathematical expression of the evaluation than looks like: just act will be the one which gained (2 points), unjust (-1p), not just (1p) and not unjust (0p).

Today there are four different (three forms and one procedure) ways of understanding the notion of justice in ethics of social consequences; distributive justice as fairness in the distribution of rights or resources, reparative justice as fairness in the punishment of wrongs, commutative justice as fairness in the exchange of goods and participation in exchange system, and procedural justice as fairness in the deliberating and acting of a moral agent.

# 5. Conclusion

As a contemporary ethical theory, ethics of social consequences faces a lot of different challenges. To identify just one of the many, demands to be a practical ethical theory must be mentioned. In other words, if contemporary ethical theory wants to be successful, it must be able to serve as a possible theoretical and / or methodological background for applied ethics. The first authors of consequentialism back in nineteen century already realized that an ethical theory must be practical otherwise its legitimacy is limited. Ethics of social consequences strives to follow this legacy. One of the proofs of this effort is the progress which was made from the beginning of the theory, up to today, in an attempt of clarify values such as responsibility and justice (among others). Even both of the values which were introduced in this chapter are considered secondary in ethics of social consequences; functionality of the theory without them is unimaginable. Without proper understanding of responsibility, the notion of moral agent would be soft and vague. Without proper understanding of justice, the notion of responsibility and the concept of deliberation and acting of moral agents would be incomplete. Justice and responsibility were labeled as secondary, but that does not mean that they are not central. Without proper understanding of the notions of justice and responsibility, understanding of the theory and applicability of the theory in practice would be impossible. Because of that, presented chapter tried to shift the original understanding of justice and responsibility, and indicated their importance for contemporary ethical theory. Moral responsibility was introduced more complex than even before, through three different aspects (ability, duty and a guarantee) - which are inherent to it. Additionally, notion of justice was revised and its understanding was broadened to four different concepts including distribution, punishment, exchange, and deliberation and acting of moral agents.

# Acknowledgement

# Notes

1. The relationship to values in consequentialism is purely instrumental. A consequentialist agent will promote whatsoever values he/she chooses. An agent (if he/she is consequentialist) will honour values only so far as honoring

them is a part of their promotion, or is necessary in order to promote them. An agent should act to promote the value. For non-consequentialists, the relationship is not purely instrumental. The agent may exemplify designated values even if it does not help to promote them (Philip Pettit, "Consequentialism", in *A Companion to Ethics*, ed. P. Singer (Oxford: Basil Blackwell, 1991), pp. 230–231). In this sense ethics of social consequences affirms its consequentialist approach. One of the examples of this attitude might be the understanding of the value of humanity. Gluchman (a prominent author and founder of ethics of social consequences) states that the moral value of humanity can be only performed (the value is promoted), not solely respected (honoured) (Vasil Gluchman, *Etika a reflexie morálky* [Ethics and Reflections on Morality] (Prešov: FF PU, 2008), pp. 73–74); (Ján Kalajtzidis, "Ethics of Social Consequences as a Contemporary Consequentialist Theory", *Ethics & Bioethics (in Central Europe)*, 3:3–4 (2013), p. 161).

2. Paul Ricoeur, *The Just* (Chicago: The University of Chicago Press, 2000), p. 11.

3. In 1884 *L'idée de responsabilité* written by the French scholar Lucien Lévy-Bruhl, a few years earlier, in 1876, the British idealist philosopher Francis Herbert Bradley published an essay called *The Vulgar notion of responsibility in connection with the theories of free will and necessity.* He claims that no philosophical treatments of responsibility could be found prior to 1859 (Richard McKeon, *Freedom and History and Other Essays* (Chicago: The University of Chicago Press, 1990), pp. 65–66).

4. Oswald A. J. Mascarenhas, *Responsible Marketing. Concepts, Theories, Models, Strategies and Cases* (Richland Hills: Roval Publishing, 2007), p. 24.

5. McKeon, *Freedom and History and Other Essays*, pp. 65–66.

6. There are of course different views of how to differentiate various understandings of responsibility. McKeon wrote about three related dimensions of responsibility. The external dimension which is connected to legal and political analysis (state imposes penalties on individual actions and officials and governments are held accountable for policy and action). The internal dimension which is associated with ethical and moral analysis (an individual takes into account the consequences of her actions and the criteria which have a bearing on her choices). Lastly is the comprehensive dimension in social and cultural analysis, which deals with values ordered in the autonomy of an individual character and the structure of a civilization (McKeon, *Freedom and History and Other Essays*, p. 64).

7. To be a morally responsible moral agent is to be the one causally responsible for certain events; to be capable of explaining one's reasons for acting; and to be able and willing to accept praise for desired and blame for undesired outcomes. To be judged morally responsible for the actions and / or consequences of the actions an agent must fulfill requirements. The moral agent must intend to act, intend that the action result in the consequences for which the agent is responsible, and be aware of or remember having done the action. Another assumption is to have a shared sense of values (in taking responsibility and / or being held responsible) (Dale Jacquette,

"Responsibility", in *Ethics*, Vol. III., ed. J. K. Roth (New Jersey: Salem Press, 1994), pp. 742–745).

8.  The issue of collective moral responsibility is closely connected to the issue of moral agency. Sometimes the issue of collective moral responsibility might be described as being equivalent to the claim that the collective can be an independent moral agent. The discussion on the collective moral agent is vast and will be not elaborated upon in this paper. What need to be done is to state that ethics of social consequences tend to accept the idea of the collective moral agent even should the matter not be settled.

9.  Seumas Miller and Pekka Makela, "The Collectivist Approach to Collective Moral Responsibility", *Metaphilosophy*, 36:5 (2005), pp. 634–636.

10. Joel Feinberg, "Collective Responsibility", *The Journal of Philosophy*, 65:21 (1968), p. 675.

11. As Feinberg emphasize there can be no such thing as vicarious guilt. Only liability can be passed from one party to another (*Ibid*., p. 676).

12. *Ibid*., p. 681.

13. *Ibid*., p. 683.

14. *Ibid*., pp. 687–688.

15. For example, all parents have a moral obligation to look after their offspring (prospective moral responsibility of parents). Only if this obligation is neglected the notion of retrospective responsibility is shown. Parents are held accountable (retrospective responsibility) for neglecting their childcare.

16. It is necessary to have an agent to whom responsibility can be ascribed.

17. To ascribe certain ethical predicates as for example: good, bad, courageous, charitable, dastardly, and cruel or others (John M. Fisher, "Free Will and Moral Responsibility", in *The Oxford Handbook of Ethical Theory*, ed. D. Coop (Oxford: Oxford University Press, 2006), p. 333).

18. Man throws a rock into the sea, sings a song or eats an ice cream. In all of those actions the moral agent is present, but there is no moral relevance to his actions.

19. It would be absurd to state that it was wrong of the weather to delay the boat. On other hand, it doesn't sound improper to state that it was wrong of the captain to cause the delay of the boat.

20. For a better understanding, consider now an example. John is walking down the beach and sees a small child drowning in the sea. Even though he knows how to swim and he can go and save the child, he decides not to (maybe he just doesn't want to get wet). As a result of his omission the child dies. We can ascribe a moral responsibility to John not only for what he did (action) but for what he didn't do (omission) as a result of the consequences which arise from him abstaining to act.

21. For example Fishers asymmetry thesis holds that actions and their consequences are different from omissions in respect of the requirement of alternative possibilities. He states that even moral responsibility for an action does not require the freedom to refrain from performing the action, in the case of moral responsibility for failure to perform an action requires the freedom to perform it. And similarly moral responsibility for a consequence does not

require the freedom to prevent the consequence from occurring, but moral responsibility for failure to perform an action requires the freedom to perform the action (John M. Fisher, "Responsibility, Control, and Omission", *The Journal of Ethics*, 1:1 (1997), pp. 45–48).

22. Vasil Gluchman, *Človek a morálka* [Morality and Man] (Prešov: LIM, 2005), pp. 47–53.

23. Sterling Harwood, "Accountability", in *Ethics*, Vol. I., ed. J.K. Roth (New Jersey: Salem Press, 1994), p.12.

24. Gluchman, *Človek a morálka*, pp. 47–53.

25. In this chapter the term *act* covers both notions: action and the omission.

26. Vasil Gluchman, *Etika sociálnych dôsledkov a jej kontexty* [Ethics of Social Consequences in Context] (Prešov: PVT, 1996), pp. 46–51.

27. As a result of sufficient self-control, in some extraordinary circumstances of confusion or stress, some people are not capable of acting freely and therefore their moral responsibility might be at least temporarily suspended. They might be excused from responsibility for their actions if there is evidence that they acted without the ability or opportunity to choose to act differently (Jacquette, "Responsibility", pp. 742–743).

28. Requirements to become a moral agent are, in ethics of social consequences, primarily intellectual and cognitive (Vasil Gluchman, *Etika sociálnych dôsledkov v kontexte jej kritiky* [Ethics of Social Consequences in Critical Context] (Prešov: LIM, 1999), p. 38).

29. If all the requirements are fulfilled, such as that the act is free and not influenced by other factors.

30. Gluchman, *Človek a morálka*, p. 48.

31. Vasil Gluchman, *Angažovanosť, solidarita, zodpovednosť* [Involvement, Solidarity and Responsibility] (Prešov: Universum, 1994), p. 14; Vasil Gluchman, *Etika konzekvencializmu* [Consequentialist Ethics] (Prešov: ManaCon, 1995), pp. 87–88; Gluchman, *Etika sociálnych dôsledkov v kontexte jej kritiky*, p. 18.

32. Gluchman, *Etika sociálnych dôsledkov v kontexte jej kritiky*, p. 35.

33. Gluchman, *Človek a morálka*, pp. 49–50.

34. *Ibid.*, p. 50.

35. In this notion severely mentally retarded or insane persons are exempt from moral responsibility.

36. As mentioned before, responsibility is one of the most important attributes of a moral agent.

37. Philip Pettit calls it fitness to be held responsible.

38. If he/she is able and he/she refuses to acquire it, she is not relieved from moral responsibility. The condition is not to acquire but to be able to acquire.

39. Ján Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor)* [Ethics of Social Consequences in Business Ethics (with Focus on Financial Sector)] (Brno: Tribun EU, 2012), pp. 47–48; Philip Pettit, "Responsibility incorporated", *Ethics*, 117:2 (2007), pp. 171–175.

40. Moral agent is defined as a subject of morality who is able to fulfill the requirements which are: to recognize and understand the moral status of

society; ability to act deliberately and freely; and most importantly he/she must be able to bear moral responsibility for those acts.

41. Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika*, pp. 132–138.

42. Positive social consequences are characterized as consequences which help to satisfy the moral agent, social community or society as such. They are the essential conditions of the "good" (Martin Gluchman and Ján Kalajtzidis, "Ethics of Social Consequences and Issue of the Principle of Humanity in Medical Ethics", in *2nd Eurasian multidisciplinary forum – conference proceedings*, vol. 2. (Tbilisi: Grigol Robakidze University, 2014), p. 236).

43. David Dolinko, "Retributivism, Consequentialism, and the Intrinsic Goodness of Punishment", *Law and Philosophy*, 16:5 (1997), pp. 507–528.

44. Gluchman, *Etika sociálnych dôsledkov v kontexte jej kritiky*, p. 19; Gluchman, *Etika sociálnych dôsledkov a jej kontexty*, p. 41.

45. Gluchman, *Človek a morálka*, p. 91; Gluchman, *Etika sociálnych dôsledkov a jej kontexty*, p. 41.

46. Vasil Gluchman, "Teória spravodlivosti Johna Rawlsa" [John Rawls' Justice], in *Etické teórie súčasnosti* [Contemporary ethical theories], ed. V. Gluchman et al. (Prešov: Grafotlač, 2010), p. 153.

47. Gabriela P. Olejárová, *Aplikácie etiky sociálnych dôsledkov v ekonomike* [*Application of Ethics of Social Consequences in Economics*] (Prešov: FF PU, 2009), pp. 91–102.

48. *Ibid*., p. 103.

49. Aristotle, *The Nicomachean Ethics* (London: Penguin Classics, 2004), p. 113.

50. *Ibid*., p. 118.

51. John E. Roemer, *Theories of Distributive Justice* (Cambridge: Harvard University Press, 1996), p. 1.

52. Ben Jackson, "The Conceptual History for Social Justice", *Political studies review*, 3:3 (2005), pp. 356–359. Other differences between original distributive justice and contemporary social justice might include: existence of specific institutions in society, and / or focus on society as a whole, and not just on the individuals.

53. Above all in compliance with humanity and human dignity which are understood as central in ethics of social consequences.

54. Amartya K. Sen, *The Idea of Justice* (Cambridge: Harvard University Press, 2009), p. xvi.

55. Sen, *The Idea of Justice*, p. 11; Gluchman, "Teória spravodlivosti Johna Rawlsa", p. 153. Rawls, for example, concentrated his attention on identifying a perfect justice, rather than looking for alternatives to the existing form.

56. The theory of right, together with the theory of good (value), are the two main components which constitute every contemporary ethical theory. Whereas, the theory of good indicates what is valuable, what we should aspire for, the theory of right indicates what one should choose, what is right (Ján Kalajtzidis, "Ethics of Social Consequences and the Principle of Maximization", in *13th International Conference on Ethical Thinking – Past & Present*, ed. V. Gluchman (Prešov: University of Prešov Press, 2014), pp. 26–27.)

57. An answer to this last question is with regard to this chapter a simple one: moral agent. The debate would be more complex if we would take into the consideration the existence of collective moral agency and look for the answer if we should punish the collective moral agent (as entity) or the individual moral agents which constitute it.
58. Brian Rosebury, "Private Revenge and Its Relation to Punishment", *Utilitas*, 21:1 (2009), p. 7.
59. Greg Young, "Commutative Theory of Justice", in *Encyclopedia of Business Ethics and Society*, ed. Robert W. Kolb (Thousand Oaks: SAGE Publications, 2008), p. 379.
60. Chris Brown, "Review article: Theories of International Justice", *British Journal of Political Science*, 27:2 (1997), p. 281.

CHAPTER TWO

POSTMODERN RELATIVISM IN THE CONTEXT
OF ETHICS OF SOCIAL CONSEQUENCES:
SELECTED ASPECTS OF POTENTIAL
INTERACTION

ORESTA LOSYK

*"Strong convictions easily generate fanaticism;*
*skepticism or lack of convictions*
*easily generate mental and moral paralysis"*
*(Leszek Kołakowski)*

## 1. Introduction

As a condition and an objective of authentic (self)identification and (self)representation, emancipation has for a long time been rooted in the intellectual, spiritual and social life of Europe and Western civilization. As the dominant modern world view, it is present in the main areas in which a person gains life experience – social, everyday or private life, cultural and legal norms, ideological guidelines, scientific and philosophical knowledge, as well as ethical, aesthetic, artistic attitudes that form the ideological completeness of the era. Its acquisition, implementation and distribution depend on specific "regimes of signification" (S. Lash), but regardless of contexts or chronological limits it remains crucial to the connotations of meaningfulness and fulfillment of human existence. The essential and basic constant feature of emancipation is freedom of thought, imagination and action.

The background to a modern individual's orientation "towards freedom" demonstrates numerous strong and weak points of attempts to "break free". On the one hand, freedom as a universal value is aimed at peace, at a democratic and liberal version of the world in which we live, being "the only real point of reference for any reflection" (A. Karas); on

the other, the interpretation of freedom may become the central axis of another fully totalitarian unification of cultural, customary, racial, religious, gender and other differences, turning into a massive, dangerous, inappropriate and far-fetched vision of human nature (as M. Kundera put it – "unity of mankind means: No escape for anyone anywhere"[1]). This ambiguity can often be observed in our everyday life as well as in the debate provoked by the spread of globalization, (inter)nationalism, reinterpretation of tradition, "wars" of identities, dialogues of memories and forms of tolerance.

This means that our contemporary reality has little chance of becoming the opposite to relative reality, but nonetheless its dynamic and unpredictable variability does not mean to lead humanity to ideological entropy and collapse of meanings. The nature of contemporaneity, often called postmodern, continues to look for alternative support, the effects of whose consequences do not cause the destruction of the basic existential and humanistic values of human existence.

This paper focuses on the philosophical peculiarities of the postmodernist approach to interpreting contemporary reality and individual. The purpose of the article is: 1) to analyze the postmodern principles of epistemological and cultural relativism, which accompany the actual emancipation of scientific knowledge and moral values; 2) to compare the postmodern vision with the basic ideas of the ethics of social consequences in the prism of their potential interaction.

## 2. Crisis Delegitimization of the Truth

Over the past half-century human sciences have preferred more and more interdisciplinarity, overcoming, with varying success, the "problem of two cultures", heralded by C. P. Snow in his 1959 Rede Lecture.[2] The paradigm of modern knowledge even managed to change its status to "post-non-classical", and thus it proved the obsolescence (at least in Western civilization) of existing principles which used to describe, explain and evaluate the natural world and human reality. The deployment of vital reality transformations, ordered for two millennia with the help of monolithic layers of scientific, cultural and social tradition, suddenly began breaking out in crack patterns, destroying the stable and steady understanding of the truth, beauty, and other basics, crucial for an individual's and society's fulfilling existence. In the ideological space created by the white man, a crisis came about and spilt its real consequences beyond purely theoretical prognoses or abstract reflections. Even in everyday speech throughout the twentieth century, the word

"crisis" started being used more and more, until the "state of crisis" stopped being perceived as bizarre, fashionable, temporary or inappropriate, but vice versa – it became something adequate, normal, common; so general that – as M. Shlemkevych ironically said – its absence seems suspicious.[3]

The emergence of such a state in any form of world view reflection or life is not something new in the history of mankind, it is inescapable and as Thomas S. Kuhn argued, it is even desirable for a revolutionary reboot of the established truth.[4] Once, "the awareness of the crisis itself was one of the reasons for the emergence of sociology" and remains the leading motivator for research into classics and the newest representatives of the discipline (G. Simmel, M. Weber, E. Durkheim, A. Giddens, N. Luhmann and others).[5] A good deal of prophesies and interpretations of "crisis" can be found in works by philosophers throughout time and our contemporary intellectuals are no exception.[6]

However, it is the current crisis of recent decades that, over a relatively short time period, proved unpredictable scopes of its distribution. The strength of the consequences of the "internal contradictions" of our day makes us estimate with all seriousness how unique and global for all mankind this crisis is: "[it] should apply to the whole civilization, the whole society. The crisis of our time must be a general crisis (…) Moreover, this crisis cannot be compared to other ones that occurred in the course of history so far"[7]. Though, among contemporary social science scholars' prognoses regularly occur of how the crisis in which our generation exists will end (economic, political, religious, moral, and dozens of other kinds), but these mostly futuristic visions fade in comparison with what is in reality, what daily forms the day-to-day realities surrounding us take and tirelessly expose the human mind and imagination to new, complex, demanding and severe challenges.

What kind of challenges are these, binding both, entire communities and individual existence, to give responses or at least thematic reflections?

The common basis for the rise and expansion of crisis *Lebenswelt* both in traditional and highly developed societies of the West was the default of the ratio status in the form suggested by the most prominent representatives of European Modern in the early modern period and, especially, the Enlightenment.

Marx, Nietzsche and Freud were among the first who successfully unsettled the political, cultural and social heritage of values, which embodied non-scientific use of the classical *mathesis universlalis* principle. In the restless, destructive, but at the same time creative, *fin de siècle* atmosphere, they – being the most successful of all their contemporaries in humanities – uncompromisingly managed to stress the

unequivocal decay of ordered, dogmatic paradigms, that had to be successfully changed not just by other conundrums, dilemmas or fresh goals, but by new epistemes. At the same time, the collapse of absolute principles in natural and exact sciences was discussed by mathematicians, physicists, logicians and biologists. The crisis of sense manifested itself most spectacularly in, especially, arts and aesthetic theory. The latest philosophical trends, starting after the death of the last great classics period and especially throughout the twentieth century, began to rethink, in general, the fundamental foundations of human existence, consciousness and the phenomenon of reflection. In the focus of the grand quests of the great thinkers of our time (E. Husserl, M. Heidegger, K. Popper, J.-P. Sartre, M. Merleau-Ponty, H.-G. Gadamer, H. Arendt, P. Ricoeur and others), profound attempts were made to identify the characteristics and prospects of the human self as a authentic, free, true and responsible being among the loss of faith in "infallible guidelines for thinking" (L. Kolakowski) and fading of the once (too?) sustainable certainty in any teleological support. Dozens of marginal humanitarian sprout-like trends were generated by breaks of "the bases of what still is called Knowledge" (by E. Morin),[8] and are fed by the issues of the era, sponging on its sore dilemmas. Even the most dominant ones (Marxism, psychoanalysis, structuralism) are no more universal panacea, though their influence helped destroy the Enlightenment metanarratives. However, after they rapidly increased and gained justified popularity, sooner or later they also declined. After all, philosophy itself as leading synthesized knowledge has evolved from "field of truths" into the arena where they meet (by J. Hyppolite). Accordingly, the human who this philosophy is focused on and who is interested in wisdom that "is the truth … and not a myth or literature" has also changed.[9]

Most philosophical and anthropological areas in the twentieth century neglect the concept of man as *homo rationale*, placing a person "beyond any definition" as such that can be described only "in categories beyond theories".[10] These areas of modern religious philosophy also belong to them (personalism as well as Judaic and Islamic branches and schools). In particular, the creator of the modern form of Christian ethics, K. Wojtyla, suggested an interpretation of the human condition through the prism of its praxis in several of his synthetic works (i.a. *"The Acting Person"* ("Osoba i czyn", 1969), "Memory and Identity: Conversations at the Dawn of the Millennium" ("Memoria e identità. Conversazioni a cavallo dei millenni", 2005), which go further than theology and receive numerous comments from humanitarians. His interpretation being adequate to current challenges is also open to further discussion. In his opinion, "realistic individual

ontological interpretation ignores its subjective dimension, while transcendental reflection cuts it from objective reality" that is why "both ways are philosophically necessary, since they represent a person as opposed to two worlds. The 'tension' between objective and spiritual worlds creates the "problem of a person".[11] In our opinion, the heritage of this religious authority, as well as his successor, supported the following thesis: eclecticism of selections and freedoms of individual or collective identities in the postmodern world does not necessarily lead to existential and cultural entropy and religious ethics; by all means it should transform its principles in such a way as to be resistant to aggressive forms of relativism which destroy authentic experience of (self)identity and vital space values. Religious and philosophical ethics also in the secular time has a substantial number of supporters, so – along with utilitarianism which it opposes – it has a potential impact on shaping values for people on all continents.

## 3. The Emancipation of the Rational

The growing worldview chaos has become the most constant characteristic of these days and of all components of human life. It illustrates, on the one hand, the current defects of the "box of tools" filled by Aristotle and fixed, in a way, during the Modern period, and namely, throughout Enlightenment absolutism.[12] The traditional monopoly of rationality as the most important key factor in the interpretation, understanding and maintaining of the status of logocentric tradition of the Western civilizational universum suspended its synchronic and ideological continuity: "the modern post-Enlightenment world … is the Enlightenment that turned against itself: Mind loss as a result of triumph of Reason over Foolishness of archaic mentality" (Leszek Kolakowski).[13]

On the other hand, a paradigm shift to relativism approved another wave of modernization of the West, a process that is considered to be specific, desirable and necessary for the synergistic development of this civilization. Thus it distinguishes it from the others. The truth is that the current phase of dominant episteme modernization of the early twentieth century is accompanied by extremely deep "gaps" and "breaks" (by Jacqueline Russ) – and these changes are not limited to so-called semantic corrections, but relate to the very foundations of the structure, which creates responsibility and is itself responsible for the validity of the most fundamental principles of world view. That is why, not the fact of changes alone, but the way in which these really powerful transformations occur, motivated scholars (primarily sociologists, but also philosophers and

historians of ideas) to speak about the unpredictably intensive "radicalization" of contemporaneity.[14]

It is essential that the "high modernity" (by N. Luhmann) of reality in which at least three generations have lived, has long stopped legitimizing itself through the prism of opposition to the past (Modern) model. Instead, it focuses on relentless improvement and search for a new reflexiveness that would adequately meet the previously unknown, dynamic and demanding needs of the present and future, formulated by contemporary man (that is "devoid of mythical, metaphysical, positive and even cultural definition" (G. Balandier),[15] by contemporary society (whose members continue to be obviously affected by indifference, loneliness, alienation, violence, anxiety, fear and reject these destructive symptoms even less than before), and by contemporary reality (which is dangerously deontologized under the pressure of globalization – environmental, technological, media informational, political and economic).

However, modernization continues being further "identified with rationality, which is why the debate about modernity is always to some extent a debate about the mind, its social roots and its implementation into reality"; "to what kind of reasonableness people are predisposed living in modern society, what ratio prevails in modern civilization, whether it has any negative consequences and what they are".[16] What is meant here is a new form of "reasonableness". It has to embody the effective heuristic model in which two above mentioned key trends of the present – the rationalist and relativistic – are involved, and what is more important, interact.

## 4. Floating Identity

What could bind the above-mentioned tendencies together? The constituent rejection of such a type of co-existence and interpersonal communication in which two fundamental rights of individuals and communities are being abused: the right for self-identification and the right for recognition. Self-determination in previous historical and cultural eras supported the condition of mental health as well, and united the community, provided stable guidelines and clear semantic life contexts. But the conditions that followed the process of self-determination (authentic and necessary for every human being, the lack of which causes a fatal and lethal existential crisis, – by E. Erickson) used to be different.[17]

After-Modern modernization (and its chronologically latest component that is also defined as postmodern contemporaneity) created conditions for the emergence of a new identity, whose bearers do not only have to be the

chosen ones (Europeans or Americans), but all those who interpret it primarily as an effort of independently comprehended – and not the circumstantial or inherited – "self-determination in freedom" (by M. J. Adler). The history of post-modern identity begins when originality and personal choice innovation gradually stop being considered mistakes and deviations from "true" self-determination. In addition, an individual's selected unique form of personal identity can be considered as a whole only if it is recognized by others.[18]

These principles are also true for collective identities: they need common self-identification within the community among its members, who voluntarily choose to belong to the group and agree upon the main symbols that show its uniqueness and expect recognition from other communities. A really contemporary (post-modern) society according to this approach should be democratic – open to private self-determination, binding to civil equality and consensus on common values. Opposed to this are totalitarian systems – based on authoritarian hierarchy and ideological terror that still function somewhere – can never become contemporary (post-modern) because they do not recognize the principle of freedom and choice of otherness, which, as we noted, constitute the newest paradigm. The ideological storms of the twentieth century, the collapse of the Soviet Union, costly fratricidal conflicts in the Balkans and in Eastern Ukraine convince one as to "how thin the civilizational layer is and how helpless Europe is – having faced barbarity»[19], how ruthless the consequences of forcibly controlled unity may be: discrimination, censorship cleansing, intolerance, total disregard for "I" and "We" identities, and in the broadest sense – cultural space depreciation, environmental destruction and so on. In a democratic form of unity, serious risks against self-determination freedom and recognition do not vanish into thin air, but this form provides guarantees for common life space for the bearers of different "I", and unites the "winners`" and "losers`" descendants into a voluntary collective "We". It also creates conditions for the collective "score-settling" with the past of European nations; each of them – especially in recent decades – found in common past black and white spots and is obliged to somehow respond to them.[20]

The condemnation of any forms of violence against individual or collective freedom, globalizational mobility, memory exchanges, inter-cultural dialogues and many other modern practices of mutual understanding have become the object of expert assessments by professionals who "discuss" it in newspapers, on TV screens, in numerous reports, research monographs, statistical studies, etc.[21] With their help, one can more or less fully outline the current state of world view

consciousness of individuals, communities, societies, namely – all of them are being continuously exposed to a certain risk level, caused by an imbalance between the imminent *eradication* of traditional, (outdated) models of existence and by mental *confusion* following the efforts to navigate among the intense pressure of the newest models of social and self-identifications. Identity is "floating" along with all its attributes (including memory), which, except for "joy of choice", brings sharpened and sustained stress: "in our world of flourished individualism", the right to and freedom for self-determination is "fluctuating between delirium and nightmare, and it is difficult to notice when one changes into another. In most cases, these two modalities of fluid modernity coexist with each other, even if they are at different levels of consciousness".[22]

Why such a problem concerning temporary uncertainty of the transitional phase of contemporaneity modernization still has not been solved either on personal, collective, or even civilizational levels? I think the answer to that question lies not just with intellectuals or experts "in the fields" but with those who are, in a way, concerned with ethics. Under the conditions of crucial transformations of thinking language, status of knowledge, public relations and (self-)identification, the inhabitants of secular "chaosmos" feel the growing of one of the authentic human (that is natural and necessary for the fulfilling existence maintenance) inclinations – interest towards ethical issues. We should agree that the fragmentation of the truth in terms of science does not make such a drastic impression on researchers as to destroy their non-scientific life. However, in terms of vital (social, cultural, private) existence this danger may become real. A postmodern person ("a completely unbound Prometheus" by H. Jonas) is at the crossroads of acceptable and arbitrary choice of one of the identifying sets (or sometimes, their individual components - open to modification). They are numerous, but the person keeps hesitating.[23]

This person is a child of "reflexive modernization" (by U. Beck): since childhood they have learned to say no to totalizing "rationality" (in the Modern sense), in such antitotal(itarian) ardour they could experience another – but also destructive extreme, embodied in the relativistic principle "anything goes". They live in a pluralistic world where the constant "*savoir-vivre*" is generally considered *passé,* and not many feel the need for its reactivation. "The subject is being destructed" – says J. Derrida and many other pessimists, eager to diagnose the "end of the social" and the "agony of Reality" (J. Baudrillard). But one can also hear, even more authoritative voices of other intellectuals, who strive to keep the "I" from collapse (P. Ricoeur, Ch. Taylor). They are based on the belief that under the conditions of even the most emancipated

contemporaneity the individual and community still need ethical instruments for the establishment and maintenance or justified changes which are not only inherited or imposed but chosen by 'oneself' forms of identities. After all, the practice proves: superficial interpretation of the place and indifference to the role of moral principles neglects the axiological ground of private, public or civic spaces. It worsens dissonance on cognitive and emotional levels of all (inter)cultural and inter-subjective communications.

Z. Bauman, whether in his new book or in conversation, continues to emphasize the "moral insensitivity" of his contemporaries. In his opinion, they are tirelessly pacing and leading their consumer activity neglecting work on the internal components of their own identities, and transforming them into hollow and temporary "identaiment" ("Fun").[24] The author of the concept "liquid modernity" believes that "the process of individuation, which is not necessarily "immoral in its intention, leads to a situation where moral assessment and rules are no longer needed and moreover unnecessary". This shrewed sociologist and historian of ideas gives a new meaning to the term "adiaphorization", using it for actions "that are devoid by public consent (global or local) of ethical evaluation and, therefore, free from the possible anguish of conscience and moral stigma.[25] Perhaps, the perspective proposed by him can be useful when trying to figure out the 'case' of Elyuana"[26] or other similar examples, in order to start updating the meaning of the abandoned moral conscience. Ignoring it can lead to degradation and new forms of exclusion, even in pluralistic culture.

This has caused "rapid ethical fermentation" in recent decades, which started to be dominant in philosophical knowledge, exhausted by mutual struggle and by the increasing fading of recent monopoly spectacular theories.[27] Traditional normative ethics is being reformed and/or is substituted by lesser ones. They reflect the relativistic mood of the postmodern era. Thus, the "ethics of joy" (G. Geleuze, K. Parnet, R. Mistahi) appeals to developing senses that "express or contain the maximum affirmation". It presupposes that happiness is the only highest, uniting practical form of existence, which "totalizes the existence of the subject in its actions". These eudaemonic sentiments are opposed by "ethics of tragic joy", inspired by the influence of existentialist "fatality" of freedom (by J.-P. Sartre). Its representatives (M. Conche, C. Rosset) focus on the dual nature of free existence with an emphasis on "the ability to put an end to "life, which is not created by the rational mind" and ("in terms of morality, which is considered reasonable and fair") has "no justification". The joy of vitality in the "unbearable" world for them can "only occur in case of ... paradoxical agreement" with "the tragic" that

resists rationalization. Let us consider the ethical direction that appeals to ancient (Hellenistic) ideals as models that can reoccur in the present. A modern person, says P. Hadot, should live not by "wisdom (...), but by exercises in wisdom, always insecure, always renewable", aimed at self-discovery as caring for oneself, to "learn how to manage one's own life in order to give it the best of all possible forms (in the eyes of other people, in one's own eyes and in terms of future generations, for which one may be an example" (M. Foucault).

One of the most recent ethical projects, which is the result and the reaction of global sociocultural changes especially in developed countries, is called "postmodern spirituality". This is the alternative phenomenon to "non-industrialized religion", which contains syncretically mixed elements of postmodern and pragmatic philosophies, environmental objectives, traditional beliefs, esoterics, New Age and all other possible ways that can lead a person to the highest goal, which is considered to be individual sense of happiness. "Postmodern spirituality" paraphrases the previous forms of spirituality, urging to replace their impersonal metaphysical statements with private and "deliberately applied" autocreation, free of "any transcendental claims and postulates". At the same time, it is "ready for raising and solving problems that earlier were touched only by metaphysical thought with pretensions to universality and necessity", because the traditional concepts of morality cannot cope with modern ethical challenges. This project is directed at the "holistic and dynamic understanding of reality, heading towards the future" in which the ideal of good life is thought to be self-controlled autocreation – a spiritual exercise aimed at finding a harmonious and attractive (re)presentation of oneself, a desire to be exceptional. "Inexorable fulfilling of duty and obedience on general principles" should not be considered priority values, but above all – "being private, irrational and aesthetic in one's actions to such an extent as each individual person wants". It is clear that the truth according to this lifestyle, world view and social interactions will be interpreted relatively. Ethical life will mean beyond-competition advantage primarily of the aesthetic factor.[28]

This, quite superficial review, only proves that newest ethical reform is also necessary for comprehension of (post)modernity the same as the paradigm shift of scientific knowledge and emancipation of classical cultural order. Even though G. Lipovetsky does not mention a new form of "I" as a hopelessly narcissistic "empty shell that is rocking on the waves of space and time, without fixation and without guidance, the shell, which can be easily manipulated, the shell adapted to combinations acceleration and to changing systems"[29], it does not mean that each present form of ethics causes its further decay.

# 5. Evolution of Discursiveness:
## From Narrative to Relativism

Ethical approaches in the time of secularization and technology are, as illustrated above, anti-transcendent and really various. As a consequence of the "theology and teleology shading" (J. Russ), they are at the same time, a call to clarify, complete or even redefine the meaning of the basic pillars of the Western civilized world view: reason, rationality, dignity, justice, humanity and other universal virtues. Can they preserve their ultimate meaning in individual and common existence, which refuses the classical form of integrity and relies on "floating"? What are the non-classical forms of their manifestations? How effective and useful are they for its contemporaries? In other words, how to describe in modern words the "world view"?

In the humanitarian bibliography there is no doubt about the thesis that a relatively postmodern world view should be associated with *a discourse* that replaces the narrative inherent in the classical era – starting from antiquity and ending with the end of the Enlightenment. This discourse is identified with freedom and openness, while the narrative – with "Procrustean bed" of ready and strict thinking and behavior models. This explanation may be considered to a certain extent clear and exhaustive in selected specialized (especially literary) areas, but there is no reason to spread it to the whole array of more than two thousand years of ideological heritage of European and Western culture.

What is the nature of discourse? Can it evolve? To begin with, it should be noted that each world view is a meta-narrative, modified form of metaphysical claims for an exhaustive explanation of the human being-in-the-world. This statement is still valid in the non-classical era. The question is: how does the narrative correlate with the discourse? A short semiotic excursus can help find the answer.

So, in the broadest sense, "discourse" is reality objectivized by human experience and knowledge. Discourse, as one of the most ancient lingual and textual constructs, both directly and indirectly, is linked to creation of reality "through interpretative ability of the human mind to give meaning to life, being in points where linguistics meets life".[30] It is infinitely plural and occurs in the form of "discursive practices" – mechanisms of cognition ("words") and culture ("things"), recalling by their structuring ability lingual ones.[31]

Discourse is subordinate to multiple systems and procedures of internal and external control over their different implementation. Discourse is subject to the constitution, but itself it is also able to constitute – it either

appears as a "language of power" ("encratic kind of discourse"/ "encratic speech") or as a "grand, infinite and unrestrained seething" (M. Foucault) a non-legitimate ("out of power and/or against it") linguistic practices ("acratic kinds of discourse" / "acratic speech").[32] As a form of world view discourse (within its limits and discursive practices created by it, or autonomous ones) is of a dual nature, namely combining the features of unification with the development of "ferment" representations, that oppose "legitimate" judgments.[33]

Discourse is able to act as a collective word view, acquiring, organizing and restraining authoritative features which define the cultural environment and promote the historic deployment of its components (scientific, artistic, social, ethical etc.). "Discursive universe" as a possible reality is neither internally harmonious nor externally universal. It operates on the basis of autonomous self-regulation of its internal processes and relationships (J.-F. Lyotard calls it "discourse pragmatics") and "largely depends on ethics (ethics of actions) adopted by society and social movements and cultures in general".[34]

Any discourse, including the inherent in contemporaneity, has some power over the already existing or future interactions context. Its purpose is to interpret and systematically organize current reality, and to be responsible for constituting the foundations of human existence (freedom of choice, self-identification, solidarity, civic action, tolerance, morality, dignity and humanity). This omnitude inevitably leads to the deterministic structure of each discursive practice and yet, on the other hand, increases the (desire for) human self-realization outside the contours of hierarchical interactions and binding concepts. In other words, as a universal example of a social structure, discourse can be interpreted both as any meta-narrative totalizing world view, and as such as destroying the idea of objective universal knowledge, commitment and identification models and offers a path of independence, liberation, freedom, sub-(and not pan)uniqueness.

From this perspective, in classical discourse, dominated features of the narrative, in which the monopolizing meta-narrative kind of understanding prevailed. At some point they stopped considering ethics of individual and collective existence as being defined by free choice and freedom of self-realization. An apparent conflict between the spread of practical intentions of privacy and individual freedom, on the one hand, and political, social, economic and creative obstacles to their implementation, on the other was growing. Ideological orientations of classical and rational paradigms, related to discursive schemes of classical narrative practices turned to be poor and outdated for the twentieth century, especially for its second half.

The inevitability of crunch crisis (delegitimation) of absolutist "truths" drew successful experimental researches in the natural and exact sciences closer as well as the artistic "revolt" against obligatory canonical aesthetic.

The centralized, narrative "status" of the world view was changed into its non-binding, relational "states".[35] Contemporary discursive practices are no longer confined to rigid and forced customization of free (independent) semiotic elements. They did not deny rationality as such, but stressed its various legitimate forms. The very discourse started being identified with human semiosis processes, which means it became the main way of reflection, self-articulation and interaction. Accordingly, the need of another, non-traditional form of world view customization appeared in which the new ethics of contemporary individual or community would be able to operate.

In the center of the latest, post-Modern discursiveness is the priority of freedom. It should be developed or at least supported and not rejected – all discursive practices that occur within four major dimensions that legitimize the vital reality of mankind: political and social, public, private and civil. Will the current impulses towards freedom be able to coexist? How to achieve the balance between identities that more and more emphasize mutual differences (by Ricoeur they prefer *ipséité* instead *mêmeté*)? What heuristic content must the relativistic "position of modernity" (by M. Foucault) be filled with?

These challenges were to be faced as early as the verge of *fin-de-siècle* and throughout the twentieth century by most of philosophical trends that belonged to the non-classical paradigm. That is why after World War II interest towards existing and new ethical theories revived and grew further. The latest attempts include reflections by representatives of the most odious trend of recent decades – philosophical postmodernism, and also a significantly less subtle, but progressive and innovative trend – ethics of social consequences; their selected aspirations will be considered and compared further in the following chapter.

## 6. Ethical Perspectives of Postmodern Pluralism

To begin with, let us pose a question: what can bring postmodernism and ethics of social consequences (further ESC) together? First of all, the (pre)conditions under which they have occurred, as mentioned above, created the ideological basis for overcoming boundaries between branches of philosophy, humanities and natural sciences.[36]

Postmodernism and ESC operate with different conceptual thesauri, for example, such concepts as "goodness", "morality", "moral ideals" etc.,

almost never occur in texts by postmodernists; and, in their turn, ESC representatives (those whose works are available to the author of this paper) avoid postmodern mysterious word forms. However, both trends of contemporary philosophical humanities are directed towards new, previously non-existent or unthinkable issues that are in abundance at present. Their concepts avoid semantic "homogeneity": working postmodernist's hypothesis requires "considerable force of contrast" (J.-F. Lyotard), and ESC is friendly to interdisciplinarity and dynamic internal development. Both trends take relativism for granted without branding it for "immorality" and blurring of life basics.

Due to their openness (that goes beyond specialization) a few crucial common ideological accents come to play, giving hope for possible collaboration. Namely, the desire to prevent new retotalitarization of ideological components, the plurality principle, the principle of tolerance and the right to choose. The postmodern "scenario" (J.-F. Lyotard) implementation of human life "under the sign of freedom" (A. Karas) is characterized by "paratheoretical" forms with distinct tendencies to avoid metaphysics, ideological generalizations and logocentrism. It appears as a deconstruction of that world view which (after World War II) secretly and "unconsciously" offers totalitarianism practices, reproducing meta-narrative discourses and intentions to Objectivity and Truth, independent of person. The achievements of the comparatively new ESC as a form of non-conventional utilitarianism are directed the same way, with the only difference – its representatives make obvious efforts to find a way out of crisis and situations threatening freedom (the quality of ethical concepts rejects maximization "as the sole criterion for outlining reasonable steps" and depend on their "ability and opportunities to support the solution of practical moral issues of our time").[37]

We can observe other differences between the selected areas which we consider complementary. Postmodernists spent a lot of effort and imagination on criticizing past grand-narratives, on appeals to overthrow totality, spectacular illustrative sketching of *homo discursivus*, but created few effective concepts, based on real contexts, that could prevent relational modernity from being exhausted, and maniacal self-defragmentation. ESC also diagnoses many contradictions within the contemporary world view, however, it still clearly declares that it depends less on detailed searches generated by discursive practical dilemmas than on choosing how those decisions will bear positive (not pragmatic) effects on the human being as an interpreting body that is not devoid of moral virtues (dignity, kindness etc.): "the essential criterion for evaluating the performance of the subject are moral implications, and only then motivations and goals".[38]

Postmodern diagnoses make even more acute the latest "terrorizing" ideological practices ("methods of the new inquisition" by A. de Benoist): excessive environment technologization, the negative consequences of multiculturalism, unfair legal ambiguity of standards, global unification and anonymization of cultural forms of identity, etc. Although ESC representatives do not write about it specifically, the listed circumstances are relevant to their motivations. However, there is one significant point here. Postmodern authors are mainly interested in perspectives and the state of the new customization in countries with entrenched traditions of liberal freedom, cherished democratic values, a high level of economic prosperity and strong technological development. They see in them the natural, historical and cultural justified causation. But they thus reject the rights of other, not so developed communities (even belonging to the cultural and civilizational space of the West) to "be modern" (if "modernity" is to be identified with "postmodern condition"). Vasil Gluchman, ESC's founder, in his turn, clearly declares the applicational potential of his ethical concepts including young post-totalitarian countries of Central and Eastern Europe.

There is another salient feature of postmodern discourse: scepticism concerning consensus. The founder of philosophical postmodernism J.-F. Lyotard entered a principled debate about it with another outstanding contemporary expert J. Habermas, which did not lead to agreement. "Consensus" according to the French philosopher is a "horizon, which can not be reached", "[it is] just a state of debate, and not its purpose", "an outdated and suspicious value".[39]

If society, on the term of consensus, does not oppose injustice and oppression, is it possible to build new relationships in it due to the work of differences, being guided by a postmodernist alternative that is based on dissensual heteromorphism and the language-playing nature of life and individual existence? Personally for J.-F. Lyotard – yes, it is possible.

Though cautiously, J.-F. Lyotard believes that political discourse is closest to implementing its guidelines on "dispute activization" as a condition of equilibrium in a relativistic model of coexistence. Justice is to be a key notion here – not only as an "idea" but also as "activity" (discourse) in the modern world. Democracy as a narrative that provides constitutionally determined legal discourse "absorbs" the various discourse types into one monolithic; politics as a kind of discourse of justice is more attentive to differences. It does not ignore them, being subjected to their influences or criticizing them. The success of preserving representative freedom ensures the functioning of a certain legal field. This is the only dimension that is acceptable for those "discoursing"

practices that "yearn" for justice. For J.-F. Lyotard, the obstacle is not in the human "will", but comes from a dispute. According to this aspect, the discourse of freedom faces a task to determine such fair "ideas and practices" that would respond to the urgent threat of world view monopolization especially in those countries that supported the Universal Declaration of Human Rights.

Let us choose and indicate those ones to which the principles of ESC can be extended. First of all they are: "paralogy" and "vulnerability".

"Paralogy" as the quintessence of previous forms of freedom appears as an opposition to the consensus that in practice, according to Lyotard, is not justified: "the purpose is rather paralogy".[40] It fosters and strengthens "the ability to stand the immeasurable" in the surrounding world[41], and begins with a direct acceptance of "pressure on the opposition" as the main operating condition for denotative, prescriptive, performative, technical, evaluational "language games", emphasizing the "formal" and "pragmatic" differences between them. This means, firstly, independence of scientific (denotative) knowledge of the world's "truthfulness" from the (prescriptive) rules of non-scientific activities. It includes relative autonomy of "knowledge institutions" – universities, institutes, research centers and so on. Secondly, rules (specifying the "game", that is reality), are devoid of traditional ideological "beliefs" in the only "sense" and in totalizing "emancipation". They are created with an understanding of the heteromorphic essence of "games" – they take into account the constant search for new discourses, but keep "pragmatism" – not as a terrorizing criterion of "good progress" but as a single authorization ("meta-command"), responsible for balance in post-industrial civilization.

Discourse of paralogy is a way of postmodern formation, understanding and functioning of the concept of "justice" as an idea and a practice. Suggested by it open nature diversity corresponds to the "evolution of social interactions". Although game-references continuously confront each other and are destroyed, adapted, "being tricked". J.-F. Lyotard claims inability to overcome differences in the modern world. As a condition of postmodern freedom realization, paralogy denies a number of shortcomings and deficiencies, that could not be avoided by technological and market reality in which "an equal sign is put between wealth, progress and truth". Stimulating "active imagination", paralogy resembles innovative discourses adapted to the existence in "welfare societies" but even being "commercialized", it still does not necessarily struggle with J.-F. Lyotard's hypothesis. Operating with the practice of "figurativeness", it appears as a "mediator" between the degrees of freedom and arbitrariness, unpredictability and accountability, justice and injustice.

The interpretation of the principle of justice proposed by V. Gluchman resonates with this approach; it denies moral absolutism – "it must not support any of the fundamental moral values" but it actually recognizes that there are "real values which we should try to exercise in moral choice, actions and deeds. We should also take into account the current external and internal factors of the specific situation".[42]

In a non-philosophical light, paralogy corresponds to pluralism. According to Wolfgang Welsch, this form of understanding was not invented by postmodernism, which only "ponders on it".[43] It functioned much earlier (even during the Cartesian *mathesis universalis*), but it acquired its radicality only under the condition of "hope for a time without war"[44], which came at the turn of the twentieth century. It is the current democratic reality that makes possible the present pluralism, which is even obligatory, "from now truth, justice, humanity are plural".[45] The right to diversity of "knowledge forms, concepts of life, patterns of behavior" becomes the ultimate value, strongly anti-totalitarian. Particularity is understood as the most desirable discursive form of voluntary unity, acceptable in the latest times.[46]

One of the conceptual fundamentals of ESC is the pluralism of values. All the main principles of this doctrine are based on it, especially the ones which beside theoretical improvement, try to find practical verification.[47]

Discourse of tolerance is very close to pluralism. However, in postmodernism it often leads to a dead end of dangerous and hopeless incompatibility of differentiated perspectives. Instead, in ESC, tolerance, remaining one of its key principles, has an important limitation: "we can be tolerant only as long as it does not contradict with the principle of humanity".[48]

Genuine pluralism is possible if there is another factor, which also as was already mentioned potentially brings postmodernism and ESC closer. So, it is about "vulnerability", which also creates in contemporary times a "universal history of mankind". For Lyotard, this feature is also characteristic of language-semiotic, aesthetic, cultural and social dimensions. Postmodern philosophy implies a kind of "vulnerability" of each author and recipient of language-game discourse due to "difference".[49] "Vulnerability about idea" is a form of prescriptive description and understanding of unsatisfied needs, requests, creative motives of participants-authors of "situations" that form the basis of the historical canvas of contemporaneity and the future. It exemplifies "hidden", "cultured", "assimilated" social and ideological contexts of freedom inherent to "weak" bearers (rather individuals than nations or ethnic groups).

The highest degree of "vulnerability" should be associated with the creators of the most heuristic discursive practices – philosophers and artists. In this way they can recognize and prevent the spread of new mechanisms of domination and enforcement. Yes, the freedom of the (postmodern) philosopher means saving the "pride of thinking". It is not so much an achievement or maintenance of academic, alienated interest, but a willingness to witness disputes, to testify to "situations", be a supporter of diversity and heterogeneity of language in its broadest sense. The philosopher – not avoiding observations, the discursive battle difficulties and being able to "meet" and "feel" – becomes vulnerable ("sensitive") to current ideas of humanism. "Vulnerability" as the ideal role and task for the philosopher to direct his or her efforts as a witness of the impact of adherence on logic dispute. The latter, in its turn, must be understood by the philosopher and all members as an important matter and not turn into a civil war, class struggle or revolutionary violence. In this situation, the philosopher must avoid the temptation, which often attracts intellectuals when they take up the position of those involved in the dispute, to help them achieve an unfair advantage. Its main target (and the sense of philosophical activity) is to draw attention to the current controversy, so that to cause a change in attitudes and to make people impartial among themselves, getting involved in a conflict solution, to help those who are deprived of "language" (right, word, willingness) to prepare and freely articulate their position.

ESC also rejects the principle of impartiality: "The desire that the feeling of responsibility became the attribute of a moral subject's life".[50] It avoids the "traditional type of objectivized rationality" (V. Gluchman) and focuses on the individual (subjective and psychological) dependence of every specific decision and action ("it is a reason for reflection, solution ... of a moral subject regarding specific situations of daily life, the personal ... specific principles in specific situations").[51]

For Welsch, who tries to analyze postmodernism in an unbiased way, from the perspective of interdisciplinarity; pluralism and vulnerability are intertwined with each other, "postmodern diversity is associated ... with a heightened vision of the burden of problems or with the new attitude towards their rise".[52] Therefore, postmodern relativism, embodied in the slogans of disence and paralogy, also has ethical grounds – moreover, "it needs new ethics adapted to this pluralism – radical and conflictive".[53]

## 7. Conclusions

Postmodern relativism "gave birth" to numerous interpretations of scientific and moral freedoms, united by the strategy of emancipation of human subjectivity. One of priority focuses of postmodern practices is the following - demystification of rules, signs and symbols of coercion, domination, authoritativeness and clarification of terms of understanding the interaction between members of "post-classical" societies under the conditions of new potential threats to freedom (unification, consumption, commodialization, globalization).

The article analyzes the causes that led to the devaluation of the classical interpretation of truths and veracities; it was also explained why rationalism of the Cartesian subject does not work in the paralogic and plural reality. At the same time it was emphasized that "rationality" as the ability of beyond-temporal abstract and theoretical ordering of the world according to universal objective criteria did not leave the podium of leading philosophical issues and "intellectual restlessness" (J. Niźnik) of contemporaneity. Moreover, it is quite emancipated in its search for ways of legitimizing their new justification in the Western world, in conditions of democratic rights and civil liberties. The search for new "just freedom" (in particular, in postmodernists`s efforts) is motivated not only by claims to "deconstruct" the ideological, political, mental and spiritual foundations of European civilization. It is predetermined primarily by the desire to update them for a wider and more open implementation of civil and private virtues.

On its own, postmodernist approach is ineffective. It has already carved out a place in history, but it could potentially supplement and deepen its relativistic concepts. And so doing, it can make use of ethics of social consequences as an interdisciplinary trend of contemporary philosophical reflection.

ESC, in comparison with other existing ethics of consequentialist direction is not only reduced to the maximum utility, though it considers rational egoism the most convincing motivation of individual and collective self-preservation. With the help of ESC, the "drifting" carrier of fragmentary truth encounters the latest ethical arguments for its choices. If so-called postmodern ethics makes an impression of chaos and doom destructiveness, ESC is to help the person responsibly find positive solutions to objectively relational situations but without losing biological, cultural and social identity.

The ideological principles of both trends – postmodernism and the ethics of social consequences – are a logical consequence of our

contemporaneity, which does not get rid of relativism and nourishes its discursive nature. Despite all the differences, they are united by the belief in human freedom and the right to an independent choice, as well as attention to human "vulnerability", empathy, solidarity, etc. In the selected aspects, these trends can be mutually supplemented and thus embody the newest (and not the least) form of relativistic understanding of the value of human existence in theory and in practice.

*Translated by Taras Demko*

## Notes

1.  Milan Kundera, *L'art du roman* (Paris: Gallimard, 1986), p. 13.
2.  Charles Percy Snow, *The Two Cultures* (Cambridge: Cambridge University Press, 2012), pp. 1–21.
3.  Mykola Shlemkevych, *Zahublena ukrajinska ludyna* [*Lost Ukrainian Person*] (Kyiv: Feniks, 1992), p. 50.
4.  Thomas S. Kuhn, *The structure of scientific revolutions* (Chicago: The University of Chicago Press, 1962), 264 p.
5.  Zdzisław Krasnodębski, *Na postmodernists'kykh rozdorizzjakh kultury* [On Postmodern Crossroads of Culture] (Kyiv: Osnovy, 2000), pp. 14, 99–102.
6.  From among an extremely scattered thematic bibliography one should mark several reflections of outstanding so called witnesses of the era – intellectuals and scientists who debated in the summer of 1985 at the papal residence in Castel Gandolfo (as part of the well-known interdisciplinary discussions initiated by John-Paul II between 1985–1998). As a result of the meeting, which gathered C. F. von Weizsäcker, R. Thom, P. Ricoeur, L. Kolakovski, J. Tischner, K. Pomian, E.-W. Böckenförde, H.-G. Gadamer a volume of articles appeared (*Über die Krise* (*Castelgandolfo-Gespräche II 1985)*, ed. K. Michalski (Stuttgart: Klett-Cotta, 1986)), the content of which is impossible to ignore (though, beside the German first edition, so far there are only Serbo-Croatian (Novi Sad: Knijizevna Zajednica Novogo Sada, 1987), Polish (Warszawa: Res Publica Press, 1990) and Czech (Prague: Filozofický ústav ČSAV, 1992) reprints).
7.  Krasnodębski, *Na postmodernists'kykh rozdorizzjakh kultury*, p. 13.
8.  Jacqueline Russ, *Postup suchasnykh idej: Panorama novitnjoji nauky* [*Progress of Modern ideas: Panorama of the Latest Science*] (Kyiv: Osnovy, 1998), p. 255.
9.  *Ibid.,* p. 208.
10. Ryszard Wójtowicz, *Człowiek i kultura. Prolegomena do Wojtyliańskiej myśli antropologicznej* [*Human and Culture. Introduction to Wojtylian Anthropological Thought*] (Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego, 2010), p. 36.
11. *Ibid.,* pp. 21–22.
12. *Habermas, Rorty, Kołakowski: Stan filozofii współczesnej* [*Habermas, Rorty,*

*Kołakowski: The Condition of Contemporary Philosophy*], ed. J. Niźnik (Warszawa: Wydawnictwo IFiS PAN, 1996), pp. 7–10.

13. *Ibid.*, p. 108.
14. From a philosophic point of view, this issue was discussed, in particular, in one of the most interesting debates of the late XX – early XXI centuries, held in Warsaw in 1997, by the respectvie participants, those whose heritage has become the classics of modern thought – J. Habermas, R. Rorty, E. Gellner and L. Kolakowski. They tried to analyze the abovementioned "radicalization", answering three questions previously formulated by R. Rorty, namely: 1. Did Enlightenment brings more harm than use? 2. Is the world culture able to create appropriate civil communities that would protect democratic society from decay? 3. Can the concept of rationality be useful to explain the essence of this world culture? (*Ibid.*, p. 9).

    Here is just one very innovative observation from the historical and philosophical viewpoint expressed by E. Gellner: he emphasized the heterogeneity of the "Western" world (specifically – American and European), which crucially affects the difficulties of mutual balancing of rationality emancipation processes. The point is that the American "world picture" is alien to the post-Enlightenment crisis which the European one is in, and it is because "America was born modern (...) individualistic, liberal and rational", from the beginnings its "culture did not know anything else" that is why its modernization proceeded following the idea of "user-friendly universum" of free individuals with rights and freedom of choice constitution (*Ibid.*, pp. 113–116). Europe, at first, during the extended period "between the Neolithic and the Industrial Revolution" passed the stage when "the paramount thing was to keep the existing system" rather than the progress of knowledge. The error of the Enlightenment, according to E. Gellner, was in somewhat utopian alternative to offer some constant encyclopedic "truth" to make the entire living space more rational. As a result, there were two types of post-Enlightenment societies – equally problematic: "In the West – a balagan and messy compromise. And in the East was only ideological monolith, which for some reason was not functioning until, unexpectedly it fell dramatically and was corrupt" (*Ibid.*, p. 116). As a moderator, the German philosopher does not totally agree with the consensus approach of Habermas and is more critical of the "Emerson ways" (American pragmatism and European postmodernism) suggested by Rorty. According to E. Gellner, yet, it is true in the American context, which continually cherishes it, with all pros of pragmatic rationality. Instead, the "American dream" cannot come true in the European context, because of the lack of continuity of such rationality (*Ibid.*, p. 175).
15. Russ, *Postup suchasnykh idej: Panorama novitnjoji nauky*, p. 201.
16. Krasnodębski, *Na postmodernists'kykh rozdorizzjakh kultury*, p. 102–103.
17. Identity was understood as a calling, as something pre-established. The individual "I" was not conceived as a separate category but exclusively as part of the general "We" – immutable, universal, objective. And it is dialectical (as proved by T. Adorno i M. Horkheimer in the collective work "*Dialektik der Aufklärung*"). The modern era, so criticized for its rough teleologism and total

world view rationalization that changed the status of the identity from passive and subordinate to active and independent: the identity from "calling" became "property" of individuals – it could be chosen, invented, acquired by a person and changed. Learn more in: Oresta Losyk, "Hromdjans'ko-nacional'na identychnist' v suchasnomu sviti" [Civic and National Identity in the Contemporary World], in *Ludyna v sucasnomu sviti* [*Human in the Contemporary World*], ed. V. Melnyk (Lviv: I. Franko LNU Publishing Center, 2012), vol. 1, pp. 181–205.

18. Charles Taylor, "Źródła współczesnej tożsamości" [Sources of Contemporary Identity], in *Tożsamość w czasach zmiany. Rozmowy z Castel Gandolfo* [*Identity in the Time of Changes. Conversations with Castel Gandolfo*], ed. K. Michalski (Warszawa – Kraków: ZNAK, 1995), pp. 9–21.

19. Krasnodębski, *Na postmodernists'kykh rozdorizzjakh kultury*, p. 9.

20. See more: Oresta Losyk, "Mnemonic Paradoxes of Human Dignity", *Ethics & Bioethics (in Central Europe)*, 4:1–2 (2014), pp. 15–31.

21. To find solutions to such a challenging request is mainly the concern of "brothers in experimentation": by J.-F. Lyotard; philosophers, politicians and artists. The most convincing in their sincerity and truthfulness of intentions are the latter. By means of art (from performances to caricatures), they boldly speak to contemporaries of different generations and beliefs, obliging them to personal reflections on eternal human values.

22. Zygmunt Bauman, *Moral'na slipota: vtrata chutlyvosti u plynnij suchasnosti* [*Moral Blindness: The Loss of Sensitivity in Liquid Modernity*] (Kyiv: Duh i Litera, 2014), p. 33.

23. The theme of confusion (and being lost) retains its priority position in contemporary literature, drama, or other forms of art. The plots of books awarded in prestigious nominations and topics of transnational art projects eloquently prove its top position.

24. Bauman, *Moral'na slipota: vtrata chutlyvosti u plynnij suchasnosti,* pp. 44–45.

25. *Ibid.*, p. 53.

26. See more: http://en.wikipedia.org/wiki/Eluana_Englaro

27. Hereinafter quotes are taken from excerpts from primary sources published in the book by J. Russ (Russ, *Postup suchasnykh idej: Panorama novitnjoji nauky*, pp. 529–543).

28. Beata Guzowska, *Duchowość ponowoczesna. Idee, perspektywy, prognozy* [*Postmodern Spirituality. Ideas, perspectives, prognoses*] (Rzeszów: Wydawnictwo Uniwersytetu Rzeszowskiego, 2011), pp.150–173.

29. Russ, *Postup suchasnykh idej: Panorama novitnjoji nauky*, p. 212.

30. Anatolij Karas, *Filosofija hromadjans'koho suspil'stva v klasychnykh teorijakh i neklasychnykh interpretacijakh* [*Philosophy of Civil Society in Classical Theories and Non-classical Interpretations*] (Kyiv – Lviv: I. Franko LNU Publishing Center, 2003), p. 413.

31. Using the language of semiotics, it has features of *Umwelt* that creates a network of relationships ("semiotic web", by T. Sebeok) between "what "actually" is physically present in the environment, and what belongs to the cognitive constitution of a biological organism that interacts with the

environment in a particular time and space" (John Deely, *Osnovy semiotyky* [*Basics of Semiotics*] (Lviv: Arsenal, 2000), p. 18). Thus, discourse symbolizes the process of formation of conceptual thinking that can be deployed in the historical context of the specific rules of vision of the world. However, discourse is an instrument of *Innenwelt* – a simulating system of triadic relationships between characters, objects and human as "interpreting body" which is responsible for creating communication.

32. Roland Barthes, «Vojna jazykov» [War of Languages], in *Izbrannyje raboty: Semiotika: Poetika* [*Selected Works: Semiotics: Poetics*] (Moskva: Progress, 1989), pp. 536–537.

33. According to M. Foucault, the elements of coercion and domination are really spread in discursive forms, and the discourse potentially can be a mechanism of power and violence centralization. This French philosopher introduced the concept "sociétés de discourse" or "societies of discourse", stressing that all efficiency of "free" dialogue depends on compliance with strict rules of "discursive circulations" within each community, so that even the discourse creators can get rid of the full distribution of their own "messages" (See: Michèle Foucault, *L'ordre du discours* (Paris, Gallimard, 1971) [online]. [Retrieved January 30, 2016]. Available at: http://1libertaire.free.fr/Foucault64.html

34. "Ethicality" is a form of life reality created by mankind through the common activity of a "certain set of interpretants (people) by means of reason and special world perception" (Karas, *Filosofija hromadjans'koho suspil'stva v klasychnykh teorijakh i neklasychnykh interpretacijakh*, p. 406). This type of social tradition is based on historical and traditional, institutional, political and governance factors and create horizontal and vertical human interaction with the living world and other people, "significating" them with a word, meaning and action. But it is not just about creating ideas, ideals and goals that hold collective being – social, political, cultural. As a collectively and individually interpreted "discursive plan" of reality, ethics should provide life with some heuristic value "in the coordinates where these or those values are implemented". Ethicality should support community in its individual self-fulfillment within one or another system of customs: "So, the value of the ethics is determined by how it contributes to implementation of the actions in general, and on the other hand – what action it supports, to what extent it enables life and promotes its quality value" (*Ibid.*, p. 412). Since "freedom is the most rationally explained factor of enabling human actions in the community and society", it is the most important feature of complete (successful, implemented) ethics. And "ethics, which is not focused on supporting freedom, but simply captures the dominant state of affairs, does not fulfill the human vocation to care for freedom and self-realization opportunities" (*Ibid.*).

35. In postmodernism, according to Lyotard, it is inappropriate to talk about any "community" – obvious in this case is inclusiveness, relativity of theoretical knowledge systems (*belief systems*), that used to crucially influence the understanding of "truth", "justice", "freedom", "progress". Every newest

association, community, company that understands itself as such, produces for itself the conditions in which it wants to act, selects the circumstances under which it will continue to exist, creates ethical and political language formulas that enable multiple types of communication (with each other and the environment), provide axiological reflexivity on Others, Aliens and Strangers, integrities.

36. With all its faults, interdisciplinarity led to new questions that have enriched somewhat exhausted research issues in some narrow specializations, as a kind of intellectual guidance and a form of knowledge that instead of "homogeneous monophonic vision" introduces diversity of perspectives, interdisciplinary thinking created a new discursive practice in education and science – not only following modern fashion, but because it is necessary (Zbigniew Kloch. Interdyscyplinarność w naukach humanistycznych [Interdisciplinarity in Humanities]. [online]. [Retrieved January 30, 2016]. Available at: http://www.obta.uw.edu.pl/pl-61

37. Vasil Gluchman, "Wstęp" [Introduction], in *Etyka społecznych konsekwencji* [*Ethics of Social Consequences*] (Warszawa: Humanum, 2012), p. 9.

38. *Ibid.*, p. 11.

39. Jean-François Lyotard, *Kondycja ponowoczesna: Raport o stanie wiedzy* [*The Postmodern Condition: A Report on Knowledge*] (Warszawa: Fundacja Aletheia, 1997), pp. 164, 175.

40. *Ibid.*, p. 175.

41. *Ibid.*, p. 22.

42. Vasil Gluchman, *Etika sociálnych dôsledkov – jej princípy a hodnoty (časť kapitoly)* [*Ethics of Social Consequences – Its Principles and Meanings*]. [online]. [Retrieved January 30, 2016]. Available at: https://www.phil.muni.cz/fil/etika/texty/studie/gluchman6.html

43. Wolfgang Welsch, *Nasza postmodernistyczna moderna* [Our Postmodern Modern] (Warszawa: Oficyna naukowa, 1997), p. 8.

44. *Ibid.*, p. 59. In intellectual circles and everyday social life superficial pluralistic forms of "discursive falsehood" are wide spread. They are reduced to non-reflexive defense of a "kaleidoscope of diversity" and equate postmoderness to arbitrariness (so-called feuilletonistic postmodernism) (*Ibid.*, p. 59). In fact, they negate the value of diversity, destroy the essence of differences and thus threaten freedom as political and moral category.

45. *Ibid.*, p. 9.

46. Let us compare it with the principle of "situational attack" in ESC not all are responsible for all, only specific life situations, specific moral subjects, specific actions, etc. matter.

47. This is confirmed in a number of individual and collective monographs by scholars (primarily ethicians and philosophers) united by prof. V. Gluchman in order to research the application potential of ESC concepts, particularly in social affairs, ethics and business management, medical, teaching, military and other ethics (cf. latest selected publications: Vasil Gluchman, *Profesijná etika ako etika práce a etika vzťahov* (Prešov: FF PU, 2014), Katarina Komenská, *Etika vzťahu k zvieratám (cez optiku etiky sociálnych dôsledkov* (Prešov: FF

PU, 2014); *Ethical thinking on past and present*, ed. V. Gluchman (Prešov: FF PU, 2014), Vasil Gluchman, Jan Kalajtzidis, Katarina Komenská, *Profesijná etika v krajinách V4* (Prešov: FF PU, 2013), Vasil Gluchman a kol., *Hodnoty v etike sociálnych dôsledkov* (Prešov: FF PU, 2011). The activity of Department of Bioethics under the auspices of UNESCO based at Presov University (since 2010) offers great perspective into understanding the contemporary realities in such components of ESC as humanism and tolerance.

48. Gluchman, *Etika sociálnych dôsledkov – jej princípy a hodnoty (časť kapitoly).* [online]. [Retrieved January 30, 2016]. Available at: https://www.phil.muni.cz/fil/etika/texty/studie/gluchman6.html
49. Lyotard, *Kondycja ponowoczesna: Raport o stanie wiedzy*, pp. 60–61.
50. Gluchman, "Wstęp", in *Etyka społecznych konsekwencji*, p. 12.
51. Gluchman, *Etika sociálnych dôsledkov – jej princípy a hodnoty (časť kapitoly).* [online]. [Retrieved January 30, 2016]. Available at: https://www.phil.muni.cz/fil/etika/texty/studie/gluchman6.html
52. Welsch, *Nasza postmodernistyczna moderna*, p. 12.
53. *Ibid.*

# CHAPTER THREE

# THE ETHICS OF WORLD OF CONSUMPTION AND THE ETHICS OF SOCIAL CONSEQUENCES: A FEW REMARKS

## JOANNA MYSONA BYRSKA

Material and measurable values dominate in the world of consumption. There has been a change in the hierarchy of values. Values that were previously considered to be basic are beginning to play a prominent role. In the ethics of social consequences similarly to the theory of right action and the theory of values, utilitarianism is not emphasized. Behaviors consistent with the requirements of world consumption seem to be the opposite of the solutions proposed by the ethics of social consequences. Can the proposal put forward by Vasil Gluchman, author of the ethics of social consequences, be an alternative to the reality of the world of consumption? Are the ethics of social consequences an ethical alternative to the challenges posed by the world of consumption? It is these questions this article seeks to answer.

## 1. A Few Rules of the World of Consumption

Characterizing the world of consumption may seem easy. Certainly both the world of consumption, and consumer society itself, belong to the postmodern reality in which we observe quite substantial changes in the perception and functioning of the human being. First of all, the world of consumption is a world of material values – this seems to be most important and possessions determine the standard of an individual's life as well as the individual's values and freedoms in accordance with the principle – to paraphrase a famous maxim – "the more I have, the more I can do".[1] The result of this is the emergence of the phenomenon of "buyers" and a kind of "commoditization" for humans as well as objects.[2]

Ownership becomes the most important measure of a person's value in the world of consumption. Social status is partly determined by one's education and the type of work one does but it is mainly determined by the amount of financial resources a person has. Knowledge is yielding to "marketization", or yielding to "commoditization", to use the language of Zygmunt Bauman.[3] Knowing what is well priced – that is something which represents a good buy – is the only profitable knowledge. Knowledge and education in the humanities has been discredited. The reason for this is fear of independent thinking and self-reflection, which is characteristic of the world of consumption. Real creativity and the ability to reflect independently do not fall within the standard framework. It is, within the world of the consumption, highly undesirable because it reveals the existential emptiness and the lack of deep meaning in that world.

Money plays an increasingly important role in the world of consumption. Michael Sandel speaks of the market triumphalism which we encounter every day.[4] That triumphalism now encompasses all areas of everyday life. When a young couple decides to have a child, the anxious question immediately arises as to whether or not they can afford to have a child because a baby in the world of consumption is an expense and the appearance of a child will certainly reduce the consumption possibilities of the parents. On the other hand, a child is a potential consumer who, from the moment of conception, will have a number of different needs. If these needs are not met, the child will not be able to pursue an obligatory good life project[5] and this seems to be thing that most modern parents neglect.[6]

The world of consumption is a world of faith in progress and the possibility of steady growth. It is a world where more is better and material goods designate the place, role, and importance of the individual. It is also a world which creates its own ethical principles or rules for determining who is a good consumer.

## 2. Ethics of the World of Consumption

The world of consumption generates a set of rules which a good consumer should follow. First of all, one should have a life based on the utilitarian approach since this approach is better than any other at providing expanding state ownership. Behavior that is not utilitarian or *pro publico bono* (for the public good), seem to go beyond the world and society of consumption, and they disturb its functioning. What is worse is that they force the individual to reflect and disturb the consumer from his or her bliss.

The good consumer is lonely, docile, obediently carries out orders for his or her employer, his or her creativity is confined to meeting the requirements of established top-down standards.[7] Consume and work; his actions are predictable. He is, in addition, insatiable since tangible property isn't able to satisfy his existential emptiness or give deeper meaning to the life of the consumer. Greed, in the world of consumption, is seen as an advantage. As a result of this insatiability, the consumer constantly feels forced to buy something new, and this enables the production of new consumer goods. Thus, demand increases.

A good consumer is not an outstanding individual, he is one of many: apolitical, focused on himself and his consumption, solitary. Thanks to the existence of a diverse range of self-service automation, human contact is limited to the necessary minimum.[8] This allows individuals the ability to exist without ever noticing other people, especially those who might be unpleasant to encounter. Moreover, the consumer becomes accustomed to believing that interaction with another human is not necessary, one does not need to talk to anyone else in order to achieve what is needed. What results is a culture of "do it yourself", which fosters selfish attitudes.

A good consumer cares about his or her own wellbeing, being aware of others would only compromise their own consumption. Focusing on oneself reduces the number of friends the consumer has. It is better for the consumer to have acquaintances rather than friends. Having friends brings about all sorts of liabilities caused by that degree of intimacy, for example, suddenly, without warning, a friend may bring his dog to you and ask you to take care of it, or ask for some other type of assistance. This type of danger is not inherent in a relationship with an acquaintance. With an acquaintance, one only need spend some free time together in a pleasant way.

The consumer does not have and will not have time for friends, not to mention strangers who might need something. The consumer works hard, because one of the characteristic values for the world of consumption is to live a comfortable, affluent, and luxurious life. The person who isn't lucky enough to have a rich family, in most cases, lives on credit because the so-called "good life project" involves owning a home and other consumer goods.[9] Without these things, the consumer is not able to achieve the appropriate status. This is why economic status in the world of consumption is so important. It not only determines success in life but happiness as well. Hard work effectively becomes a consumer necessity. Debts (loans) become necessary as a basis for the possessions one mush have in order to achieve the "good life project".

The consumer must work hard to show this luxury. Interestingly, it is often just the appearance of luxury, that is to say completely fake. When a luxury brand item is out of reach due to its price, our insatiable consumer reaches for an imitation. Counterfeit goods are cheaper, but they give the appearance of belonging to the world at a high level of consumption. Luxury consumption in the world becomes, according to a study conducted in Poland, one of the most important dreams.[10] The measure of happiness is the material standard of living.[11]

The world of consumption appears in the world within a limited axiological horizon. A world where all values can be bought is a world in which spiritual values and higher values are, as Michael Sandel writes, "commoditized"[12] or "marketized" – just select the appropriate place and buy what we lack.

A typical representative of the world of consumption is *homo consumens*, who creates a specific culture of consumption. Consuming is the purpose and meaning of life, a good consumer focuses on consumption and is not interested in that which does not directly concern his consumption. Fun, having free time to play, to abide in the eternal carnival is the essence of life for *homo consumens*.[13]

The question remains of how to delineate the world in which the ethics of social consequences finds itself. It seems that the application of ethics of social consequences destroys the peace of egocentric consumption.

## 3. Outline of the Principles of the Ethics of Social Consequences

The following analysis is not intended to present the concept of ethics of social consequences in its entirety. This concept presents principles, which appear to be in opposition to the rules of the world of consumption. Their consistent application could change a good consumer. Because of the need to consume the consumer does not notice other people and remains egocentrically focused on him or herself.

Ethics of social consequence can also be called non-utilitarian consequentialism. It is a concept, which recognizes as right every action that yields more positive effects than negative. In addition it is a concept which doesn't agree to reduce moral values to the principles of usefulness, happiness, or pleasure.[14]

The idea of humanitarianism takes an essential place in the ethics of social consequences. This idea speaks about how to behave in relation to a stranger,[15] to a completely unknown person, i.e. refugees, immigrants. The active idea of humanitarianism demands giving help to strangers, but how

it seems – within the framework of possibility for the moral subject. The boundary for helping others is the preservation of self. The passive idea of humanitarianism says – as Gluchman writes: "Through the passive form of realizing the idea of humanitarianism we are expressing, through our behavior, sympathy for foreign or unknown people, affected by disaster".[16] Compassion in the ethics of social consequence seems to be an essential moral category, because it is the foundation of any form of help and does not allow an attitude of indifference toward the needy. At the same time this idea of passive humanitarianism does not allow for the active harming of others. In the thinking of the ethics of social consequences one must carry out harmful intentions that could affect others.

## 4. Ethics of Social Consequences and the World of Consumption

If we read the fundamentals of the ethics of social consequences to the average consumer, it would probably disturb his or her consumer bliss. Or perhaps they would get the urge to expel the egotistical self-centeredness so characteristic of the consumer. According to the ethics proposed by Gluchman one should focus on effects for the whole. However, this should not be understood as the need to sacrifice one's own goals or one's own interests. Nothing of the sort; Gluchman is talking about the principles of humanity, which should guide every person if he or she wants to be good. Good becomes the guiding principle, but good understood in the following way: "Good... is everything that fills human life with joy, happiness, idyll and peace, social security, a sense of safety, serenity".[17]

This understanding of good does not seem to be unattainable for the consumer. However the problem is striking in regards to the other and ultimately when considering our actions and their influence on others. Further in the text we read:

> "The good is what contributes to the realization of human dignity, to finding oneself in a society, a profession, a family which meets the social, cultural, spiritual, economic needs, etc., as well as the needs of other people in one's surroundings, but under the condition of an humanitarian approach as well as assuming a theoretical equal opportunity for everyone".[18]

This good is dependent on the person. The realization of the task rests on the person. In the ethics of social consequences what becomes most important is noticing the other, of noticing other people. Other people are important – they are so important that the negative effects of our actions

cannot outweigh the positive. This means that when we evaluate action, we can in accordance with the ethics of the social consequences, be considered good only if the positive effects outweigh the negative. The best outcome, of course, would be no negative effects. Gluchman however, is a realist – negative effects appear, and the action remains good and right provided that the positive effect is clearly greater.

For the consumer this approach is completely different from the one which the world of consumption teaches. World consumption teaches an egocentric self-centeredness, a shutting out of the other. The consumer stays blissfully ignorant of the truth that providing the appropriate standard of living for oneself can bring harm to another.[19]

The idea of humanitarianism called for by the ethics of social consequences does not fit into the framework of the world of the consumption and if consistently applied will perhaps transform this world. The humanitarianism idea is connected with responsibility for one's own actions. The consumer isn't responsible. The consumer is only interested in his or her own good. Responsibility always has a kind of appeal to the human being, a call to action, which is not necessarily easy.[20] This call is associated with effort and difficulty, what is good is nicely expressed in the Polish language – responsibility is to "take it upon oneself", responsibility needs to be addressed, you can try to avoid responsibility.[21] Responsible action is an action that takes into account the welfare of another human being. The ethics of social consequences include this exact message in the principle of humanitarianism. Because of the rules that govern the world of consumption the consumer does not know responsibility understood as a commitment to another human being. The consumer knows only a "flattened ideal of responsibility",[22] that is responsibility reduced to the world of the free market. It is "commoditized" responsibility, that is, one that appears after incurring all sorts of financial obligations, e.g. credit/debt. A person's responsibility is not toward another person. The customer's responsibility is to the institution financing the spectacular life they are living on credit. The principle of humanitarianism proposed by the ethics of social consequences shows the appropriate dimension of responsibility. All relations which are essential for ethics of social consequences concern the person and the world in which he lives. It is not limited to the purely material world, a world in which happiness is measured by wealth. The consumer confronted with the requirements of the ethics of social consequences is shaken out of his or her existence of living for his or herself, from the bliss of a solitary life, from a life full of objects, in which the other person with their troubles isn't visible. The world of

consumption is colorful, affluent and there is no greyness characteristic of real human existence to be found. There is also no place for the poor and the old – those for whom help would be necessary.

In the ethics social consequences there is another very important distinction. Gluchman states that ontological dignity, which belongs to every human being, is inviolable and inalienable.[23] The second kind of dignity is axiological dignity. This kind of dignity is created by being a decent person; that is a person who is sensitive to the needs of others. Because a person can turn out to be someone who is not a decent person, their axiological dignity can be gradually lost as a result of inappropriate action. The category of decency is a very interesting category that defies interpretations of utilitarianism. Wladyslaw Bartoszewski, a famous Polish diplomat who died recently claimed that "it is worth being decent".[24] Bartoszewski wrote: "A decent man is always at the beginning of his journey, always ready and open to learning".[25] A decent person is also careful that his actions don't harm other people. Because of his attitude of openness and willingness to learn the decent person is capable of changing his or her behavior, to acknowledge and take other people and what is good for them into account when it comes to his actions. In other words, a decent person is one who meets the requirements set by the ethics of social consequences. This is a person who is capable of taking the welfare of others into account in regards to his or her own actions, a person who is not selfish or focused only on his or herself or business. The consumer is focused only on the self, takes care of his or herself. The buyer is looking for an opportunity to buy more and for a cheaper price; he is not thinking about anything else, nothing else is important to him. He wants to have that dream object, being decent could limit his consumption possibilities.

## 5. Conclusion

The decency proposed by the ethics of social consequences is not allowed. To be decent one must think of others, to notice the world beyond oneself. It can be argued that the consumer is decent only to himself – only take care of himself, buying to fill the spiritual void in which he exists. It is not especially painful but it does not help either and the person cannot see those who need help. He is closed, because being closed to the other allows for peaceful consumption.

The analyses carried out shows that the ethics of social consequences can, because of its assumptions, counteract the spread of consumer attitudes. Its rules force the consumer to be decent, to take others into account when planning their plans and activities. To put it in very simple

language: The ethics of social consequences recommends taking the other person into account and as a result of this seemingly simple idea, perhaps the consumer will be able to wake up from the axiological lethargy into which he has fallen by devoting himself to consuming for effect and on credit.

## Acknowledgement

## Notes

1. In reference to the meaning of material assets with regard to the individual's value and freedom, see: Zygmunt Bauman, *Work, consumerism and the new poor* (Berkshire: Open University Press, 2005).
2. Zygmunt Bauman, *Consuming life* (Cambridge: Polity Press, 2007), pp. 20; 66.
3. *Ibid.*
4. Michael Sandel, *What Money Can't Buy: The Moral Limits of Markets* (London: Allen Lane, 2012).
5. The good life project that prevails in the world of consumption is based on possessions. One should have certain things in order to conduct a good life. The main condition is to own, among other things a home.
   http://www.krytykapolityczna.pl/artykuly/opinie/20150826/lewicki-klasa-srednia-na-kredyt, Accessed: September 3, 2015.
6. Regarding the problem of how much a child costs, see: Sylwia Szwed, *Dziecko ssie kasę od małego. Ile nas kosztuje?* [*The child sucks on money since the childhood. How much does it cost us?*]
   http://wyborcza.pl/1,87648,15900402,Dziecko_ssie_kase_od_malego__Ile_nas_kosztuje___CYKL.html, Accessed: September 1, 2015.
7. Barbara Grabowska, *Samotny egoista czy odpowiedzialny obywatel* [*Lonely egoist or a responsible citizen*] (Toruń: UMK, 2011).
8. There are maintenance-free ATMs, cash deposit machines, vending machines for food and drink, automatic filling stations, the automatic Formula I hotel chain in France, self-service checkouts in supermarkets, self-service supermarkets, etc... Automated phone services eliminate the need to ask questions about the customer and at McDonalds type restaurants customers serve themselves, show themselves to the table, etc... Contact with another human being is reduced to a minimum.
9. http://www.krytykapolityczna.pl/artykuly/opinie/20150826/lewicki-klasa-srednia-na-kredyt. Accessed September 1, 2015.
10. Urszula Jarecka, *Luksus w szarej codzienności. Społeczno – moralne konteksty konsumpcji,* [*Luxury in a grey everyday life. Socio – moral contexts of consumption*] (Warszawa: IFIS PAN, 2013), p. 12.

11. Regarding how to live in the world of consumption see: Joanna Mysona Byrska, "Nowa jakość życia w społeczeństwie konsumpcyjnym" ["New quality of life in a consumer socjety"] in *Fyzika a etika VIII. Veda ako kulturny fenomen*", eds. I. Michalikova, (Nitra: UKF, 2013), pp. 292–302.
12. Sandel, *What Money Can't Buy: The Moral Limits of Markets*.
13. The results of both sociological and philosophical analysis are shown in: eds. Magdalena Górnik–Durose, Aanna Maria Zawadzka, *W supermarkecie szczęścia. O różnorodności zachowań konsumenckich w kontekście jakości życia* [*In the supermarket of luck. The diversity of consumer behavior in terms of quality of life*] (Warszawa: Difin, 2012), Lesław Hostyński, *Karnawał czy post? O moralnych zagrożeniach w świecie konsumpcji* [*Carnival or post? The moral hazard in the world of consumption*] (Warszawa: PWN, 2015).
14. Vasil Gluchman, *Etyka społecznych konsekwencji* [*Ethics of social consequences*] (Warszawa: Humanum, 2012), p. 9.
15. *Ibid*., pp. 115–116.
16. *Ibid*., p. 116.
17. *Ibid*., p. 13.
18. *Ibid*.
19. This is a very complex issue. Consumers buy products because they are cheap but are manufactured by people working in substandard conditions. Consumers often do not realize that low price is a result of low production costs. They are reluctant to buy expensive items because they do not like to overpay – however the principle exists – "more means better, quantity is better than quality". If, however, our consumer does not buy cheap, poor quality goods – does this change the situation of those people working in substandard conditions? The problem requires additional in depth analyses and is connected with an entire set of problems regarding contemporary work, ways of employing and working conditions.
20. Regarding responsibility see: Roman Ingarden, "O odpowiedzialności i jej podstawach ontycznych" ["About the responsibility and its ontic fundaments"], in: R. Ingarden, *Książeczka o człowieku* [*The booklet of a man*] (Kraków: Wydawnictwo Literackie, 1973).
21. *Ibid*.
22. The expression "flattened ideal of responsibility" paraphrases Charles Taylor's expression "flattened ideal of authenticity". See: Charles Taylor, *The ethics of authenticity,* (Cambridge, MA and London: Harvard University Press, 1991).
23. Gluchman, *Etyka społecznych konsekwencji*, p. 158.
24. Władysław Bartoszewski, *Warto być przyzwoitym* [*It is worth to be decent*] (Poznań: W Drodze, 2005).
25. *Ibid*., p. 375.

# Chapter Four

## Ethics of Social Consequences and the Polish Philosophical Tradition

## Stefan Konstanczak

## 1. Introduction

In its traditional approach, axiology deals with the world of values and human valuations. It particularly focuses on human motivations which inspire actions evaluated as moral. Because it depends on the relationship with values not every human action includes a moral component. Ethical tradition concentrates on the individual viewed as the creator and also the holder of values. Ethics of social consequences, however, which was formulated by Vasil Gluchman, combines the question of human valuations with regulations which are beyond individuals and which are already established within a culture. Since, therefore, it exposes the social aspect of human valuations, it is becoming a more and more interesting proposition which enables the solving of many moral dilemmas, which traditional ethics cannot address.

Human valuations are always bound up with making some kind of choice and therefore, sacrificing one value for the sake of another. However, this choice can be made exclusively in a social context for there can be no moral action without making a sacrifice for the sake of something, regardless of whether there is an effort or a material loss involved. A person, when solving problems, must follow not always his/her own conscience but take into consideration the socially approved rights that everyone is entitled to.

Ethics of social consequences is still not widely known in Poland. Its assumptions are not taken into practical consideration when discussing contemporary Polish ethics. In the words of the author of this concept, this definitely results from the single-mindedness of Polish ethics caused by the unjustified dominance of phenomenological and personalistic ethics, while a utilitarian attitude towards moral problems dominates the modern

world.[1] Vasil Gluchman, the founder of ethics of social consequences, shows that utilitarianism in Polish ethics literature has been routinely criticized. This situation has arisen because utilitarianism is mainly perceived in Poland as reflecting the bioethical views of Peter Singer. Nevertheless, a lot of utilitarianism assumptions have aroused considerable interest among well-known Polish philosophers like Maria Ossowska or Tadeusz Kotarbiński. Władysław Tatarkiewicz also adopted utilitarian theories in his work "On happiness". The interest in utilitarianism in our country has increased significantly as a consequence of the transformation of the political system and the search for moral justifications for social change. Thus, the non-utilitarian consequentialism developed by Vasil Gluchman should be of broader interest among Polish ethicists, for the difference between utilitarian and non-utilitarian consequentialism lies in the fact that not only outcomes but also the motives and intentions of the acting subject are evaluated. In other words, non-utilitarian consequentialism seems to be an indirect solution between traditional ethics and utilitarianism. Ethics of social consequences also takes into account the widest possible spectrum of values to avoid a dictate of usefulness.[2] Here, the axiological component gains more visible meaning than in the case of classical utilitarianism. A person becomes moral not by following authoritatively imposed rules but by making a voluntary and conscious decision. Therefore, an individual who acts consciously within the rules of society and consciously bears the moral consequences for the results of his/her acting becomes a moral subject.[3]

It could be inspiring for ethical discourse in Europe to perform a comparative analysis of the basic assumptions of the ethics of social consequences with the axiological concepts propagated by Polish non-utilitarian ethicists, especially Roman Ingarden (1893–1970). Ingarden is considered the founder of the so-called Cracow School of Phenomenology, the most influential center of Polish ethics nowadays. Both Karol Wojtyła (later, Pope John Paul II) and Józef Tischner had connections with this school, although in different ways.[4] It is not even problematic that these philosophers were among the strong-minded critics of utilitarian ideas. However, the undermining of consequentialist solutions has led to ethical debates in Poland showing a blatant unilaterality and has still not delivered solutions to basic moral problems connected with medical progress. This paper is therefore also dedicated to assessing the current situation of Polish ethics, which hinders the solving of problems caused by rapid developments in science and the dynamics of social life. It would seem that taking the postulates of ethics of social consequences into consideration would particularly enhance the quality of Polish ethical

debates. However, it needs to be defined in which areas ethics of social consequences could enrich Polish ethics.

## 2. Man and his Values

Traditionally, ethics deals with the sphere of human duties. In traditional ethics this sphere has a relatively permanent character and therefore undergoes only small changes. Ethics of social consequences treats the sphere of human duties as a dynamic area, which fulfills social needs and expectations to a considerable extent. However, it is not only important to define approved actions but also to define unacceptable actions. Ethics as a scientific discipline has no power to punish or reward, it can only refer to human consciousness creating a disharmony between its own conscience and the attitude of the social environment. There must exist, however, a model which refers both to one's own opinion and the social one. Such models are constituted by values. Nevertheless, it is only inside one's individual consciousness that values are conformed to. Full conformity of these two dimensions would be in conflict with the rule of the unhampered freedom of man, although the social environment does not even have to register individual behavior to actually have an influence on it. Some discrepancy between conscience and social expectations allows an individual to keep his/her autonomy and, simultaneously, makes him/her responsible for what he/she does. At the same time, this is the reason why it is difficult to formulate a theory of values that would be acceptable to everybody. One could even formulate a thesis that one's own experiences in connection with this conformity have an influence on the theory of moral values developed by ethicists. In social situations, an individual not only acts independently but also acts as an observer (corrector) of others' conduct and, thus, it is possible to state how a currently performed action is perceived by the social environment. However, this is a problem which makes the formulation of a rational theory of values difficult.

Suggestions and opinions determining the moral behavior of individuals always take the form of regulations, orders or prohibitions since they aim at protecting or disregarding certain values. What matters is the intention which determines the behavior of an individual aiming either at realizing the value or trying to disregard it. In this way, every judgment of a given value sanctions or forbids the realization of it, assessing it as positive or negative, right or wrong. If a given thing or a person's behavior is evaluated positively, it is simultaneously considered to be "the good deserving care and worth its realization" [5] in practice. An individual, faced with adopting or not adopting a value is, therefore, placed in an ethical

situation where he/she either undertakes or does not undertake an action connected with its realization or negation. He/she has to perform or not perform an action which has already been started. In this way values are becoming a factor determining human activity. The lack of connection between these values and the reality of everyday life is the biggest weakness of most ethical theories. This is because there can be no completely non-reflexive actions in the world of values since even their perception motivates a given action. Ethics of social consequences, however, does not make this mistake.

The above considerations clearly show that during the realization of values, a feeling of obligation appears and the very act of realization is equal to a subject making a choice. The outstanding Polish phenomenologist, Roman Ingarden, held the same view: "A person who is supposed to bear responsibility for his/her deed must be free in their decisions and deeds".[6] The obligation factor also assumes the existence of an evaluation instance that "supervises" the choice of the best direction taken by a subject in an ethical situation. A stimulating incentive, however, is indispensable to provide the motivation for somebody to act. It cannot be of an internal character because, in such an event, controlling mechanisms would not be necessary and obligation would not appear. The incentive manifests itself in a subject during social interactions in which man is always present.

Vasil Gluchman, in his ethics of social consequences, highlights the rule that awareness of achievement is the factor that allows human actions to be evaluated as moral and, therefore, free will in its realization. At the outset, there are no unconquerable differences between non-utilitarian consequentialism and the Polish ethical tradition. Thus, the possibility exists not only to compare assumptions but also to combine the contents of both approaches.

In our country bioethical problems are not solved in the course of scientific discussions, but through arbitrary political decisions. In particular it is due to the lack of independent scientific institutions to deal with such problems. There are only two antagonistic positions within Polish ethics community dealing with bioethical problems, the dominant of which is the Catholic Church, and the secular one is clearly weaker and its voice is less audible in scientific disputes. What is more, both positions explicitly refer to the traditions of Polish philosophy. Never before have there been any serious discussions of the representatives of both positions to solve the emerging bioethical dilemmas. Only when participating in foreign scientific ventures, we start considering the reasons of such a state of affairs and why there is no compromise in any matter. However, the monograph devoted to the ethics of social consequences formulated in

nearby Slovakia makes it possible to make such a reflection. Therefore, the purpose of the article below is not to analyze the content of ethics of social consequences but to reflect on why Poland does not undertake similar considerations, and which of the postulates of ethics of social consequences may stop leading the bioethical discourse in Poland only at the theoretical level and will lead to the formulation of decisions which will facilitate solving socially aggravated problems.

## 3. Controversies Concerning Values

Roman Ingarden, the phenomenologist referred to earlier, realized the fact that it is not possible to formulate one universal concept of values. When defining the area of interest for axiology, he was not only looking for ready answers but was rather trying to define the area of his insufficient knowledge. Therefore, the area of his considerations devoted to values was formed by the questions which are, at the same time, the main subject of axiology:

1. "What is the basis of differentiation of basic types as well as the disciplines of values?
2. What is a formal structure of values and its attitude towards what "possesses" a value (towards the "bearer" of values)?
3. How do values exist, if they exist at all?
4. What is the basis of differences among values as far as their "priority" is concerned and is it possible to define a general hierarchy among them?
5. Do "autonomous" values exist?
6. What about the so-called "objectivity" of values?"[7]

It should be emphasized here that even finding the answers to these questions does not preordain the usefulness of any ethical concept for approving or disapproving individuals' behavior. Questions such as these, as far as axiology is concerned, are not directed towards ordinary people but towards specialists. Ingarden did not concern himself with the everyday life of individuals but with the scientific problem of making individual facts general. Therefore, we will not find a general definition of values in Roman Ingarden's axiology or classification of values. The very issue of the existence of values was not disputable because these must exist if they are to be recognized. This is a logical consequence of the assumption that a value is both in the world and is intentional, but because of this fact no reasonable hierarchy of them can be formed, which is the

reason why he was so skeptical about Max Scheller's attempts to do so. Thus, he believed, for example, that an individual conviction that one person is more a serious criminal than another, is only a subjective state of an emotional nature.[8] Values, then, are qualities and any hierarchies use a scalar value (measurable). Therefore, they belong to a different order of reality.

It has to be stressed that the ethics of social consequences differs from Ingarden's stand in this respect. In Vasil Gluchman's interpretation, good and evil lose their absoluteness of meaning, although in classical utilitarianism one of two possible actions will always be perceived as bad and the other as good, owing to a maximizing of pleasure. To avoid this, in Gluchman's opinion, good must become a gradable value which is possible because of its simple link with righteousness. It allows the paradox of evil actions undertaken in good (moral) will to be avoided and simultaneously permits their further division into moral and righteous as opposed to immoral and unrighteous.

In the ethics of social consequences, as in Ingarden's ethics, values are not supposed to appear and disappear because, once realized, they will exist independently of further changes in reality. In this way, culture is constantly enriched. For example, Brutus's deed is and will be evaluated independently of the fact of whether the perpetrator is alive or not, or whether the Roman Empire exists or not. Only a sign of the value can be discussed and not its value. Therefore, as Ingarden remarks, if Caesar had died naturally, his death would not be a source of artistic inspiration for many centuries, nor moral disputes. This is because values are only realized in human action. People do their best to combine their actions and conduct with the values they believe in. More important is the question relating to a possible bipolarity of the realized value and the deed itself, since the latter may be intended as evoking a positive or negative value, that is, its intention may be a good deed or wrongdoing. Then it does not matter if the subject is aware or not of his/her action (as in the case of a car driver who is drunk or under the influence of drugs). The value has always got some "meaning" which gives "some splendor of dignity which overflows the object having this value".[9]

Every value thus becomes a kind of a postulate, demanding its realization. Ingarden noticed the significance of this kind of obligation because it results directly from values and therefore becomes a natural basis on which to build moral norms and, thus, to form normative ethics. He noticed at the same time, a problem of a logical nature because if the value is realized, it cannot lose "the character of something that should be"[10].

In this context, the problem of the object of morality appears. It is a moral obligation of people to respect the rights of other creatures, e.g. animals. Within traditional ethics, respect for rights is not directly derivable from the assumed understanding of values. However, within the ethics of social consequences this should not be a problem in view of the fact that meaning is attributed to moral law. According to Vasil Gluchman, there is either a guarantee of protection against something or the provision of something. In this meaning, animals' rights reflect parallel human rights although animals are not moral subjects. Another disputable aspect in the ethics of social consequences is evaluation of human life. The ethics of social consequences is bound up with human existence because it wants to protect and provide all that is connected with its social existence. Nevertheless, there are a lot of ways of realizing values and thus man, in choosing one of them, must follow a definite criterion. Vasil Gluchman approves the stand of George Moore, who remarked in his *Ethics* that a person, in choosing a way of conduct from many potential possibilities, should choose the one that provides him/her a maximum of pleasure. It is obvious that at least some of these ways lead to similar outcomes. The criterion of maximization of pleasure decides which one of these ways is right. Therefore, there are few righteous actions. Only the choice which maximizes pleasure is righteous. The value finds its justification in the human body as this is how pleasure is felt.

In the ethics of social consequences we have to deal with a quite complex division of human actions into moral, righteous, decent and obliging ones. Righteous activity is always moral and therefore the basis of estimation should be the simple rule: "Our obligation is to act in such a way that, with our conduct, we would achieve a prevalence of positive over negative consequences".[11] As the states of the body are easy to recognize, so the choice of an action for an individual and the one which would be approved by society is possible for everyone.

However, Ingarden's standpoint was the opposite: he claimed that moral values can only be distinguished from others through intellectual understanding. He stated: "I would be willing to attribute to every positive moral value, as its quality determination, some nobility of moral conduct. I would attribute […] no nobility to morally negative and worthless behavior".[12] This nobility is attributed to all moral values since not every quality can be perceived by means of the senses as this would obviously require experiencing it. Ingarden mentioned one more quality as a possible determinant of moral values namely their grandness. The very experience of them leads to a quality change in the subject: "dignity of conduct has its consequences: namely, morally valuable and noble conduct of man has got

a kind of transformative function as far as the human being is concerned. It makes the man noble and somehow transforms him/her internally".[13] Analogous transformation occurs in the case of ignoble behavior which evokes a negative transformation of the subject. It is possible to perceive such transformation sensually, and at the beginning, a purely intentional value evokes consequences in the real world: "The motif of increasing the good and values in the world is the main and essential one for morally valuable conduct".[14] The social context of human activity treats such an attitude as an indifferent observer. The conclusion of such study was the conviction that values do not exist once and for all because every time they have to be confirmed in the experience of an individual. Thus, this conclusion is not in opposition to the assumptions of the ethics of social consequences.

In the ethics of social consequences, intentions are also taken into consideration when estimating a given deed, which essentially distinguishes the ethics of social consequences from utilitarianism. Obviously, it does not mean that an action cannot be undertaken which brings more positive consequences than negative ones and yet will still be considered as immoral. According to ethical tradition we deal with such cases when the source of a deed was bad intention on the part of the acting person. Nevertheless, Vasil Gluchman does not approve of such an additional criterion of valuation because in this case, as he writes, an estimation according to the superior rule, that is, according to the total of positive outcomes, is enough. Therefore, in his concept, intentions are only an assisting criterion of evaluation.

## 4. Border Actions

Moral dilemmas in Roman Ingarden's ethics are settled identically in every case. This universalism does not have to be considered as an advantage in the case of controversial bioethical problems. The reason for this is that it is not possible to solve a dilemma faced by an obstetrician who has to decide during complicated surgery between the life of the mother or the child. In this case no choice will appear that is bound up with the feeling of nobility or dignity of a value. For the value which was devoted to the other one will always prevail in the feeling. The ethical situation Ingarden wrote about results therefore in a kind of paralysis in the will of the person expected to make such a choice. There is no wonder that in Poland, where nowadays the ethics of Ingarden's school dominates, doctors do not want to make a decision in such cases and abuse the right to the "conscience clause" so as not to be negatively evaluated by society.

Obviously, avoiding making a decision is only outwardly combined with nobility and dignity of protected values but negative feelings are significantly smaller than in the case of making a concrete decision. It is not surprising then that bioethical problems have been removed from theoretical discussions in Poland, and that ethics is treated as an autonomous discipline on the borderline of science and technology. The claim made by Vasil Gluchman concerning Polish ethics has gained additional justification.

Ethics of social consequences is making an attempt to define the criteria of valuation of borderline actions in which e.g. positive results do not dominate negative ones and in which the action itself has been undertaken with good intentions. Every action undertaken with good intentions and bringing predominantly positive outcomes is decent and, therefore, worthy of a person. However, Vasil Gluchman pays a lot of attention to a bigger problem concerning the presentation of deontological actions – obliging actions. From the point of view of the subject, these might be evaluated as unrighteous or even immoral. It is obvious that every righteous and moral action constitutes such an action but the qualification of actions which are undoubtedly obliging is more difficult, even if they seem unrighteous for an individual. Ethics of social consequences partially solves this problem by combining the criterion with intentions. Therefore, a righteous action is an action where the total amount of positive consequences outweighs the negative ones. A person will never be an infallible Archangel as in "Moral Thinking" by R. Hare but he/she will always act according to his/her own "calculus of probability". Therefore, an action in which negative results finally prevail may be estimated at most as righteous, but never as an immoral.[15]

As a matter of fact, the same situation appears in the case of evaluating others and one's own conduct. However, in one's own case the evaluation takes into consideration the aspect of doing one's best while planning it. The criterion of evaluation is enriched here with the possibility of excusing an action by e.g. good intentions. And this is an essential discrepancy between Vasil Gluchman's theory and traditional utilitarianism. When we achieve a positive result despite having had bad intentions, self-evaluation will be different than in the case where we evaluate the action of another person. Such action, independent of different evaluation, must be considered objectively as righteous (although not necessarily as moral) and so be socially approved. The starting point of the ethics of social consequences is fully expressed here, since its basis is a specific theory of righteous action and not simple moral arithmetic.

Ethics of social consequences makes a distinction between natural care (e.g. animals) and humanitarianism which imposes the protection of the weak even at the cost of negative consequences. Animals are not able to devote themselves to other animals if they do not belong to the same species. But people are able to do it and this is the essence of humanitarianism in the author's opinion. As a result, we can distinguish passive and active humanitarianism in this ethics. Within the framework of the latter two forms appear: the first restrains other people from acting in a dishonorable way and the other sanctions the undertaking of definite actions. It can be ascertained here that human actions bring a different moral evaluation in view of the biological context in which these actions occur. Specimen behavior is basically grounded in biology and human behavior is determined by its social nature. Humanitarianism combines these two factors and implies the care of one's own interest as well as the interests of our close family, which results from specimen behavior (the survival rule) and also advises us to take care of the interests of those who are not related to us by blood for the moral evaluation of human conduct depends primarily on what determinants appear in it. We have a tendency to underestimate obligatory actions as opposed to voluntary ones, and this is a consequence of the interpretation of humanitarianism in our lives. Only in this case is it possible to make a decision allowing for the death of a relative (euthanasia) and not to treat such action as immoral.

Dignity is a requirement to be respected by all people. Therefore, this is a kind of potentiality which is only visible in the way we treat people who are close to us. It is the social environment which determines how much dignity a person should be treated with, and other living creatures can be treated with dignity, too. Such an attitude demonstrates that the so-called "golden rule" which reads as follows: "do not do unto others what you do not want done unto you", is directly derived from the notion and understanding of human dignity. Therefore, an understanding of human dignity, socially approved and preserved in culture, determines the standpoint taken in ethical disputes.

The value resulting from inborn dignity may, therefore, be attributed to a person at the moment of his/her birth. Everybody begins at the same starting point and acquires a certain level of dignity at the moment of birth, which is symbolically defined by Vasil Gluchman as number "2". It subsequently depends entirely on the person whether this level is maintained, decreased or increased. It may also happen that the level is decreased below that attributed to animals. Thus, such a value is not attributed to someone once and for all.

## 5. Conclusion

Polish ethics is related to the traditional perception of man as a creature who is able to independently create new values as well as modifying already existing ones. The possibility of man being only a passive receiver of them is not assumed in this ethical conception. The active presence of people in the world of values is considered, for example, by Roman Ingarden as obligatory in a sense, since, in his view, man "only through the fact that he/she creates reality which shows or embodies the values of good, beauty, truth and law, that he/she remains in his/her life […] being obliged to realize values in reality created by him/herself, only through this does he/she reach humanity".[16] Complying with the recommendations of such ethics, however, requires that an individual be enlightened and able to evaluate his/her own and others' behavior independently. People without such predispositions are immediately beyond the influence of such ethics.

By contrast, in the ethics of social consequences, man does not have to make decisions when faced with complicated theoretical dilemmas because life itself requires his/her participation in a society and hence, practical adjustment to life's requirements. There needs to be a discrepancy between what exists and what a person desires because it is through this that our species may master itself infinitely. These changes, although they are something natural and necessary, sometimes engender resistance and a fear that they can lead to a decrease in the level of a person's moral sensitivity or even to a generalization of attitudes considered as immoral. Therefore, research on the dynamics of morality is something necessary so that human spirituality is not destroyed. Such research should also bring answers to the question of relationships, namely the way in which human corporeality is linked to social life, economy and morality. On the one hand, we are children of nature and, on the other hand, we have become quite independent of it. Vasil Gluchman underlines here the essential idea that we cannot formulate any ethical theories which would be valid forever. Every epoch is characterized by its own morality and, hence, ethics must be incessantly adapted to the existing reality. Another task of ethics is to answer the question of whether a new theory needs to be created or whether a theory which was valid in the past can still be used.[17] In consequence, the task of ethics is not to multiply the dilemmas connected with attempting to apply theoretical concepts to solve everyday problems but to provide the simplest tools to resolve them.

Comparison of the ethics of social consequences with traditional ethics as practiced in Poland leads to yet another ascertainment. This is the

confrontation of two models of practiced ethics which were called deductive and inductive ethics by Maria Ossowska.[18] Arguments used by Ingarden and his followers come under the former, and ethics of social consequences, under the latter. However, one cannot assume that this confrontation favors the Polish ethical tradition.

How is our humanity expressed? This problem should be considered, according to Vasil Gluchman, on two levels, where the first one is connected with biological lifespan and providing security. We can see here an analogy with the views of Antoni Kępiński, the founder of axiological psychiatry and one of the initiators of Józef Tischner's philosophical views. Kępiński claimed that man's sanctions are determined by two basic drives: the instinct for self-preservation and the survival instinct:

> "Every living organism is characterized by its own individual order, the level of which increases with the higher form of life. Maintaining one's own order requires an effort which is the price for life. For constant transformation of the surroundings into one's own order requires an effort – achieving it, destroying and remaking it according to the structure of one's own body. Therein lies the first biological law – preserving one's own life. Betraying this law – avoiding the effort related to life – leads at the end to the fact that we are conquered by our surroundings, the structure of the body is broken and changed into the structure of the surroundings, which is equivalent to the end of one's own life".[19]

Although Kępiński's views derive from Ingarden's School, his conclusions are close to the assumptions of the ethics of social consequences because he noticed the inefficiency of traditional ethical theories in solving human dilemmas. He became convinced of this through his experience of psychiatric therapy with people who had undergone inhuman experiences in concentration camps, since it is possible to voluntarily lose the struggle to preserve one's humanity. However, humanity in its fullest sense is not only revealed by this because similar tendencies are manifested by animals, too. Ethics of social consequences poses some open questions:

> "So, is humanity a specifically human quality that separated man from nature; by which man overcame his animality, this is his biological and natural determination, as Kant expressed it? Or does the humanity of man reside in his ability to search for and know the truth of being, as Heidegger wrote? What actually is humanity?"[20]

The notion of humanity, then, requires referring to dispositions which are not revealed by other creatures. According to Vasil Gluchman, the

tendency to help others disinterestedly is a specifically human feature. Therefore, in answer to the questions mentioned earlier, he concludes:

> "On the basis of the differences in the objects of our behavior and conduct, we distinguish between humanity as a natural biological quality and a moral quality. The moral value of the first kind of behavior is determined by our biological or social relationships to our close ones. In the second case, the moral value of our behavior to strangers is a pure manifestation of our morality".[21]

Such an approach is expressed in the tradition of Anglo-Saxon ethics started by Hume. Man cannot be good only for him/herself because this would go against the basic rule which we follow in life, called by some humanists the "social instinct". Being a moral subject requires, therefore, disinterested actions for the benefit of others. This is an obvious ascertainment but it is not adequately reflected in traditional concepts of ethics. Therefore, it seems traditional ethics is less and less useful in solving the moral dilemmas of our times. However, the concept of social ethics is becoming more and more important as it presents a rational proposal for overcoming the decisive impasse in Central Europe relating especially to solving of problems caused by the rapid progress of medical science.

In this article, there have been analyzed the views of philosophical schools that dominate contemporary Poland in order to find the answer why Polish bioethical discussions are so poor in content and in line with the social sense of righteousness. This goal was achieved by confronting the assumptions of ethics of social consequences concerning human values with the views of the most prominent Polish philosophers. It should be assumed that this confrontation will contribute to the enrichment of Polish bioethical discussions, and indirectly also to improving the functioning of the institutions in which such discussions are conducted.

## Acknowledgement

## Notes

1. Vasil Gluchman, *Etyka społecznych konsekwencji* [*Ethics of social consequences*]*,* transl. P. Kroczek, (Warszawa: Humanum, 2012), p. 7.
2. *Ibid*., p. 9.

3.  *Ibid.*, p. 17.
4.  Jozef Jaron, "Charakterystyka krakowskiej szkoły fenomenologicznej [Characteristics of Cracow School of Phenomenology]", *Zeszyty Naukowe. Nauki Humanistyczne: Filozofia i socjologia WSR – P Siedlce*, 50: 1 (1997), pp. 147–158.
5.  Władysław Tatarkiewicz, *Dobro i oczywistość* [*The good and obviousness*], (Lublin: Wydawnictwo Lubelskie, 1989), p. 111.
6.  Roman Ingarden, "O odpowiedzialności i jej podstawach ontycznych [On responsibility and its ontic bases]", in: Roman Ingarden, *Książeczka o człowieku* [*Little Book About Man*], (Kraków: Wydawnictwo Literackie, 1987), p. 122.
7.  Roman Ingarden, "Czego nie wiemy o wartościach? [What don't we know about values?]". in: Roman. Ingarden, *Przeżycie – dzieło – wartość* [*Experience – Work of Art – Value*], (Kraków: Wydawnictwo Literackie, 1966), p. 84..
8.  Roman Ingarden, *Wykłady z etyki* [*Lectures on ethics*], (Warszawa: PWN, 1989), p. 346.
9.  *Ibid.*, p. 334.
10. *Ibid.*, pp. 335–336.
11. Gluchman, *Etyka społecznych konsekwencji* [*Ethics of social consequences*], p. 25.
12. Ingarden, *Wykłady z etyki* [*Lectures on ethics*], p. 326.
13. *Ibid*.
14. *Ibid.*, pp. 326–327.
15. *Ibid.*, p. 38.
16. Roman Ingarden, *Szkice z filozofii literatury* [*Drafts on the philosophy of literature*], (Kraków: Wydawnictwo Znak, 2000), p. 19.
17. Vasil Gluchman, "Introduction", in: *Morality: Reasoning on Different Approaches*, ed. V. Gluchman, (Amsterdam/New York: Rodopi, 2013), p. 10.
18. Maria Ossowska, "Główne modele systemów etycznych [Main models of ethical systems]", in: Maria Ossowska, *O człowieku, moralności i nauce. Miscellanea,* [*On man, morality and science: Miscellanies*], (Warszawa: PWN, 1983), pp. 464–469.
19. Antoni Kępiński, *Podstawowe zagadnienia współczesnej psychiatrii* [*Main issues of modern psychiatry*], Krakow: Wydawnictwo Literackie, 2003), p. 14.
20. Vasil Gluchman, "Humanity: Biological and Moral Issues", in: *Morality: Reasoning on Different Approaches*, ed. V. Gluchman, Amsterdam/New York: Rodopi, 2013), p. 113.
21. *Ibid.*, p. 127.

CHAPTER FIVE

VALUES OF PROGRESS, PROSPERITY
AND RATIONALITY IN ECONOMIC BEHAVIOUR

MARTIN LAČNÝ

## 1. Values as Motivational Variables of Economic Behaviour

When mapping the dispersed and somewhat internally contradictory realm of values, we are confronted with the psychologically important fact that values act as important motivational variables. In relation to human behaviour they act in relation to reflexes, instincts, archetypal influences, tendencies, needs, motives, desires, wishes, interests, goals, aspirations and ideals. This rich set of motivational factors thus includes variables with a predominantly biological determination, together with socio-culturally based motivational variables that affect the interaction of values, which may exhibit varying degrees of conscious, as well as, subconscious influence.[1]

When evaluating and shaping value orientation, as well as in the case of evaluating economic categories, the fact that values are associated with human needs and interests comes to the fore. These needs quite clearly constitute a project basis of our activities and therefore often equate with value orientations, or even in subjectivist interpretations with values. They are mostly perceived through culturally stabilized, institutionalized ways of satisfaction. Human societies vary in the manner of institutionalized ways of satisfaction, as well as in ways of institutionalization of value systems.

The current form of the application of values in the economic sphere, as stated in literature, is, in our civilization's context, based on the Euro-American value system for economic practice. Within this system primarily values such as freedom, justice, responsibility, confidence, progress, prosperity, rationality are incorporated. Despite their various and

intricate mutual linkages we can split these base values into three segments in order to get a clear picture of the values shaping the context of our economic behaviour.[2]

The *first segment* is characterized by values of freedom and justice, which co-create democratic society, open for business and the realization of economic activities. These values are understood as the basis of the legality and legitimacy of human action, while in practice the need to ensure a harmonious, balanced relationship of freedom and justice is emphasized.

Freedom is a core value of practical human activities, in the most general sense it refers to one's ability to self-determine one's actions and deeds, to act according to one's own reasoning, based on one's own decisions. Justice as a value is associated with equality of general rules given by law and general rules of conduct. In general, it is understood as equality, but not egalitarianism, which is inherently unfair. Between freedom and equality, there is often a contradiction, which comprises the development of personal freedom, mostly generating inequality. Promoting justice, however, often does not result in removal of material inequality, but the contrary. Justice is in the commutative and distributive sense regarded as something that somehow restores balance and proportion.

The *second segment* of this value system consists of values, without which economy based on market principles could not work – responsibility and confidence. Both mentioned values are the foundation of all contractual relations and create conditions for fair competition, which is one of the essential components of the market mechanism. They also play an important role in the construction of relational frameworks in various legal forms of business, especially in the case of companies operating on the basis of separated ownership and management.

Responsibility as an ethical value has a very close relationship to freedom as the most important value of human experience. Legal, political and moral responsibility largely affects daily decision-making, as well as human behaviour. Under the conditions of market economy voluntary economic transactions between market actors represent a large part of economic life. It is quite clear that freedom without responsibility increases the cost of societal transaction, which can result in a form of negative externalities and overall inefficiency of the economic system. The principle of responsibility is closely connected with the principle of justice, which actually determines the content of the responsibility principle. Moral responsibility is generally associated with the implementation of the principle of justice – this means with conduct which respects and affirms the fundamental moral values existing in human

society. The extent and type of power thus determines the extent and type of responsibility that comes with it. If power reaches certain dimensions, it changes not only in volume but also as a matter of the quantitative nature of responsibility, so that actions of power create the content of obligation, which inherently becomes a response to what happened.[3]

As a matter of determination of the subject of responsibility, we find several different opinions among theoretical concepts dealing with the issue of responsibility in an economic context. Within the development of views on responsibility in business there are two basic lines, respectively, two main optical modes – Stockholder theory and Stakeholder theory.

Responsibility is closely linked with confidence, which can be understood as the degree of positive attitude of someone who believes in the good faith and reliability of someone in whom he believes – even in risky and changing situations. Through confidence the involved parties are determined to continue with their relationship as long as the counterparty behaves appropriately. This confidence is furthermore based on knowledge, experience and expectations. Without responsibility and confidence, it would not be possible to enter into contractual relations, to implement any consensus, based on conditional trust and accountability of involved parties. For example, relations between an organization and stakeholders (or interest groups) usually acquire the nature of legal or social contracts, which include a description of eventual sanctions for non-compliance with contractual terms. All treaties, however, fail to capture and encompass the entire breadth and complexity of social relations. Reliability and trust, responsible approach to partners, correct conduct, the ability to not misuse the current capabilities of a partner and likewise, are such phenomena that cannot be decreed, or ordered. Conduct based on universal principles of morality is a matter which has been drawn up over the years in small, in terms of morality, honest steps.[4]

The modern theory of management, having a praxeological character, accentuates involvement (commitment) of employees in corporate activities, which presupposes their voluntary identification with the company, its goals and objectives. The key element, determining the nature and quality of interpersonal relationships in the workplace and employee-employer relations, is just, from this point of view, confidence. Creating an atmosphere of confidence, particularly important in terms of motivating employees and managers means to ensure transparency and to strive for fair solutions to particular (not only) conflict situations.

The *third segment* contains values, the importance of which is associated with the dynamics of growth and economic development – progress, prosperity and rationality. In the context of ethics of social

consequences we can consider them as values whose mission is to contribute to the realization of moral good. If humanity is understood as behaviour and actions, leading to protection and promotion, i.e. development, of human life, the role of progress, prosperity and rationality will be closely linked to the performance of active humanity in order to achieve positive social consequences. Our aim is to elucidate this particular segment of values within the outlined context, with regard to the nexus of progress, prosperity, rationality and social consequences.

## 2. Progress, Prosperity and Economic Behaviour

At first, we will try to confront above mentioned value framework with the core value structure of ethics of social consequences and other concepts of ethical thinking. It is quite important to note that the concept of ethics of social consequences, as well as other forms of non-utilitarian consequentialism, enter into outlined discourse as an attempt to bring new solutions to the traditional questions of consequentialist ethics, which utilitarianism cannot reliably answer.[5] Therefore we find differences in the understanding of progress and prosperity in comparison with the concepts of utilitarian ethics and neoclassical economics. Focusing on the third segment of the given value system we will particularly reflect values, the importance of which is associated with the dynamics of growth and economic development – progress, prosperity and rationality.

Progress represents the fundamental value for economic growth and development at both the microeconomic and macroeconomic level. Contemporary economy is, in terms of its dynamics, based on the creative process of entrepreneurial discovering, innovating and realization of new opportunities, replacing less productive activities with more efficient ones – a process that is driven by competition. Progress as a value is, in the logic of this system, associated with economic prosperity, expressing its relation to economic success and general usefulness.

There is a systematic definition of the content of the category of progress available back up in the works of Joseph Alois Schumpeter, who in his theory of economic development, distinguished between static economic growth and dynamic economic development. Dynamic development is, in his opinion, caused by innovations, the bearer of which is an entrepreneur and his effort. Static economic growth, according to Schumpeter, means only constant repetition of the same variables in production, as well as in consumption. Constantly repeated combinations of production factors at constant consumer preferences lead to a "steady state" which is characterized as quantitative economic growth. The

development process, according to Schumpeter, only begins when this steady state is disturbed by changes – the form and content of development in our understanding are then given by a concept: "the enforcement of new combinations".[6] The market mechanism ensures that in a competitive environment new combinations are implemented, while less efficient combinations are eliminated and are withdrawn to other usage. In the Schumpeterian sense, then, the concept of market competition also acquires new content. It is not understood as competition between companies that are involved in steady economic growth, thus a competition between the identical goods they manufacture. It is a competition between innovative and original goods, innovative and original production methods. It is therefore a distortion of stationary growth within the meaning of the "process of creative destruction." Innovations are therefore a content of changes that disturb stationary steady economic growth and cause dynamic economic development.

Human creativity involves the ability to imagine, think through and implement something new. Michael Novak notes in this context that the Smithian question, what is the cause of the wealth of nations, can be answered very simply: intellect, ingenuity, inventiveness and human creativity. Human personality is a source of inventiveness, entrepreneurship and economic dynamics. Almost all the everyday little things that make our life more enjoyable are the fruits of economic creativity.[7] In the aforementioned "creative personality" of man we find the principle of freedom that naturally develops itself in conscience, investigations and actions, whilst creativity is a higher category than freedom. Creativity is bound to be free, but freedom must be subordinated to something else.

Creativity and productivity deducted from humanity are understood, in the context of ethics of social consequences in terms of protection, support and development of human life, while the key is the focus on human life. Positive social consequences, if they are achieved in accordance with the principles of humanity, law and justice, then create good, which is a prerequisite for the development of man's creative powers. This important role of creativity of a moral entity is related to the realization of dynamic stability as a prerequisite for the implementation of the successive steps leading to moral self-improvement as well as to moral development of mankind.[8]

The dynamics of any economic system is, thus, essentially determined by the moral habits of citizens. Economic activities have their origin in human freedom, which is understood as a moral dimension. A passive population, not benefiting from freedom, achieves, in comparison with a more enterprising population a substantially lower range of economic

activities. Moreover, virtues and the vices, characterizing the population, define the profile of economic constraints. History shows that the use of freedom affects not only the internal moral form of economic activity, but also the economic results.[9]

Human activity always involves a moment of freedom and coercion, the only problem is whether in the case of a particular activity the degree of freedom prevails over the degree of external compulsion. Freedom of choice comes about in the process of human activity (specifically in determining the objectives, the means by which we want to achieve the objective). However, choice itself is only an objective precondition of the freedom of man. Real human freedom begins in subjective use of this objective possibility. Man's freedom does not consist merely in understanding necessity, because if one understands the necessity, emancipates only in the spiritual level (though not in the economic and socio-political level).

An economic subject may develop its individual freedom – to be creative, original and imaginative in economic activity, to acquire customers, traders, buyers, consumers in different ways, to conduct business meetings and relationships in various ways, which will distinguish him from the competition. But in the implementation of its business strategy and its objectives, the expression of individual freedom will end where the protected area of others begins (in the sense of negative expression of freedom). At the same time the freedom of action of an economic subject is limited not only by other entities, but also and in particular by legislation applicable for business.

Economic freedom can be characterized, as well, as the absence of government coercion or restriction of production, distribution and consumption of goods and services whose scope goes beyond what is necessary to protect and maintain the freedom of citizens. In other words, people are free to work, produce, consume and invest in ways that they believe are most productive. Any government action includes coercion. If the state intervenes in the market environment at a rate exceeding the protection of individuals and property, this intervention undermines economic freedom. Not only through public choice theory do we know that if bureaucratic power restricts people, their behaviour changes for the worse. The degree of economic freedom is being reduced – and so is prosperity and level of economic activity and progress.

Ethics of social consequences perceives justice as a prerequisite for the acceptance of individual freedom, which is conditional to equality rights, as a provision of the moral right to dignified life (including its economic and social aspects expressed in the form of legal rights), performed

through the implementation of humanity and human dignity (this definition of justice is also valid on the macro-societal level). Any humane behaviour of a moral entity in order to achieve only positive social consequences (or their predominance over negative social consequences) is seen as fair (correct, moral and therefore praiseworthy). Any intentional behaviour of a moral entity, supporting inhumane conduct is unfair and therefore reprehensible. Actions leading to negative social consequences that occur under the influence of external factors, which cannot be affected by the acting entity are assessed as non-fair, incorrect as a matter of consequences, but not reprehensible in relation to the motives. Thus, if a moral entity acts freely, exercises its rights and at the same time does not harm, does not endanger, does not interfere with the rights of others in recognition of their dignity – then it acts justly, rightly, as well as morally and in a praiseworthy fashion. Implementation of freedom and rights, bringing positive social consequences, is a precondition for justice – on the other hand, their suppression is unfair.[10]

Positive social consequences create conditions for the development of the creative powers and abilities of man, as well as for the development of the creative potential of the community. However, this role may be filled by them only when resulting from fair decisions and actions – that means when they comply with humanity and legality. Justice in the ethics of social consequences is thus a defining moment of moral good – a concrete assessment of humanity and legality of decisions and actions of a moral entity.[11]

We can consider this as a point of key importance for understanding the correlation between progress, prosperity and positive social consequences. We may assume that the result of any economic activity can be considered as progress only if it brings positive social consequences. Prosperity can be regarded as fair (correct, moral and therefore praiseworthy), when based on humane and just decisions and actions. At the same time the positive social consequences constitute a prerequisite for acceleration of progress and prosperity.

## 3. Rationality in Economic Behaviour

The idea of an economic entity as a rational actor has its intellectual recourse in the philosophy of the Enlightenment and it was later systematically developed, especially in the works of neoclassical economists. According to neoclassical economics, human beings behave rationally, while in this approach the characteristics of rational behaviour does not differ substantially from the description of the actual behaviour.

The concept of rationality is here also understood in a narrow sense – as the best choice of alternatives allowing the maximization of self-interest, namely utility, profit, welfare. The postulate of rationality acquires a fundamental position, together with the assumptions of methodological individualism and utilitarian orientation. Economic and social changes are, in this regard, construed as results of aggregated individual acts. The model of Homo Oeconomicus therefore became, by means of neoclassical economics, a tool for the interpretation of not only the economic but also social and cultural reality.[12]

Nevertheless, Homo Oeconomicus, as he appeared on the scene, is the result of rational construction, generated by the separation of certain rationally understandable characteristics, respectively by the earmarking of certain goals of conduct, peculiar to the behaviour of economic entities. The question whether maximization of self-interest can be considered as the best approximation of actual human behaviour and whether this maximization necessarily leads to optimal economic conditions, is however quite difficult to answer. Systematic deviations from behaviour based on own interest towards behaviour based on rules – duty, loyalty and good will – are for example very important for achieving both individual and group effectiveness in the conditions of the Japanese economy and some of the Asian emerging economies.

When we are confronted with the argument that utility is the only source of value, this generally consists in its identification with well-being. Such a claim will usually be criticized in two ways: firstly, well-being is not adequately represented by utility and economic well-being is not the only one to which value is attributed. When it comes to human goals, the achievement of a certain level of utility in the formulation of ethical (normative) judgments could actually be only a partial consideration. Another major question is whether it is appropriate to understand the benefit of an individual on the basis of the successes achieved. Benefit may be better represented by freedom of the person and only then by what this person, in terms of welfare on the basis of that freedom, reaches. This way of thinking leads us to reflect on rights, freedoms and real opportunities.[13]

It is worth mentioning that rationality, as a goal in itself, means, in a certain sense, a danger to morality. In the position of a goal, rationality does not necessarily support efforts to achieve good, or to fight against evil, while the very process of reasoning is accentuated – a process which may be in formal terms perfectly elaborated, but the content and meaning may be indifferent, or quite the opposite as desired. For example murder, robbery or fraud may be in formal terms considered as perfectly rational

acts, but their content and consequences are immoral. Therefore, from the viewpoint of ethics it is necessary to put to the fore the content and significational dimension of any rationality as a necessary condition of moral rationality.

In terms of ethics of social consequences, the value of rationality itself is indifferent especially in relation to morality and acquires its meaning and content due to the objective which is given by the motive and intentions of a moral entity. However, rationality expressed in the motives and intentions of a moral entity only has potential significance and content that becomes a reality through the process of its implementation, namely in the conduct of the moral entity, but especially over the consequences resulting from this conduct. Thus it can be stated that moral rationality is confirmed only upon the assessment of consequences resulting from the behaviour of a moral entity.

Moral rationality is, according to Vasil Gluchman, a continuous process, which consists of three phases. The first stage is the process of reasoning and decision-making based on certain motives and intentions regarding the implementation of good. The second phase is the practical implementation of moral rationality within the conduct of a moral subject. However, only in its third phase – during the evaluation of the consequences resulting from the behaviour of a moral entity, comes a confirmation of sense, or the potential value of moral rationality contained in the first phase. Therefore the ethics of social consequences rejects cool rationality, resembling calculations, which should be represented by a human-computer, who coldly and impartially calculates the pros and cons and continually strives to maximize goodness, correctness, utility, comfort, welfare, etc. Rationality here represents a part of the whole process of thinking, decisions and actions of a moral subject. Other parts of this process include moderation, reasonable partiality, efforts to implement humanity and justice in our actions with implications for the closer and more distant social environment, which we are part of.[14]

Economists agree that unprecedented changes in the economies of developed countries have occurred, in last few decades, the importance of which is often compared to the industrial revolution. These changes are associated with new technologies, whose impact on the reproductive process and economy is so significant that economic theory assigns to classical production factors – labour, capital, land and natural resources also knowledge and innovations as a specific production factor. The impact of new technologies on the economy and associated processes are considered as factors underlying the transition of economies to a new

quality, in literature known as "new economy", "knowledge society," "information society," "knowledge economy," or "digital economy".[15]

This statement reminds us that (not only) in the current conditions of this new economy, accentuating the knowledge dimension of economic activities, *progress* and *prosperity* are closely linked with *rationality* as a value of fundamental importance.[16]

Among the reactions of economists to the new effects of technological changes on the conduct of economic entities, functioning of markets and society as a whole, has been the rational expectations theory (John Muth, Robert Lucas, Thomas Sargent, Robert Barro), which was already formed in the nineteen-seventies. It was technological progress and the development of information technologies which significantly reduced the time required for the exchange of information, and reduced the costs associated with their exchange and evaluation, and therefore made the main assumption of rational expectations theorists more realistic – as in their view, economic entities form their expectations rationally, they evaluate all available information systematically and build them into their expectations about the future.[17] Rational expectations are model-consistent expectations, in that economic entities (or agents inside the model) assume the model's predictions are valid. Although the future is not fully predictable, agents' expectations are assumed not to be systematically biased and use all relevant information in forming rational expectations of economic variables. The critics of this concept thus claim that in reality rational expectations would determine the nature of the equilibrium attained, reversing the line of causation posited by rational expectation economists. The other problem relates to the application of the rational expectations hypothesis to aggregated behaviour.

When looking analytically at economic behaviour in general, it is necessary to take into account the fact that rationality in the behaviour of economic entities must be reflected in a broader context. The need for a conceptual point of view is, after all, also given by the possible methodological pitfalls resulting from heterogeneous methodological instrumentarium of economic sciences (especially the problem of uncertainty and subjectivity in economic reality, ignoring secondary effects, etc.).

Even if we accept that the characteristics of rational behaviour in standard economics is correct, it might not necessarily be meaningful to assume that people actually always behave rationally. Especially the traditional world of economic theory is inhabited by strange creatures – rational, selfish, having perfect self-control. Human imperfection is regarded in mainstream economics as random and insignificant. Behavioral economists, however, point out that mistakes may have

important consequences. For example – the value of goods should be the same regardless of whether we buy or sell them. Coase theorem – a formalization of this argument – has earned the Nobel Prize. Surprisingly, Daniel Kahneman, Jack Knetsch and Richard Thaler later found that the difference between the buying and the selling price may be threefold in an experimental situation. The aim of behavioral economics is to explain similar paradoxes. It humanizes Homo Oeconomicus – but mathematical rationality remains.

Higher production generally means lower prices, Marshall law generally prevails in demand – namely, lower prices lead to higher demand. However, for certain categories of goods, in the case of so-called "Veblen goods", consumer demand is determined by the usefulness of the products and the price which the consumer thinks that other people will think that he has paid for the product, or it is simply determined by some expected and significant cost. For example, if the selling price of Gucci handbags falls so that they will start selling them in any store, we will soon witness a decline in sales of Gucci handbags. They would simply lose their Veblenian glitter.

Also, an increase of the money supply will normally mean a reduction in interest rates – unless inflation concerns drive the interest rate up. Prices on the stock market generally represent a rational forecast of future cash flow – unless so called "animalistic instincts" encourage investors to take unpredictable steps. Investors generally take the risk until the moment when the marginal profit is equal to the marginal costs – with the exception of Schumpeter's business "supermen" who percieve value shifts better than the market itself.[18]

These inaccurate forces, distorting the rationality of economic behaviour are not necessarily irrational (and therefore foolish). They may also be referred to as non-rational and unpredictable, as for example in quantum physics, where electrons also do not act crazy – they just refuse to fit into our current methods of modeling of reality. On the other hand, across all sectors of the economy basic objectives of maximizing utility, profit and prosperity usually explain normal market behaviour. In defense of the assumption that actual human behaviour is largely consistent with the rational model, it should be noted that while the "rational" concept will lead to many errors, any alternative assumptions of a specific type of irrationality will probably lead to an even greater number of errors.

Game theory has become a useful tool for explaining economic rationality since the nineteen-forties. Its heuristic strength consists in the fact that it helps to a more exact way of thinking about the game as internal rationality of social action, about how the cooperation and

collective action in a world of rational egoists is possible, under what assumptions and whether the economic players are ever able to coordinate their individual preferences. The attention of mathematicians and economists was first focused on so-called zero-sum games, simulating rivalry, then their interest extended to non-zero sum games, which allow cooperation in addition to rivalry. The game here constitutes a model of rational behaviour in which the adversary represents an important, indeed indispensable partner without the participation of whom the targets are undefinable. It is defined by a system of rules, which within its formal structure determine the behaviour of the individual, as well as grouped economic actors. Game theory with its mathematical logic, however, does not cover the core gameplay of business and consumer behaviour as a whole – despite the application of probability theory and stochastic models it still lacks the subjectivity dimension of players' decisions. Mathematical analysis of the game, according to Roger Caillois, seems literally to be part of mathematics, which only has an occasional relationship to the game itself. It would exist just as well even if there were no games at all. It can and must evolve out of the game, according to its will it has to create increasingly complex rules, but it can never cover the very nature of the game. Either mathematical analysis ends in certainty, and the game shall cease to be interesting – or the analysis determines a likelihood ratio and provides the player with only some more rational risk assessment, which the player himself simply takes or does not take, depending on whether he is cautious, or rather tends to take risks.[19]

Besides, mathematical rationality of game theory is based on two postulates, which are necessary for rigorous deduction and which *ex definitionem* do not occur in a continuous and infinite universe of reality. The first one implies total awareness, encompassing any useful information. The second postulate implies that the action of the adversary is always led by full awareness, the expectation of a specific and accurate result and selection of the best of alternatives. In reality, however, *a priori* all useful information usually cannot be reached and calculated, secondly, we simply cannot exclude rivals' or partners' mistakes, whimsy, crazy inspiration, any arbitrary and inexplicable decisions, prejudice, or even a voluntary decision to lose. In the absurd human world it is not possible to exclude any motive. Mathematically, these anomalies do not create any new problem – they just return us to the previous, already solved case. However, humanly, for a particular player it is different, because the attraction of the game consists precisely in this intricate competition of the possible.[20]

The rationalism of John Harsanyi has its own characteristics derived from modeling rational processes within game theory. His approach to modelling – a so-called Bayesian game in such a way allows games of incomplete information to become games of imperfect information in which the history of the game is not available to all players.

A very significant point of his concept is that ethics constitutes a completion of the process of rational behaviour of an individual. It can be concluded that the role of ethics is to ensure the attainment of an individual's rational interest in interaction with the interests of society. The ethical level within Harsanyi's general theory of rational behaviour actually penetrates all the other levels, which is in a sense, the leitmotiv of his theory – since ethics can be based on axioms which represent specializations of some of the axioms used in decision theory.[21] The notion of rational behaviour is in his opinion the basis for normative disciplines of decision theory, game theory and ethics. It results from the empirical fact that human behaviour is mainly a controlled behaviour aimed at specific targets, the achievement of which is determined by a defined network of preferences or priorities.

Harsanyi's preference utilitarianism is, in its nature, really a unique ethical concept elaborated on the basis of economic modeling. It reflects the pros and cons of adaptation and transformation of the economic model to moral rationality. In fact, it has brought a new dimension to moral and ethical thought. From his characteristics of the role and importance of ethics and morality, however, ultimately implies that moral goodness is only a means to achieve economic welfare. Moral goodness is thus changed from an intrinsic value to only an instrumental value, which actually leads to overturning the relation of ethics and morality to economic activity – the emphasis is shifted from ethics to non-ethical factors.[22]

Furthermore, quality of life depends on many other factors, not only on eudaimonistic emphasis on happiness, hedonistic comfort, or economic welfare. It comprises, *inter alia*, goodness in its totality – that is anything that contributes to the dignity of man, to his success in society, occupation, family, and that satisfies the social, cultural, spiritual, economic needs, etc. of him and his surroundings – assuming humanity and legality of actions. The principle of humanity within the ethics of social consequences in addition constitutes a particular preventer against misusage of social consequences as the criteria for evaluation of decision-making processes and actions of a moral entity, as well as positive social consequences such as a certain ideal of the efforts of a moral entity.[23]

All things considered – from the perspective of ethics of social consequences any rational economic behaviour may be ranked as right per se only in case that it brings positive social consequences – as its potential value practically results from the verification of consequences. At the same time, rationality in economic behaviour has to be understood as one of the elements which determine the decisions and action of any economic entity – alongside moderation, reasonable partiality, efforts to implement humanity and justice, though without predominance of rationality.

## Notes

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# PART II:

# VALUES AND PRINCIPLES OF ETHICS OF SOCIAL CONSEQUENCES IN CONTEXTS OF APPLIED ETHICS

# Chapter Six

## Ethics of Social Consequences within (Bio)Ethical Concepts: A Comparative Study on the Concept and Methodology of the Ethics of Social Consequences and of Principlism

### Josef Kuře

## 1. Introduction

The present chapter is aimed at presenting the methodology of the Ethics of Social Consequences within other methodological approaches. Particular attention will be paid to the Ethics of Social Consequences in the context of the predominant contemporary ethical theory of Principlism. Methodology is addressed in some ethical theories within discussions on the concept of ethics and in so called foundational theories. In several ethical theories there is no specific part dealing explicitly with the methodology of the particular theory. Here fundamental (general) bioethics has been selected as a specific field of comparison. Since in contemporary bioethics many scientific fields (e.g. social sciences) with their correspondent methodologies have become part of bioethics - understood interdisciplinarily or transdisciplinarily-, it is even more important to address the issue of methodology which, in many cases, is not discussed at all or only marginally. This aspect has to be taken into consideration when addressing methodology in the Ethics of Social Consequences.

The first part of the chapter is a descriptive one, presenting the Ethics of Social Consequences as an ethical concept and discussing its methodology. The second part of the chapter is of analytic and comparative nature. The methodology of the Ethics of Social Consequences will be compared to

that of Principlism as the most widespread ethical concept and theory in current bioethics discussions. Both conceptual and methodological similarities and dissimilarities of these two ethical concepts are analysed.

Finally the potential of both ethical concepts and methodologies with regard to current moral challenges, in particular in the area of biomedicine and biotechnology, will be assessed.

## 2. Concepts, Theories and Methods

This chapter is aimed at analysing and comparing the methodology of the Ethics of Social Consequences within other methodological approaches of bioethics, with a specific focus on the methodology of the Ethics of Social Consequences in the context of the predominant contemporary ethical theory of Principlism. So the chapter deals with the philosophical challenges of the Ethics of Social Consequences, addressing both the foundational theories of general (bio)ethics and the concept of the Ethics of Social Consequences.

As is said of professional ethics, codes of ethics are often discussed and considered, which, in general, are regarded as part of deontological ethics. Lately, contemplations on the application of virtue ethics have been emerging more and more frequently; however, consequentialist ethics is mentioned rather rarely in the context of professional ethics, and if so, it has rather negative connotations. Does it mean that consequentialist ethics cannot be used in professional ethics, or that consequentialists gave up the possibility to enforce their values and principles within professional ethics?

Before the methodology of the Ethics of Social Consequences is discussed and compared with methodologies of other ethical theories, some clarification remarks on concepts, theories and methods in ethics will be necessary. Henry Sidgwick in his *Methods in Ethics* (1874) has already demonstrated that methods correspond to some basic principles. Today we could add that methods in ethics correspond to certain elementary concepts or to some foundational ethical theories. It is obvious that the question of method can´t be separated from the question of concept in ethics even though this intrinsic relationship is not explicitly represented in some contemporary ethical theories. In this place, I´m not going to search for reasons *why* this is so, solely stating *that* it is so. One comment on this separation (or absence) of method in ethics from basic ethical theories lies in the methodological pluralism of the globalized world. All methods should be included and no method should be excluded in advance. Then, in particular in an area of applied ethics such as bioethics,

we have to deal with a broad spectrum of individual methods taken from many different disciplines such as philosophy, law, medicine, biology, psychology, sociology etc. Methods used in humanities, natural sciences, social sciences and political sciences merge in one interdisciplinary, or as some people prefer so say transdisciplinary, discourse. Yet each of the methods has its own topos, context and mode how it is used in its primary domain.

The following methodological and conceptual starting points within contemporary bioethics can at least be distinguished: philosophical ethics, medical and biological perspective, religious and theological ethics, and legal perspective (biolaw).[1] Within such broad pluralism, interdisciplinarity and inclusiveness, it is almost impossible to focus more precisely on individual method, on its origin, genesis, primary domain and on its "canonical" use by the primary discipline. Moreover in some disciplines there is not the same level of necessity to discuss the background of the method and foundational theory behind the method. So in many forms of applied ethics the question of method has been separated from the question of foundation (*Grundlagen*)[2] or due to interdisciplinarity, the issue of foundation has been neglected to a large extent.[3]

Indeed in many disciplines the issue of theory and the theoretical background of methodology do not play the same role as in moral philosophy. Furthermore, moral philosophers, according to Tom Beauchamp, "have not convinced the interdisciplinary audience in bioethics, or even themselves, that ethical theory is foundational to the field and determinative in practice."[4] It seems that the question of foundation of ethics is more than just a question of (this or that) moral/ethical theory. In moral philosophy such discussions of moral theories and ethical concepts that are behind methods are part of philosophy itself.[5] It is not only a question of method in ethics but at the same time the question of method is also a more fundamental question of anthropology, since ethics is based on anthropological presuppositions.[6] In other words any ethics departs from anthropology, from some basic anthropological concepts. And the same can be said about applied ethics as well.[7]

Each methodological approach assumes an already certain foundation and basic concept of ethics as such. So the chosen method is a starting point which is based on certain hermeneutics and on a fundamental understanding of what it means to be human, what ethics is, what the social role of ethics is, etc. The key question consists of the foundational theory of ethics. Prior to any methodology discussion this basic question has to be clarified. There are diverse terms used for this basic question.

Some authors use the term 'moral theory'[8] or 'ethical theory'[9], while other authors prefer the term 'foundational theory'.[10] Moreover there is no agreement, either among moral philosophers themselves or within communities of applied ethicists, what the terms such as 'moral theory', 'moral theorizing', or 'foundational theory' mean, and what their relation to method and methodology in ethics is. 'Moral theory' can be understood as "a very general term covering all topic-based philosophical work relating to ethics".[11] 'Moral theories' are sometimes understood as systems of moral principles. Such an approach can be found, for instance, in Tom Beauchamp.[12] Others relate the term 'moral theory' to an analysis of theoretical problems such as moral epistemology in moral philosophy. Finally, and in some approaches such as Utilitarianism it is the usual custom, 'moral theories' or 'a moral theory' referring to the theories of right action.[13] Another use of the term 'moral theory' is within the context of normative ethics: if and how a normative (moral) theory will be used in ethical analysis. On top of that a general assessment of particular elements of moral theory and their role in applied ethics has to be specified.

Regardless what term is used, several concerns arise from the current state of applied ethics in general, and in bioethics in particular. McNamee and Schrame have summarized these concerns in the following way:

"Firstly, the increasing professionalization of applied ethics, especially in the field of medical ethics, which seems to lead to naivety and carelessness about the many abstract and theoretical problems that underlie moral issues. Secondly, the question what the proper role of philosophers might be in "doing" applied ethics is far from clear. Thirdly, despite professional developments in the field (perhaps, indeed because of them) there is a lack of proper or agreed upon methods of doing applied ethics generally and healthcare ethics in particular. These issues bear down upon the more pressing and more general problem of how we may go about justifying normative claims. These issues are not peculiar to applied ethics. Rather, they relate to ethics in general".[14]

Unfortunately applied ethics, bioethics in particular, has developed greatly during the last two decades into interdisciplinary entrepreneurship of comfort and conformity with law, standardized practices, professional guidelines, policies, governmental and international guidelines.[15] As a result of this development, the role of any ethical theory, conceptual issue or foundational theory has been marginalized.[16] Anyway it would be out of the scope of this paper to discuss these aspects of contemporary applied ethics and of ethics in general. Nevertheless it is obvious that this strong legalism of ethics and the heavy focus on normativity very much shorten

not only the whole ethical reflection but also the discussion on methodology and foundations.

Methodology of the Ethics of Social Consequences could be discussed in the context of other methodological and theoretical approaches on the level of general ethics and methodological approach of the Ethics of Social Consequences could be compared with other ethical theories. However the Ethics of Social Consequences, not intending to be primarily an ethical theory among other ethical theories solely, was developed as a general ethical concept with the purpose of practical use. Several authors such as Adela Lešková Blahová,[17] Marta Gluchmanová,[18] Ján Kalajtzidis,[19] Katarína Komenská,[20] Júlia Klembarová,[21] and Martin Gluchman[22] clearly demonstrated in their recent publications that the Ethics of Social Consequences has the potential to be used as concept and method for discussion of several ethical issues, having developed it as a tool of applied ethics. Following this recent development, the Ethics of Social Consequences is perceived as a form of applied ethics, specifically applicable to bioethics. The authors mentioned above have continued to develop the Ethics of Social Consequences as an ethical theory and as an ethical concept including its methodology towards bioethics. This is the background which allows one to discuss the methodology of the Ethics of Social Consequences in the context of general bioethics and its foundational theories from which methodological aspects follow.

The key question of bioethics is not any of the burning issues like human embryonic stem cell research or cloning. The crucial question of bioethics is the question of its starting point. And the way this starting point is presupposed and understood impacts upon the whole consequent discourse. This point of departure has a strong relation to methodology as such and to the basic understanding (concept) of bioethics. This starting point has to do with ethical theory as a tool used for any ethical reflection. There is something more than just this or that ethical theory that this starting point consists of. Or at least the ethical theory has to be understood in a broader sense as a foundational theory which also includes basic concepts such as morality, moral agent and philosophical anthropology. Due to wide interdisciplinarity within bioethics, there is a lack of considerations on the method, methodology, ethical theory and concepts of bioethics. Indeed deeper dimensions such as basic hermeneutics of life (βιος) and fundamental anthropological questions belong to this "propaedeutics of bioethics".[23] Moreover if bioethics is a form of ethics, i. e. a philosophical reflection of human action, then first the question of the acting subject must be clarified. So bioethics, similarly to any ethics, presupposes anthropological foundations.[24]

Irrespective of choosing an inductive and empirically oriented method or a deductive, abstractly and theoretically oriented method as the starting point, it becomes obvious that in the first or in the second case, it is not just about techniques of using this or that method, but this or that method refers to theory which can be found behind the chosen method. This or that method refers to the conceptual understanding which is behind the phenomenon in question.

A theory, or what is sometimes called "ethical theories", is in fact a set of ideas designed for different purposes, arising in distinct contexts, and often addressing diverse issues. The question of method and methodology in bioethics, similarly to ethics and philosophy in general, point out theoretical presuppositions, referring back to an overall concept of ethics, anthropology and philosophy. So both "ethical theory" and "methodology" refer to a wider context, namely to our understanding of human, society, history, life, health, health care, the future etc. Thus the question of method leads us into two directions: both to the anthropological presumptions and to our hermeneutics of time, and of the future in particular. Then the principle is not solely a theoretical or methodological issue but something that brings us to the *principium* in the original sense of the word. This *principium* can be interpreted differently. Indeed it is a beginning from which we depart; it is the basis of our general conception of the world and of our perception and interpretation of reality.[25] Those are the foundations our ethical theories come from.

On the other hand we do not establish theories in the sense of a Platonic perception of ideas but they are based on our empirical experience. So empirism has to be included into our methodology.[26] Notwithstanding a reflection of empirical experience brings us to some basic anthropological thinking such as the conception of the human being and the role of the human being within history, the relationship of an individual to society, it brings us to basic moral epistemology and related moral and ethical theories. For some authors, theory is identical to some principles. So for Beauchamp and Childress, the theory merges with the four principles that are, at the same time, the foundations of bioethics.

> "Our presentation of the principles – together with arguments to show the coherence of these principles with other aspects of moral life, such as moral emotions, virtues, and rights – *constitutes* the theory […]. This web of norms and arguments *is* the theory. There is no single unifying principle or concept, no description of the highest good, and the like".[27]

In individual bioethical approaches, theory has a diverse place and plays a diverse role in the general concept of bioethics. In some approaches,

theory falls into foundations. Nevertheless the foundation of bioethics as it has been understood by Beauchamp and Childress does not refer to the four principles as the final referential framework but it has to be placed into a broader hermeneutical context. Gert, Culver and Clouser, the persistent critics of Principlism, point out in this context the following:

> "It has become fashionable and customary to cite one or another of these principles as the key resolving a particular biomedical ethical problem. Throughout much of biomedical ethical literature, authors seem to believe that they have brought theory to bear on the problem before them insofar as they have mentioned one or more of the principles. Thus, not only do the principles presumably lead to acceptable solutions, but they are also treated by many as the ultimate grounds of appeal".[28]

They argue that the principles as such are not and are not able to be the final referential framework of bioethics discourse.

Similarly Jean-François Mattéi emphasises that the anthropological question belongs to the foundations of bioethics.[29] First some clear features have to be given to implicitly used anthropology and the anthropological presumptions of bioethics have to be proven critically. To do this means to specify the foundations. And the methodology is related to foundational issues. Only when the anthropological foundations of bioethics have been clarified, then can the methodology of bioethics be discussed and the discourse on individual dilemmas in the field of biomedicine and biotechnology can start. The Ethics of Social Consequences can therefore be regarded as a form of bioethics which exactly corresponds to the basic understanding of bioethical theory, methodology and foundations as they were described above.

The purpose of these introductory notes was to draw attention to the context of contemporary applied ethics with regard to method, methodology, ethical theories and foundational concepts of ethics. Perhaps there is a need for a re-establishment of ethical theories, foundations of ethics and related methodologies in applied ethics of the 21th century. My intention was to show the framework and context to which Ethics of Social Consequences belongs.

## 3. Ethics of Social Consequences:
## Its Concept and Methodology

Contemporary moral challenges within biomedicine and biotechnology require a comprehensive and complex approach. These challenges encompass many novelties which were not part of ethical discourse in the past. It

seems that the traditional approaches of moral philosophy and philosophical ethics do not provide an appropriate framework for dealing with those challenges. It remains questionable if certain contemporary bioethical approaches, which in fact are mostly modifications, updates or revivals of older ethical approaches such as Utilitarianism, Virtue Ethics, Deontology, Ethics of Care or Casuistry, have the potential to provide adequate answers to the new moral dilemmas. It is not a question of whether they provide any answers, or not, to those moral dilemmas – indeed they provide answers, many answers. What remains questionable is the adequacy, suitability and appropriateness of the provided answers – with regard to the complexity of the world and impartiality of ethics governance. It seems that in many situations those old-fashioned approaches do not provide a holistic framework, remaining within their moral particularism.[30] This moral particularism is given by their monistic methodology. So for instance to apply Principlism to a moral dilemma in life sciences or in biotechnology means to not simultaneously include other methodologies which, possibly, could be useful for getting a broader picture, not limiting the approach to a very vague description. Apart from the theoretical question as to whether it is possible to apply one methodological starting point and disregard moral, and at the same time intellectual, pluralism by excluding all other methodological approaches, one has to ask the question about the legitimacy of such reductionist approaches within contemporary bioethics.

Ethics of Social Consequences can briefly be characterized as an attempt to overcome such reductionism and methodological monism. Furthermore Ethics of Social Consequences intends to be part of the paradigmatic change in both ethical theories and applied ethics, including bioethics, belonging to one of the most significant forms of contemporary non-utilitarian Consequentialism.[31] Its main criterion of morality consists of social consequences. They are not reduced to consequences of any action, in the sense of direct causality. Moreover Ethics of Social Consequences also includes consequences of motivation, intention and attitude, non-reducing values to the values of happiness, pleasure, satisfaction and interest.[32] So there is a significant difference to the classical notion of the good as suggested by Georg E. Moore who takes pleasure and pain as the primary criteria of the good, while the Ethics of Social Consequences emphasizes social consequences.[33] Positive social consequences are the key criteria for assessing moral consideration, motivation, intention, moral judgement, decisions and actions of an individual moral agent[34] – under the precondition that the action is in

harmony with some governing normativities such as human dignity and humanity.

Contrary to the one-principle-approach of Utilitarianism, Ethics of Social Consequences relies on a broader theoretical background which consists of principles and values and sensitivity for a particular situation, using a classical term one could also add *arête*. Furthermore, an aspect can be identified here which can already be found in Aristotelian ethics as *fronesis*; a practical ability which recognizes what principle and what value has to be emphasized and, generally, how to act accordingly. Ethics of Social Consequences is not situational ethics, where a particular situation is the decisive moment for normativity, but an approach which fully takes a particular situation into account. Since the Ethics of Social Consequences is not based on one sole moment such as a particular situation which could lead to moral relativism, it can be called moderate relativism, which does not claim moral values as absolute ones, relating them to each other.[35]

The criterion of morality as a key methodological philosophical issue of any moral theory is defined by the Ethics of Social Consequences through consequences. The highest moral principle of human activity consists of positive social consequences achieved by our activity and behaviour. So positive social consequences are, in fact, consequences of certain decisions and actions of a given moral agent that bring an individual, or the society, satisfaction establishing preconditions for the development of the creative potential of both the individual and society.[36] The moral good, not being a goal which has to be achieved by the actions of a moral subject, does not exist as such – at least moral good does not exist in the essentialist sense. Moral good is rather understood through the consequences of the action. This means that moral good is established through the good consequences of the actions of a moral subject in his/her relation to the society or community. Moral good is practically the product of human activity, accomplished under certain conditions, by, among others, protecting/respecting/cultivating/realizing values, due to the positive social consequences of this activity.[37]

The moral subject is the *locus* where basic values are respected and where the actions of a moral subject can be assessed as moral and good – with regards to positive social consequences. For the Ethics of Social Consequences, the moral subject represents the presupposition for understanding any action of any moral subject.[38] In addition, there are some conditions which have to be fulfilled so that an individual can be regarded as a moral subject. The main conditions are the following ones: the individual has to be able to recognize and understand the existing

moral status of society; he/she must be able to act consciously and freely, being able to assume moral responsibility for his/her action.[39] A moral subject is therefore defined by his/her cognitive and intellectual capacities. Furthermore it means that not every human subject, every human being, necessarily fulfils the conditions for a moral subject; only those human beings who understand the moral status of a society or community and who are also able to assume moral responsibility can become moral subjects.[40] Only once all the features typical for a moral subject have been fully developed, can the moral subject become fully responsible for his/her actions.[41] So to be human is a necessary but not sufficient condition for being moral subject.[42] Moreover, a moral subject is a condition *sine qua non* for any moral action; without a moral subject there would be no consequences of an action. Ethics of Social Consequences deals with the moral subject extensively within its foundations.[43] The moral object, on the other hand, is humanity as such, all humans, but also animals, nature and the whole non-human world.[44]

The Ethics of Social Consequences, understanding a human being as a rational, moral, creative being, also provides a well-founded anthropological scope for the consequent moral theory by a methodology. The Ethics of Social Consequences, having taken the anthropological concept from Spinoza and Fromm,[45] represents ethics based on sound anthropological presumptions. The concept of moral development taken from the moral psychology of Kohlberg provides a very good tool applicable to the two forms of morality as they are identified by the Ethics of Social Consequences: customary moral and reflective moral.[46] This is analogically valid for a moral subject: one can distinguish a customary subject who is passive and group-oriented, very much dependent on (any) moral authority and a reflective moral subject who is active in the sense of independent, rational, analytic and systematic thinking and acting.[47]

The moral value of life as such is regarded as the fundamental value within the Ethics of Social Consequences. From this basic starting point, individual elements of the value system of the Ethics of Social Consequences are derived. Humanity, human dignity and moral rights belong to these basic elements.[48] Humanity means all forms of human activity striving to protect, support and develop human life.[49] An action can be regarded as right only if it is a human one. So the principle of humanity is a certain safeguard against the abuse of social consequences as a criterion for the decision making and actions of a moral subject.[50] Humanity is, at the same time, a criterion of positive social consequences as a certain ideal of efforts made by the moral subject.[51] Moreover the moral ideal is based on respect for human dignity which is an expression

of moral principles as tools for the practice of humanity. Humanity understood as a moral value is a form of human action; coming not so much from the biological determinacy of human activity as from morality.[52] "Humanity as one of the basic values of the Ethics of Social Consequences is expressed simply as respect for human being as such".[53] The principle of humanity can be formulated by the golden rule or by the Kantian categorical imperative.

Dignity means a set of values and properties of someone or of something that deserves respect;[54] such a universal value which deserves respect is life itself in all its forms and manifestations.[55] According to Lešková Blahová, the degree of dignity of a moral subject is the outcome of a long process of assessment of the activity of a moral subject from the perspective of the broader moral community to which he/she belongs.[56] It follows that the degree of human dignity depends on evolutionary and social interpretation.[57] Independent of the position within the evolutionary scale, the level of dignity has to be determined.[58] Dignity and humanity are realized through the principle of positive social consequences, which is, at the same time, limited by them in the sense that both the content of dignity and humanity as their consequences must be in accordance with the principle of positive social consequences.[59]

Another element of the theoretical background of the Ethics of Social Consequences is moral right. Moral right, as one of the fundamental values,[60] in the later development of the Ethics of Social Consequences is understood as one universal right with many facets; thus the value of life is the basis for this universal moral right which is realized as protection, support and development of life.[61] Moral rights, being specifications of human dignity, express moral values in a less formal way compared to legal rights which are formal expressions of moral rights by institutional legislation.[62]

Ethics of Social Consequences does not want to provide answers to all the theoretical questions of practical philosophy. Instead of this it strives to solve some issues within one particular approach, within one concept of ethics, providing starting points, basic theoretical background, a structure of principles and values, and an open framework.[63] Its methodology, being neither finished nor definitively determinated, does not intend to fall into any reductionism.

## 4. Principlism: Its Concept and Methodology

Before the Ethics of Social Consequences is compared to Principlism, this mainstream concept of contemporary bioethics will briefly be introduced,

its methodology will be described and the basic concept of Principlism as a moral theory will be highlighted.

Since the first publication of the *Principles of Biomedical Ethics* in 1979,[64] bioethics based on four principles became the most common concept. Some people even identify bioethics with Principlism. The abovementioned book, recently published in its seventh edition, has become, in the meantime, a principal textbook and global manual of bioethics. Principlism[65] has, after all critical debates since the 1980s, remained the main concept of bioethics worldwide. Critically it is often called "the Georgetown mantra", even though its authors, having tried to deal with frequently raised criticism, included their responses to that criticism in later editions of the *Principles of Biomedical Ethics*.[66] Bioethics in the form of Principlism is based on the following principles: Respect for autonomy, nonmaleficence, beneficence and justice. This concept of bioethics as a practical tool with a given methodology of predefined principles that have to be applied, being widely accepted as the canon of bioethics, led to methodological reductionism and to certain intellectual comfort or laziness.[67] The theory is on the table; all what we have to do is to teach that and to practice its application to any issues that may arise.

Principlism was proposed as a form of moral theory and its authors Beauchamp and Childress believe that it is a universal moral theory which can be used in all situations and by all morals.[68] The theoretical starting point of Principlism is (a belief in) common morality, expressed in societies by laws, strategies and practices; and this common morality serves as the basis for moral justification.[69] Furthermore, principles and rules are used within Principlism as an expression of common morality.[70]

> "Principles represent the following sorts of general moral considerations, here stated as obligations: obligations to respect the choices of competent persons (respect for persons or personal autonomy); obligations not to harm others, including not killing them or treating them cruelly (nonmaleficence); obligations to benefit others (beneficence); obligations to produce a net balance of benefits over harm (utility); obligations to distribute benefits and harm fairly (justice); obligations to keep promises and contracts (fidelity); obligations of truthfulness; obligations to disclose information; and obligations to respect privacy and to protect confidential information (confidentiality). In various principle-based ethical frameworks, some of these obligations appear as principles, others as rules, some as primary and fundamental, others as secondary and derivative".[71]

So Principlism, according to its authors, tries to group together diverse approaches which operate with principles, norms and rules.[72]

With regard to the relationship of the four principles, they exist as a horizontal group of entities without any internal hierarchy or structure by which these principles would be constituted. Childress calls them the "four clusters principles";[73] there are no *prima facie* duties which would directly follow from them.[74] The four principles have "some elements of a comprehensive *general* theory",[75] providing a framework for moral theory through a few derived rules such as truthfulness, privacy, confidentiality and fidelity[76] – so that all moral issues within biomedicine can be identified, analysed and solved.[77] "A set of principles in a moral account should function as an analytical framework that expresses the general values underlying rules in common morality".[78] So the four principles as the ground of bioethics are "*prima facie* binding", without being absolute maxims.[79] The four principles also meet the requirements of a moral theory, because they provide clarity, coherence, completeness and comprehensiveness, explanatory and justificatory power, output power and practicability.[80]

When Beauchamp and Childress, using their theoretical tool, examine other theories such as Utilitarianism, Kantianism, Liberal Individualism, Communitarianism and Ethics of Care, they do not accept them as such, limiting their acceptance to those aspects only which fit into the framework of Principlism.[81] "Rather than being supported by only one theory, these principles and rules find support in several converging or overlapping theories".[82] However, there is a certain internal discrepancy in Principlism: on one hand, the four principles create structurally the theoretical base of Principlism and other theoretical approaches are accepted by Principlism in a limited way only, while on the other hand, Principlism can have any moral theory as its foundation, or any moral theory can adopt Principlism as its own theory, method and structural basis.

Within its gradual development, as can be observed in individual editions of the *Principles of Biomedical Ethics*, Beauchamp and Childress have included the part on moral justification in the fourth edition[83] and thenceforward they have been extending their discussion on the theoretical background.[84] They emphasize that the process of moral justification occurs on several levels, as can be illustrated by the following flow chart:[85]

1. Concrete moral judgement
↓
2. Rules
↓
3. Principles
↓
4. Moral theory

Apart from deduction and induction, they also introduce coherence[86] which is related to the concept of reflective equilibrium.[87] It seems that they prefer the notion of coherence – which is in fact a broader and more complex concept than equilibrium – to the common concept of reflective equilibrium. I would argue that their notion of coherence is an analogy to the classical notion of fronesis. Ultimately, it is coherence that is the ultimate criterion of rightness; coherence among the principles, coherence among the rules, coherence among the duties and coherence among the values concerned.

The long history of criticism of Principlism cannot be described in detail here. I would only like to highlight the fact that many presumptions of Principlism remain questionable (e.g. the concept of common morality). Another doubt exists about Principlism as a comprehensive moral theory – in contrary to the opinion of Beauchamp and Childress.[88] Other authors who subscribe to the principles such as Robert Veatch[89] or Tristram Engelhard[90] provide different lists of principles. On top of that, many European authors bring sets of completely diverse principles, e.g. dignity, integrity, vulnerability, solidarity as they were proposed by Jakob Rendtorff and Peter Kemp, for instance.[91] The crucial question is if the four principles provide a sufficient and appropriate base for ethical reflection on contemporary biomedicine. The other conceptual question is if an ethical reflection should consist solely of an application of some (abstract and given) principles, in other words, if an anthology of principles is identical with ethics itself. And if this is the case, then no (bio)ethics is needed; what is needed is only a mechanical application of the given principles. So the Principlism of Beauchamp and Childress paradoxically, despite the claim of universalism, means, on the level of foundational theory, a reductionism of ethics.

## 5. Ethics of Social Consequences and Principlism:
## A Comparative Analysis

After having introduced the methodology and the basic concept of the Ethics of Social Consequences, this form of non-utilitarian Consequentialism will be compared with the most common and most widespread form of contemporary bioethics, namely with Principlism as it has been proposed and further developed by Tom Beauchamp and James Childress.

If we compare the theoretical starting point of the Ethics of Social Consequences with Principlism then we can see that both have some, however quite different, theoretical bases. While Ethics of Social Consequences has a clear moral anthropology and moral psychology, there is only implicit anthropology in Principlism, in principle the anthropology of liberal Anglo-Saxon philosophy from which both the principle of autonomy and the principle justice are borrowed, as has been demonstrated by Diego Gracia.[92] Although autonomy is a relevant and important anthropological element, one could argue that it is even an anthropological constant, there are diverse hermeneutics of autonomy in diverse cultures at present and there are different ways how autonomy is being exercised in the modern world. While western culture is based on an individual understanding of autonomy, it is the concrete individual who has the opportunity, right and responsibility to decide (for example to decide about his/her specific treatment within health care), in many Asian and African cultures it is the group (family, community) who decides because the concept of autonomy is understood in a communitarian way.

Furthermore the Principlism of Beauchamp and Childress does not provide a clear moral theory, even though they claim they do provide theory, presenting their four principles as "some elements of a comprehensive *general* theory".[93] However, they failed to provide moral theory – in spite of the fact that they state that the four principles together with emotions, virtues and rights constitute the theory.[94] The web of norms and arguments can be regarded as methodological or strategic tools but not as moral theory. Or if we call the network of principles a theory, then it remains a very limited theory. Apart from the respect for the autonomy of an individual, the main criterion of rightness consists of beneficence and nonmaleficence. These principles can be understood more generally as the rule to do good and to avoid doing evil. Obviously one can take these two principles as a moral theory, however such a general axiom lacks normative output since it is not obvious in many individual cases and situations what the good and bad consist of. From this point of view, good social consequences represent a better and employable criterion for

normativity than the general rule of doing good and avoiding evil found in Principlism. Being highly abstract, the principles of beneficence and nonmaleficence are rather more formal than material criterion; their application is difficult with regard to the content of the good. It is visible that, additionally, we need some other criteriological tools to distinguish what action is good or wrong. In many practical biomedical situations it is not clear or not clear enough if a particular treatment will offer any benefit to the patient or what kind of medical benefit it will be. Moreover, in many situations benefit is mixed with harm which can be expected or predicted with a certain probability. It seems that the principles of beneficence and nonmaleficence can be easily and more effectively used in regular clinical settings where the risk and benefit are more known and calculable than in biomedical research where the risk and benefit are less known are with more difficulties calculable – due to the nature of the research as such. Whereas the principle of autonomy is much more suitable for biomedical research, for human subject research in particular, where we deal with an adult, autonomous and competent, individual. Contrary to regular clinical medicine, by definition, we deal with a patient, which means dealing with a vulnerable individual whose autonomy and competence can vary in many ways and the scale of real autonomy ranges from almost full to no autonomy (e.g. a patient in a persistent vegetative state).

Whereas Beauchamp and Childress believe in universal morals, the Ethics of Social Consequences rather focuses on moral rights that can be regarded as universal, being reserved for common morality. Similarly as Beauchamp and Childress believe that their methodology can be used by any moral theory, the Ethics of Social Consequences presupposes that any moral theory could be assessed by the criterion of social consequence as the highest normative instrument – unless the particular approach of ethics does not exclude consequence as an ethical criterion (e.g. deontology), or unless it considers consequences not through the lens of humanity and dignity but through the lens of social utility as is the case in classical Utilitarianism or in other forms of Utilitarianism such as Rule or Act Utilitarianism. The Ethics of Social Consequence does not claim that it is a model which should be used universally, in fact it provides a much more universal framework than Principlism which is based on the old Hippocratic tradition (the principle of beneficence and the principle of nonmaleficence) and on the Anglo-Saxon political philosophy (the principle of autonomy and the principle of justice) solely and which does not include continental European thinking, not to mention non-European traditions.

While Principlism departs from the basic anthropological presumption which lies in the human being understood as an autonomous agent, the Ethics of Social Consequences departs from humanity and human dignity, specifying the moral subject as the fundamental anthropological starting point of ethics. Ethics of Social Consequences, compared to Principlism, provides much broader and philosophically deeper anthropological foundations; humanity includes autonomy and furthermore, together with (human) dignity and with dignity in the widest sense of the word which also covers the dignity of any living being and of nature as such, provides a more complex theoretical and conceptual background.

While the highest criterion of morality in the approach of the Ethics of Social Consequences consists in the non-utilitarian notion of Consequentialism, namely in social consequences, for the approach of the four principles the highest criterion of moral good is coherence in applying those principles.[95] Not unlike Utilitarianism, the Ethics of Social Consequences uses the criterion of social consequences as the highest measurement of moral good. In this regard, the Ethics of Social Consequences is not dissimilar to other approaches such as Aristotelian teleology which also measures moral good in accordance with those consequences which have been reached or produced by achieving certain goal(s). Positive social consequences also represent a much broader criteriologial set while they include aspects such as the motivation, intention and attitude of the moral subject but also a wider spectrum of values than solely the values of happiness, pleasure, satisfaction and interest. The potential of the Ethics of Social Consequences with regard to the future and to any prospective ethics is much stronger than rather retrospective balancing of the four principles. Moreover Ethics of Social Consequences provides a more complex description (deeper description) for ethical reflection by including the moral consideration, motivation, intention of a moral subject; the moral judgement, decision and action of individual moral subjects. The material precondition of positive social consequence means that they are in harmony with basic normative tools such as human dignity and humanity.

It is relevant to note that both positive social consequences in one case and coherence in applying the four principles in the other case are difficult to measure; possibly positive social consequences are even more difficult to assess than coherence among the four principles. However, mere coherence of the four principles is, not necessarily, able to become the decisive moment for moral good. One can doubt if the cluster of the four principles provides a sufficient framework for ethical reflection within biomedicine in general. It seems that coherence of the four principles

could be more probably achieved in biomedical research than in clinical practice where the applicability of the first principle is often questionable since the competence of a patient might be insufficient and similarly the applicability of the second and of the third principle might be problematic in many cases since it is not obvious what the real beneficence and nonmaleficence will consist of – as it has been mentioned above.

From methodological point of view, the Ethics of Social Consequences represents a more pluralistic approach than the methodological monism of Principlism whose methodology consists of a coherent application of predefined principles which also includes the balancing of principles and rules.[96] Even though Principlism, at least in the later editions of *Principles of Biomedical Ethics,* tries to incorporate some elements of the professional-patient relationship such as veracity, privacy, confidentiality and fidelity and moral character apparently taken from virtue ethics,[97] the mechanics of the principles remain: the four principles and its application build the essence of the methodology of Principlism. Ethics of Social Consequences uses two main principles, namely the principle of humanity and the principle of (human) dignity that are also called values. This double entry of principle and value can be understood in the way that humanity and dignity are the governing values which, as such, become principles. From the methodological point of view, Ethics of Social Consequences cannot be taken as a method of two principles, establishing simultaneously a network of values and having positive social consequences as the normative tool.

Whilst Principlism in its later versions has integrated moral virtues into the framework of principles by relating principles to corresponding values,[98] values have been largely omitted by Principlism. Only the value of life is mentioned by Beauchamp and Childress, and only then very rarely.[99] On the other hand, values play a crucial role in the Ethics of Social Consequences; among moral values, the value of life is deemed to be the fundamental one. Ethics of Social Consequences provides a whole network of values. One could argue that life as a value, or more precisely human life as a value, is included in the notion of autonomy. Whereas autonomy understood as a value behind the principle of respect for autonomy could be regarded for the basic value of Principlism, the Ethics of Social Consequences does not deal explicitly with autonomy as an anthropological concept. However, autonomy can be derived from the notion of a moral subject who is a precondition for any moral hermeneutics and epistemology.[100] The moral subject as a moral subject has the ability to recognize and to understand the moral status of the society concerned. When the Ethics of Social Consequences requires that a

moral subject possesses cognitive capacities and the ability to act consciously and freely, being able to assume moral responsibility for his/her action,[101] this requirement could be formulated as autonomy or the moral subject could be called an autonomous agent.[102] Moreover, moral responsibility creates a significant element of the moral theory of the Ethics of Social Consequences,[103] while reasonability as a moral concept is even not mentioned in *Principles of Biomedical Ethics*. The notion of autonomy is an important theoretical background from which Beauchamp and Childress derive the crucial concept of contemporary bioethics, namely the concept of informed consent.[104] So while Beauchamp and Childress emphasize the autonomous agent who is (also) a moral subject, Gluchman stresses the moral subject whose autonomy is one of his/her essential capacities and who, in addition, can be responsible for social consequences. While the moral subject has one characteristic only, namely autonomy,[105] in Principlism, the characteristics of a moral subject are more differentiated in the Ethics of Social Consequences. Besides the fact that many people are not fully autonomous, some people are substantially autonomous and few people are non-autonomous, the Ethics of Social Consequences provides a more varied framework for both autonomy and responsibility.[106]

While autonomy, basically, presents the capacity for autonomous choice,[107] dignity means a set of values and properties of someone that deserves respect.[108] Interestingly enough, the first principle of the Belmont Report (1978) from which the principle of respect for autonomy comes, is respect for a person. The concept of a person is apparently a broader concept than autonomy, simultaneously encompassing autonomy as well; moreover a person, as a basic anthropological concept, comprises rationality, emotionality, intentionality, voluntarility, responsibility etc.

Principlism presupposes autonomy as a general condition. It follows that if an individual actually possesses autonomy, he/she has the possibility and right to make a decision and if an individual does not actually possess autonomy, then the framework for surrogate decision-making substitutes the principle of autonomous choice.[109] Whereas dignity, in the Ethics of Social Consequences, is understood in a more differentiated way: the degree of dignity depends on both the evolutionary scale and on social interpretation.[110]

The anthropological coherence of the Ethics of Social Consequences comes from the intrinsic connection between the value of life on the one hand and humanity and dignity as values on the other.[111] So the axiological difference between these two ethical approaches is both apparent and huge. The disputableness of autonomy as the main methodological and

conceptual tool for any bioethical reflection has already been mentioned. I would argue that autonomy is a necessary but insufficient anthropological condition. Regardless of the moral significance of autonomy, autonomy is only one of the properties of being human, although one of the most significant. It does not follow from the notion of autonomy that autonomy represents the human being as such. In contrast, in the Ethics of Social Consequences the concepts of humanity, human dignity and moral rights represent a different and also a wider anthropological foundation.[112] While humanity is a criterion of positive social consequences, autonomy is rather a precondition for autonomous choice and decision than a criterion for moral rightness. One can conclude that an action is good because it entailed positive social consequences that correspond to humanity and (human) dignity.[113] But one cannot conclude that an action is good because the agent was autonomous. While respect for autonomy is one of the four decisive criteria in one case, respect for humanity and human dignity is the criterion of rightness in the other. Humanity as a value and a principle, being the ultimate measure, means, at the same time, respect for human beings.[114] This is both the strong and weak aspect of the Ethics of Social Consequences concurrently. There is no doubt that humanity and human dignity is the highest moral criterion, and in addition a better and more comprehensive one than autonomy, however the question remains how this criterion should be applied in concrete situations, especially in the case of other conflicting norms and values, and what this respect for humanity and for dignity would mean in instances of moral dilemma.

Moral good in the theory of Principlism is not specified as such; the notion of moral good can, anyway, be derived from the framework of moral principles and moral justification. Similarly to the Ethics of Social Consequences, moral good is not a goal which can be achieved by the actions of a moral subject. While moral good coincides with the good social consequences resulting from an action in one case, merging with a coherent and balanced application of principles in the other case. For the Ethics of Social Consequences, moral good coincides with the product of human activity which is accomplished under certain conditions such as respect, protection, and cultivation of values under the decisive principle of positive social consequences.[115] In Principlism, moral good lies in the practicability and practicity of the principles and their "good" (coherent) application.

Ethics of Social Consequences firmly stays in the tradition of Consequentialism; what counts are the consequences. They have to be described and assessed and then we know if the conducted action was appropriate and morally right. The rest is built by criteria which have to be

taken into account while judging the consequences. Contrary to this, Principlism seems to be primarily a political than ethical theory; several elements such as the principle of autonomy can be immediately translated into legal language and transformed into legal principles. For instance, the principle of autonomy can be transformed into the legal principle of informed consent. Contrary to this, the Ethics of Social Consequences cannot be effectively used as for legislative procedure. Ethics of Social Consequences, however, represents a much more complex and comprehensive moral theory and methodology. From the practical point of view, Principlism is much more easily applicable; the clear base is built by the four principles which merely have to be applied to the particular situation. For many reasons, the Ethics of Social Consequences, being more efficient and appropriate than Principlism, due to its complexity is more difficult to be applied.

While the Ethics of Social Consequences can be denoted as moderate relativism,[116] the moral theory of Principlism tends to be an objectivist one – not in the sense of moral absolutism as a contradiction to moral relativism but in the sense of a strong exclusion of the subjective moments, apart from autonomy. The remaining three principles of beneficence, nonmaleficence and justice do not include subjective criteria such as motivation, moral virtue, personal preference or personal responsibility. Application of both principles and balancing principles and rules seems to be a more exact, almost mathematical, task. This fully corresponds to the common morality theory in which *Principles of Biomedical Ethics* culminate.[117]

With regard to time – and time plays a significant role in ethics – Principlism seems to be almost ahistorical or transhistorical which follows from the above mentioned objectivism. The principles identified by Principlism generate common morality; universal morality is expressed though them. And therefore those principles are valid anytime and in any period of history. Whereas the social consequences can vary during any period of time and also the evaluation of the social consequences is conditioned both culturally and historically. So from the point of view of temporality, Ethics of Social Consequences provides a much more appropriate ethical framework than Principlism with its ahistorical objectivism. The ability of the Ethics of Social Consequences to include temporality into ethical considerations is certainly its strongest aspect; we act in time and all theoretical ethical tools are realized in time, in the course of a personal history, in the course of the history of a given society or community. On the other hand, taking into account the time dimension can bring specific difficulties such as evaluation of the social consequences *ex*

*ante*, *hic et hunc* and *ex post* – for the simple reason that the values and principles involved and even the moral subject as such can be interpreted differently in different perspectives of temporality.

Finally, Principlism is only suitable for the biomedical area. It is not applicable in the fields of other applied ethics such as business ethics, environmental ethics, or diverse forms of professional ethics. The area where Principlism is suitable and applicable is the area of human subject research, its use in clinical settings is very limited. However, Ethics of Social Consequences is suitable as an ethical theory across all individual fields of applied ethics.

# 6. Conclusion

In accordance with the aim of this study, the issue of methodology and foundational theories in ethics was addressed with regard to bioethics, and to both concepts which were discussed in this chapter, namely to the Ethics of Social Consequences and Principlism. Further the methodology and the basic concepts of the Ethics of Social Consequences and of Principlism were introduced. Consequently, both ethical approaches were compared and finally the potential of both ethical concepts towards the present moral challenges was assessed. The scientific goals of the study formulated at the beginning were fulfilled. The most relevant findings from the performed analyses and comparisons, which at the same time are significant contribution to the discussions on foundational theories and methodology in ethics will be summarized.

Anthropological presuppositions are crucial to any ethics and moral theory. While the Ethics of Social Consequences has a clear moral anthropology, there is only an implicit anthropology in Principlism. In the first case, the notion of the moral subject, humanity, dignity and the value of life belong to its basic anthropological elements. In Principlism, the notion of autonomy is the most important anthropological component. Ethics of Social Consequences, while incorporating the concepts of humanity, human dignity and moral rights, provides broader and philosophically deeper anthropological foundations.

With regard to moral theory, it remains questionable if the four principles of Principlism, namely respect for autonomy, beneficence, nonmaleficence and justice, can be regarded as a comprehensive moral theory. Principlism insists that common morality is expressed by the four principles. On the other hand, Ethics of Social Consequences does not claim to establish a universal moral framework.

For the Ethics of Social Consequences, the ultimate criterion of moral rightness consists of positive social consequences which are in accordance with humanity, (human) dignity and with life as the basic value. Moreover, positive social consequences are understood in a non-utilitarian way. For Principlism, the ultimate moral criterion lies in coherence which includes specifying and balancing principles and rules within an integrated model. It is necessary to ask if coherence can be regarded solely as the ultimate moral criterion.

From methodological point of view, the Ethics of Social Consequences represents a more pluralistic approach than the methodological monism of Principlism whose methodology consists of a coherent (and often mechanical) application of the predefined principles. Ethics of Social Consequences provides a more complex and comprehensive moral theory and methodology.

Whilst Principlism tries to integrate moral virtues into its framework by relating principles to the corresponding values, values are largely omitted by Principlism. The value of life which is principal to the Ethics of Social Consequences does not play any role in Principlism, being partially substituted by autonomy. On the other hand, autonomy as one of the basic elements of Principlism does not play any significant role in the Ethics of Social Consequences. Autonomy can be derived from the notion of the moral subject who is primarily the one who assumes moral responsibility. In one approach, the autonomous agent is stressed, while in the other approach, the responsibility of the moral agent is emphasized. This different accentuation of autonomy and responsibility is one of the most interesting differences between these two ethical approaches. Another different emphasis is given to autonomy (Principlism) and dignity (Ethics of Social Consequences) which mirrors the typical difference between American and European (bio)ethics.

For Ethics of Social Consequences, moral good coincides with human activity in accordance with respect, protection, and cultivation of values which produces positive social consequences. For Principlism, the moral good lies in the practicability and practicity of the principles and their coherent application. While the Ethics of Social Consequences can be classified as moderate relativism, Principlism tends to be objectivist, ahistorical, almost mathematical, expressing a common morality.

Finally, Principlism is suitable solely for the biomedical area, optimally for the area of human subject research, while the Ethics of Social Consequences is appropriate for all areas of applied ethics.

# Notes

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11. Hugh Upton, "Moral Theory and Theorizing in Healthcare Ethics", *Ethical Theory and Moral Practice*, 14:4 (2011), p. 432.

12. Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 6th edition, 2009), p. 333.

13. Upton, "Moral Theory and Theorizing in Healthcare Ethics", p. 432.

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21. Júlia Klembarová, *Etické a morálne aspekty mentálneho postihnutia v kontexte etiky sociálnych dôsledkov* [*Ethical and moral aspects of mental disability in the context of ethics of social consequences*] (Prešov: FF PU, 2015).

22. Martin Gluchman, *Problém ľudskej dôstojnosti a humánnosti v bioetike* [*The problem of human dignity and humanity in bioethics*] (*Prešov:* Grafotlač, 2014).

23. This fundamental question was already formulated by Immanuel Kant in the introduction to his *Logics* – Immanuel Kant, *Werke* (Berlin – Leipzig: de Gruyter, 1923), Bd. IX, p. 25.

24. This statement refers to continental European bioethics. See for example Eberhard Schockenhoff, *Ethik des Lebens* (Mainz: Grünewald 1993), pp. 50–166. In American bioethics, treatises by special bioethics often dealing with individual areas and issues within bioethics are subsumed under "foundations". See for example Tristram H. Engelhardt, *The Foundations of Bioethics* (New York – Oxford: Oxford University Press, 2nd edition, 1996). Moreover in mainstream American bioethics, bioethics is given predominantly by moral theory, not so often by deeper foundations (*Grundlegung*) as can be seen in European bioethics, in particular by authors such as Ludwig Sepp, Markus Düwell, Ludger Honnefelder, Dieter Birnbacher, who are primarily philosophers who became bioethicists.

25. Some authors may even add certain metaphysical assumptions. See for example Hans Jonas, *The Imperative of Responsibility: In Search for an Ethics for the Technological Age* (Chicago: The University of Chicago Press, 1984), p. 8.

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27. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 4th edition, 1994), p. 38.

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32. Vasil Gluchman, "Utilitarizmus a konzekvencializmus" [Utilitarianism and consequentialism], in *Súčasné etické teórie* [*Contemporary ethical theories*], eds. V. Gluchman, M. Dokulil (Prešov: LIM, 1998), p. 27.

33. Vasil Gluchman, *Etika a reflexie morálky* [*Ethics and reflection of morality*] (Prešov: FF PU, 2008), pp. 11–17.

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35. Gluchman, *Etika sociálnych dôsledkov a jej kontexty,* p. 10.

36. *Ibid.,* p. 16.

37. Gluchman, *Angažovanosť, solidarita, zodpovednosť,* p. 18.

38. Ján Kalajtzidis, "Problematika mravných subjektov v etike sociálnych *d*ôsledkov" [The issue of moral subjects in the ethics of social consequences], in *Hodnoty v etike sociálnych dôsledkov* [*Values in the ethics of social consequences*]*,* ed. V. Gluchman (Prešov: Grafotlač, 2011), p. 86.

39. Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky,* p. 38; Gluchman, *Angažovanosť, solidarita, zodpovednosť,* p. 14.

*40.* Gluchman, *Etika sociálnych dôsledkov a jej kontexty,* pp. 45–47; Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky,* p. 38.

41. Gluchman, *Etika a reflexie morálky,* p. 110.

42. Kalajtzidis, "Problematika mravných subjektov v etike sociálnych *d*ôsledkov"*,* p. 87.

43. Vasil Gluchman, *Človek a morálka* [*Human and moral*] (Brno: Doplněk, 1997), pp. 32–115.

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46. Gluchman, *Človek a morálka*, pp. 61–69, 98–104.

47. *Ibid,* pp. 42–59.

48. Gluchman, "Utilitarizmus a konzekvencializmus", p. 77.

49. *Ibid.,* p. 76.

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55. Gluchman, *Etika a reflexie morálky,* p. 106; Gluchman, "Hodnota ľudskej dôstojnosti a jej miesto v *e*tike sociálnych dôsledkov" [*The value of human dignity and its place in the ethics of social consequences*]*,* in *Filozofia – veda – hodnoty* [*Philosophy – science – values*]*,* ed. O. Sisáková (Prešov: FF PU, 2005), p. 79.

56. Lešková Blahová, "Etika sociálnych dôsledkov ako možné metodologické východisko riešenia bioetických problémov"*,* p. 143.

57. *Ibid.,* pp. 143–145.

58. Gluchman, *Etika a reflexie morálky,* pp. 100–102.

*59.* Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky,* p. 39.

60. *Ibid.,* p. 39.

61. Gluchman, *Etika a reflexie morálky,* pp. 143–144.

62. Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky,* p. 39.

63. *Ibid.,* pp. 13–15.

64. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 1979).

65. The term "Principlism" comes from the critics of this concept. See Danner K. Clouser, Bernard Gert, "A Critique of Principlism", *Journal of Medicine and Philosophy,* 15:2 (1990), pp. 219–236. Beauchamp and Childress have adopted this term. See Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), p. 23.

66. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 2nd edition 1983, 3rd edition 1989, 4th edition 1994, 5th edition 2001, 6th edition 2009, 7th edition 2013).

67. Another problem is that bioethics in the USA was, until recently, predominantly understood through American eyes and as an American, almost colonial, affair. So, for example, Albert Jonsen, one of the "Founding Fathers" of American bioethics, in his monumental 431-page work *The Birth of Bioethics* (New York – Oxford: Oxford University Press, 1998) only 4 are devoted to bioethics outside of the USA (Bioethics Outside the U.S., pp. 378–381). He also critically acknowledges a significant weakness of American bioethics: "The problem with American principles can be traced, according to many scholars, to a relative poverty of ethical theory in American bioethics" (*ibid.*, p. 379).

68. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), pp. 2–5, 22–24, 39–43, 401–409; Tom L. Beauchamp, "A Defence of the Common Morality", *Kennedy Institute of Ethics Journal,* 13:3 (2003), pp. 259–274; Tom L. Beauchamp, "On Common Morality as Embodied Practice", *Cambridge Quarterly of Healthcare Ethics, 2*3:1 (2014), pp. 89–93.

69. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 3rd edition, 1989), p. 24, note 20.

70. Principlism is an interesting combination of universality, given primarily by the four principles, and particularity, which enables one to use diverse methodological and conceptual approaches conditioned culturally. Nevertheless from the beginning the fundamental question appears, namely if moral universalism (common morality) exists at all and if this is the case, the second question asks about the possibility of reducing common morality to the four principles which in addition have diverse cultural and philosophical hermeneutics. – Cf. Pam McGrath, "Autonomy, Discourse, and Power: A Postmodern Reflection on Principlism and Bioethics", *Journal of Medicine and Philosophy,* 23:5 (1998), pp. 516–532; Oliver Rauprich, "Common Morality: Comment on Beauchamp and Childress", *Theoretical Medicine and Bioethics,* 29:1 (2008), pp. 43–71; Jan Reinert Karlsen, Jan Helge Solbakk, "A Waste of Time: The Problem of Common Morality in Principles of Biomedical Ethics", *Journal of Medical Ethics,* 37:10 (2011), pp. 588–591; Kevin E.

Hodges, Daniel P. Sulmasy, "Moral Status, Justice, and the Common Morality: Challenges for the Principlist Account of Moral Change", *Kennedy Institute of Ethics Journal,* 23:3 (2013), pp. 275–296. On the other hand, critics of Principlism who also acknowledge common morality ague that common morality cannot simply be formulated by the four principles of Principlism. – Danner K. Clouser, "Common Morality as an Alternative to Principlism", *Kennedy Institute of Ethics Journal,* 5:3 (1995), pp. 219–236; Danner K. Clouser, Bernhard Gert, "Common Morality", in *Handbook of Bioethics: Taking Stock of the Field from a Philosophical Perspective*, ed. G. Khushf (Dordrecht – Boston: Kluwer Academic, 2004), pp. 121–142.

71. James F. Childress, "A Principle-Based Approach", in *A Companion to Bioethics,* eds. H. Kuhse, P. Singer (Oxford: Blackwell, 2001), p. 62.

72. *Ibid.,* pp. 61–63.

73. James F. Childress, *Practical Reasoning in Bioethics* (Bloomington: Indiana University Press, 1997), p. 26.

74. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), pp. 14–20.

75. *Ibid.,* p. 338.

76. *Ibid.,* pp. 283–319.

77. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 3rd edition, 1989), p. 16; Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 4th edition 1994), pp. 37–38.

78. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), p. 12.

79. James F. Childress, *Practical Reasoning in Bioethics* (Bloomington: Indiana University Press, 1997), p. 26; Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), pp. 15–23.

80. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), pp. 338–340.

81. *Ibid.,* pp. 340–383.

82. *Ibid.,* p. 338.

83. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 4th edition, 1994), p. 15.

84. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), pp. 384–408.

85. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 4th edition, 1994), p. 15.

86. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5th edition, 2001), pp. 397–408.

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94. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 4<sup>th</sup> edition, 1994), p. 38.

95. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5<sup>th</sup> edition, 2001), p. 397–401.

96. *Ibid.,* pp. 18–23.

97. *Ibid.,* pp. 26–51, 282–327.

98. *Ibid.,* p. 39.

99. *Ibid.,* pp. 136 and 196.

100. Kalajtzidis, "Problematika mravných subjektov v etike sociálnych dôsledkov", p. 86.

101. Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky,* p. 38; Gluchman, *Angažovanosť, solidarita, zodpovednosť,* p. 14.

102. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5<sup>th</sup> edition, 2001), pp. 58–64.

103. Gluchman, *Etika a reflexie morálky,* p. 110.

104. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5<sup>th</sup> edition, 2001), pp. 77–98.

105. Beauchamp and Childress also deal with moral virtue; however virtue does not play any significant role in their theory. They rather emphasize virtue as a relevant aspect of the professional roles. Cf. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5<sup>th</sup> edition, 2001), pp. 26–32.

106. Gluchman, *Človek a morálka,* pp. 42–59.

107. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5<sup>th</sup> edition, 2001), pp. 69–77.

108. Gluchman, "Hodnota ľudskej dôstojnosti a jej miesto v *e*tike sociálnych dôsledkov", p. 79.

109. Tom L. Beauchamp, James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 5<sup>th</sup> edition, 2001), pp. 98–103.

110. Gluchman, *Etika a reflexie morálky,* pp. 100–102; Lešková Blahová, "Etika sociálnych dôsledkov ako možné metodologické východisko riešenia bioetických problémov"*,* pp. 143–145.

111. Gluchman, "Utilitarizmus a konzekvencializmus", p. 77.

112. *Ibid.,* p. 77.

113. Gluchman, *Angažovanosť, solidarita, zodpovednosť*, pp. 16–17; Gluchman, "Utilitarizmus a konzekvencializmus"*,* p. 76.

114. Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky,* p. 38.

115. Gluchman, *Angažovanosť, solidarita, zodpovednosť*, p. 18.

116. Gluchman, *Etika sociálnych dôsledkov a jej kontexty*, p. 10.

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# CHAPTER SEVEN

# THE PRINCIPLE OF HUMANITY IN BIOETHICS: CONTEXTS OF ETHICS OF SOCIAL CONSEQUENCES

## MARTIN GLUCHMAN

## 1. Introduction

The aim of this article is the application of humanity, in the context of the theory of ethics of social consequences, to various situations within the areas of bioethics and medical ethics and makes an effort to reconcile the principle of humanity in the context of this ethical theory with four the biomedical principles of beneficence, non–maleficence, autonomy and justice. We understand the term of humanity as the protection, support and development of human life that usually brings about positive social consequences. Therefore, the protection of our own life or the lives of our relatives, friends, families, but also, conversely, the lives of strangers and unknown people is no doubt a form of conduct and acting which brings about positive social consequences.[1] From the point of view of the ethics of social consequences, we assess not only the protection of life[2] in any form,[3] but also the support and development of our own life as well as altruistic voluntarily help towards the development of the life of a stranger (that is, in my opinion, even more valuable).

   With regard to this, Kant holds the view that saving the life of a stranger is a much more valuable moral act than saving the life of a relative.[4] Thus, Kant does not consider saving the life of our relative as a moral act, because, in his opinion, it is an act that is given to us by our relation itself to particular persons. Gluchman defines it based on his conception of ethics of social consequences as a relation of moral duty to legal obligation. We are led by the duty and obligation to give primary help to other people (regardless if they are relatives or strangers). We are related to our relatives by a greater bond, we have a closer relationship to

them and there is an even greater assumption of the exposition of morality in this relationship than in the relationship towards the unknown and strangers. Simply, we cannot agree with the formulation and the reasoning of the cause of giving help to a stranger as an achievement and a performance of moral duty and giving help to a relative by 'merely' performing a legal obligation. Indeed, the truth is that we are also connected to our relatives by the law and our legal obligation towards them (parents, wife, children, etc.), but morality and their moral duty is no less important in this relationship. Gluchman considers such an explanation and the understanding of duty towards relatives as debasing the meaning of morality itself and it should strive for the creation of a moral community of right behaving people that is possible owing to the fact that these small partnerships, small social communities, such as a family is, will work towards the morally right.[5]

As Gluchman differentiates his ethics of social consequences from Kant's deontological ethics in the past,[6, 7] I will focus my attention on the comparison of one of the basic principles of the ethics of social consequences (the principle of humanity) with the principles of biomedical ethics formulated by Tom L. Beauchamp and James F. Childress that are, very often, considered as fundamental principles in contemporary biomedical ethics and biomedical practice is assessed and reviewed upon those principles.[8] Beauchamp and Childress formulated four principles of biomedical ethics (respect for autonomy, beneficence, non–maleficence, justice).

The term of beneficence means acts of mercy, benevolence and charity. Types of beneficence also include altruism, love and humanity. We use beneficence in a broader sense to include beneficial acting that consists of all the forms of acting aiming to favor the others. The principle of beneficence is about the declaration of moral duty to act on behalf of somebody else. Many acts of beneficence are not obligatory, but some of forms of beneficence are even necessary.[9] The term that connects all these attributes of the principle of beneficence is 'the good'. The good in ethics of social consequences is considered to be everything that fills the life of human beings with feelings of joy, safety, happiness, peace, comfort, social security and satisfaction. The good is understood as something that supports the fulfillment of the dignity of man, his/her application in the society, family and profession. It also satisfies his/her social, cultural, spiritual and economic needs and is focused on the satisfaction of the needs of the surrounding people providing the humanity and legitimacy of such acting. The good is also one of the criteria of morality and the highest principle within the understanding of the ethics of social consequences.[10]

Therefore, we could assume that a moral agent who strives for charity is caring, merciful and human, acts and achieves the good, the ethics of social consequences. That is the purpose of the existence of each moral agent living his life in cooperation with other individuals in society. It could be stated that the principle of beneficence in the ethics of social consequences would primarily respond to the principle of positive social consequences consisting of the practice, or the achievement of the good as its purpose.

Reflecting on the principle of beneficence, let us consider the case of a passer–by who sees a drowning man, and is in no specific close moral relationship with the drowning person. Applying the principle of beneficence, I have to state that the duty of beneficence is, in my point of view, not adequate enough to require the passer–by, who is a very weak swimmer, to risk his life by swimming hundreds of meters to save the life of somebody, who is drowning in deep water. If a passer–by does not do anything (for example is not able to call a nearby life–guard or is not able to call any help), then failure is morally reprehensible. A negative consequence would be the death of the drowning man and also the inactivity of the one who neither helped nor called somebody to help. Our moral duty is to maintain life, if we are competent enough to do so. If we don't apply the principle of beneficence to our case in point – helping the drowning man – our second choice could be the golden rule of morality and therefore we should save a stranger (because we would expect the same acting from other agents if we were in a similar situation).

As the protection and any support of the development of a human life brings us positive social consequences, people naturally protect and support life in any forms that brings us positive social consequences. Therefore, just the idea of the production of positive social consequences leads them to the protection or support of the life of their relatives and even strangers and other unknown people. The reason is not just our consciousness of the duty to act in a way that produces positive social consequences, but mainly our compassion for those suffering and our need to help to protect and support life. Thus, people do not only do it involuntarily, but the reason of their will to help in protecting and supporting lives is an extension of positive social consequences in the realization of humanity.

From this point of view it seems that we can assign the fundamental value of positive social consequences to the care for the protection and the development of our own life. It can be expressed mathematically with the value of 1. Furthermore, we go from each other on a biological, or genetic, line as a source in performing humanity, i.e. the greater the care for the

protection and the support of life, the higher the value of positive social consequences resulting from our conduct and acting. We could assign the care of life of our offspring with the value of 1,25; parents 1,5; in the case of relatives, depending on blood relations from 1,75 up to 2,5; in the case of our friends from 3,0 up to 5,0 and in the case of strangers and unknown people, we could assign it the value range from 7,5 and higher.[11]

Gluchman holds the view that every adult moral agent acquires the primary value as a human based on the fact of his existence, but the demand for the respect of his dignity and the humanity related to him, has to be permanently confirmed by his acting, more specifically by the character of his acting that should be in accordance with valid and accepted moral norms (to certain degree even with legal norms – for example the right for life) or at least should not be in a principal conflict with them.[12]

Gluchman states that our acting is autonomous; if we carry out actions which bring positive social consequences just by our free will, if we help to protect and develop life because we believe in it and, upon our free decision making that we are responsible for, the result is "the reward", or the assessment in the form of extent prevalence of positive social consequences resulting from our acting. Man is perceived within ethics of social consequences as a free and rational being, despite the fact that it is determined by certain factors, either objective or subjective, we can freely and responsibly decide and basically act creatively and apply our will in practical acting.[13]

Beauchamp and Childress consider the principle of autonomy as a very important principle of biomedical ethics. In their opinion, the stated principle primarily expresses the possibility of free acting in accordance with our own aims. They see an analogy in autonomy with the way an independent government rules a country and their policy in all the spheres of life. The authors hold the view that there is a restriction of autonomy when the person is controlled by somebody else, or eventually has limited competencies of reasoning or acting in accordance with his/her desires or plans, as it is in the case of mentally disabled people or the prisoners. They classified freedom and the competence of voluntary acting among fundamental aspects.[14]

In their opinion, an autonomous person who signs, for example, a form providing consent to perform medical intervention in a medical facility, without reading the form itself, can act autonomously from the legal point of view, but he will ignore his moral duties obliging him to access a particular situation with respect and relevant responsibility (that would be proved by his reading of the form and understanding it) and consequently

will fail in his acting. Also some people who are generally incapable of autonomous, really free decision–making, can at first sight, sometimes, autonomously select and choose the best method for them. For instance, some of the patients of nursing facilities for the mentally retarded who cannot take care of themselves and were legally proved incompetent, can still autonomously choose, for instance, by their decision for a particular meal, refusing treatment and making phone calls with their relatives.[15] According to the ethics of social consequences, human beings, in this case mentally retarded individuals, have the primary equivalent human dignity, moral equality based on their origins as homo sapiens. Depending on the degree of their disability, they can strive to achieve the greatest amount of positive social consequences that result from the acceptance and performance of human dignity during their development. However, they will not ever achieve the status of moral agents as there is no potential for their moral, mental and psychical development worthy of moral agents in their case. Moral agents act and make decisions based on moral values in order to be aware of the responsibility for particular consequences of their acting, moral duty, of what they ought to do within a theoretical determination of the ethics of social consequences. Human beings without these competencies are not capable of responsible decision–making, acting and also are not fully responsible for their achieved goals. We cannot blame, for instance, a mentally retarded and suffering man for his inability to perform a particular activity in the way we expect or we cannot blame mentally retarded individuals for the negative consequences that result from non–targeted negative acting caused by their insufficient competence and disability to be responsible for certain consequences. However, we access them with respect as they are human beings fulfilling the primary condition of existence itself (regardless the state or quality of a particular life). The fact that a man is incompetent of doing something is not a reason to criticize and attack him. We would always talk about conscious goal–oriented activity in the case of healthy, morally competent individuals, but a psychically disabled man, even if he decides on a certain activity by himself, won't do it consciously, because it is really difficult to talk about conscious activity in cases of such human beings.

Because of free will, or moral freedom, man has the possibility to act in a truly autonomous way. As I mentioned earlier, the further we go on the biological or genetic line from help for ourselves, as a source in performing humanity, i.e. caring for the protection and the support of our own life towards helping others, the higher the value of positive social consequences resulting from our conduct and acting. Following the above mentioned prevalence of positive social consequences, we can state that it

would be more worthy for man to help to protect and develop the lives of strangers and unknown people because the value concern of positive social consequences in such acting would be greater than in protecting our own life and the lives of our relatives.[16] However, there is a special moral obligation, moral duty in relation to our relatives that partially limits such acting and somehow prevents our autonomous acting based on our free will to prefer acting that is more valuable from the point of view of the prevalence of positive social consequences. Awareness of this moral responsibility, moral duty towards our relatives is more relevant for man acting in this way regarding the moral maturity of his consciousness.

According to Beauchamp and Childress, analysis of autonomy is focused on the moral requirements of "the respect for autonomy". We analyze autonomous acting within the acting of moral agents making the average choices, who first act consciously, with understanding and finally with no handling of the impacts that determine their acting. The first of these three conditions of autonomy is not a matter of social state: acts are either conscious or unconscious. However, acts can satisfy both conditions of the understanding and absence of commanding impacts to greater or lesser extent.[17] In order to consider acting as autonomous, we only need understanding, free of the constraints or suggestibility from others and external elements. We have to purge the acting of any restrictions that limit those people who rarely act autonomously in order to increase satisfactory decision–making up to the level of fully autonomous decision–making. Therefore, according to Beauchamp and Childress, independence and adequate know–how in the context of health care doesn't have to be much greater than trivial independence and the autonomy in the decision–making of an individual in various life situations such as his independence in financing, hiring new employees, buying a new house or in decision–making regarding university study. Basically, such decisions must be autonomous, but the idea of absolute autonomy is a myth. Even an absolutely free moral agent is dependent on somebody, something, although minimally. On the contrary, egoism and individualism do not dominate, they are in the background. We are simply not able to achieve the autonomy of individuals by such cooperation in society.

## 2. Principle of Humanity in Ethics of Social Consequences

Up to this point, I have attempted to reconcile the principle of humanity within ethics of social consequences with the biomedical principles of beneficence and respect for autonomy as free independent acting in

relation to the protection and the development of the lives of strangers, or relatives, where the value, or the extent of positive social consequences was a determining factor. Acting by an individual which produces mainly positive social consequences is a determining factor in both cases. There remains a question to what extent can the principle of humanity in ethics of social consequences be reconciled with the principle of non–maleficence. Beauchamp and Childress characterize the principle of non–maleficence as a principle that orders not to harm others. In their opinion, this term has a normative and non–normative extent. "X harmed Y", which sometimes means that X harmed Y or treated Y unjustly, but sometimes it means that X had a negative impact on the interests of Y. Wrong doing consists of violation of the rights of somebody, but harming should not be a violation of rights. People can be harmed without doing something which is the result of wrongdoing, such as in the case of a disease, natural disaster or some accident.[18] According to Gert, the principle of non–maleficence is defined by the rules that moral agents should follow, act and make decisions based upon them. Those are the rules disposing of the paradigm not to kill, not to cause pain or suffering, not to make man incompetent, to not offend or impoverish others of the benefits of life.[19]

William Klaas Frankena divides the principle of non–maleficence into four general duties (that he highlights by showing the difference between non–maleficence and beneficence), where the first one is the duty of non–maleficence and the other three are the principles of the duties of beneficence:

1. Man ought not cause evil or harm – it is about the principle of non–maleficence that requires voluntary forbearance from those acts that cause harm or loss. It is necessary to adhere to the form "not to act XY" meaning "Not to interfere against the autonomous choices of man".
2. Man ought to precede evil or harm.
3. The man ought to dispose of evil or harm.
4. Man ought to act or support the good – all the rest of the three duties are the principles of beneficence that require help, in terms of prevention of damages, it is about the elimination of damages and providing the good.[20]

According to the ethics of social consequences, we should protect and support life, but as Gluchman specifies, "as long as it is life responding at least minimally to the qualitative criteria of human life".[21] Thus, in

accordance with the principle of non–maleficence in comparison to the principle of ethics of social consequences, from the point of view of humanity, a healthcare practitioner (for example physician) would not harm a sick moral agent who is still capable of life and therefore accesses the life itself with respect. He appreciates life because it is the good for him and strives to heal and cure his patient.

On the other hand, as I described above, Gluchman came to more remarkable conclusions in his theory. The crucial criterion in the realization of humanity as the protection and maintaining of life is the differentiation of the quality of life – from the point of view of the qualitative criteria of human life. Therefore, letting a human life, which living just at the biological level, die is not a demonstration of inhumanity, nor is helping a man living in constantly growing suffering to terminate his life, as a consequence of fatal diagnoses, is not a demonstration of inhumanity.[22] We understand the term humanity as not only the protection of life and the subesquent effort to maintain it at any cost. Life as a moral value should be protected and supported in its development, if it to, at least minimally, satisfy the qualitative criteria. If not, we do not extend suffering or finish life, or, moreover, let the patient die. Another case is the life of a newborn, in which we can see some hope and the potential for its mental and physical development. Therefore, from the point of view of beneficence, the life of a newborn is more beneficial, has greater potential for us, for humanity, mainly regarding the mentioned development of rational, cognitive and physical competences and abilities of such an individual.

Thus, we can state that it concerns the principles of preference for and support of others and their abuse within their relationship to the principles of non–maleficence and the principle of beneficence. The duties not to harm others are sometimes stricter than the duties to help them. If the provider of health care causes very minor injury in a particular case (let us say, swelling after an injection), but it will be very beneficial at the same time (intervention that saves a life), then we consider the duty of beneficence as being superior to the duty of non–maleficence.[23]

Beauchamp and Childress claim that in cases when non–maleficence exceeds beneficence, the best utilitarian consequence would be acquired through beneficial acting. If a surgeon could save two innocent lives by killing a prisoner who is condemned to death, just to get his heart and liver to use in a transplant, it would be the highest beneficence[24] (in the given circumstances), but the acting of the surgeon would be morally unjustifiable.[25] In this particular case, in the authors' opinion, the final consequence of the overall acting would be assessed positively, but the

surgeon should have to act against the principles of humanity and human dignity (and maybe even against his own will) that should be kept in relation to life (whether it's a murderer committing evil or a human being performing good). However, I hold the view that the physician should primarily show respect for any form of life, try to achieve positive social consequences and secondarily, based on the ethics of social consequences, I would look at the perspective of the contribution of our acting, the continued existence of two innocent people in society and their moral growth, development and overall potential contribution to society. In all honesty, a prisoner sentenced to death is not a potential moral agent, in whose case, there is no chance to contribute further to society or to his further development.

However, if we look at the problem from the point of view of the principle of beneficence, it claims that moral agents balance advantages, risks and costs in order to produce the best possible results. Beneficence also deals with the virtue of benevolence, various forms of treatment and optional ideals of beneficence. These differences make the fundamentals of the conflicts between beneficence and respect for autonomy that appears in paternalistic requirements to accept the patient's wishes or in public practices adopted for the protection or the improvement of the health of individuals.[26] Currently, the paternalism of physicians weakens in regard to the autonomy of the patient, respect for his existence and generally respect for the life of human beings.

In a similar vein, Onnora O'Neill inclines to the shift from a fully paternalistic model in medical ethics, whereby she suggests and points mainly to the fact that this model was insufficient for providing reasonable justification for legitimate trust. And trust is the fundamental element of an ideal physician–patient relationship. This results in a state where a more adequate fundament of trust had presumed that patients who were in morally a more equivalent relationship with their physicians should be better informed and less dependent.[27] Replacing the paternalistic model with trust means sharing information as well as providing consultancy and the support for a patient's competence to act autonomously in this way. Such a model of the physician–patient relationship represents, in all probability, the best medical treatment – on the one hand, physicians share their knowledge and opinions with their patients and on the other hand, patients are able to act in an independent and autonomous way based on such information (however, it does not include interdependent relationships to each other).[28]

As I have differentiated between rules resulting from the principle of non–maleficence and rules resulting from the principle of beneficence, I

will try to differentiate and determine the distinction between rules
resulting from the principle of beneficence and rules resulting from the
principle of non–maleficence that mutually differ in some ways. Whereas
the rules of non–maleficence are refusal (negative) restrictions of acting,
have to be followed objectively and have to provide some moral reasons to
legal restrictions of certain forms of acting, on the other hand, the rules of
beneficence present positive requirements of acting, do not always need to
be followed objectively and generally do not provide reasons for legal
punishment, in cases when moral agents do not follow them. Another
mentioned difference is objective/impartial devotion. We are morally
prohibited to harm others. However, we are morally authorized to help or
favor those who we are more closely related to and we are often not asked
to help or favor those who we are not closely related to. In certain
contexts, morality allows one to perform beneficence in relation to those
who we are closely related to. We are obliged to act according to non–
maleficence in relation to all the people all the time, but generally it is not
possible to act beneficently in relation to everybody. If we fail in non–
maleficent acting in relation to the group, it is immoral, but if we fail in
beneficent acting in relation to a particular group, it is not often immoral.
Equally, we are obliged to save a stranger if the effort to save presents just
a minor risk for us.[29]

Regarding this, I can see the parallels in ethics of social consequences
with the principle of non–maleficence. In both cases, the main goal is not
to harm, which is an evident parallel between these theories. Specifically,
it deals with impartiality in relation to the provision of help and care for
people who need our help or whose own health or life are at risk . Ethics
of social consequences accepts the fact that we primarily strive to protect
our own life and the life of our relatives as our natural–biological
characteristic. On the other hand, however, it even proposes helping a
stranger as a valuably "more profitable" choice, as the further we go on the
genetic line from care for our own life towards care for the lives of
strangers, the greater the moral value of our effort to help or keep the
existence of life, because it is the extension of our natural–biological
determination.

In fact, everybody agrees with the fact that all people are obliged to act
in particular situations, on behalf of their children, friends and other close
relatives, but the idea of the general obligation of beneficence is more
controversial. Ross suggests that the obligations of general beneficence
"should consist of the fact that there are beings in our world whose state
can be improved".[30] Such incompetent forms of general beneficence
oblige us to support those persons who we do not know and whose

opinions we do not identify with. Such understood obligations of beneficence are potentially very demanding. Shelly Kagan, for instance, argues that we shouldn't allow any restrictions of the sacrifice that morality can possibly require from us in supporting the overall good.[31]

Morality requires us not just to respect the autonomy of people and avoid their harming, but also to contribute to their wellbeing, profit and overall utility within society. These beneficial acts come under the term of beneficence itself. The principles of beneficence potentially require much more than the principles of non–maleficence, because agents must take responsible steps for the help of others, not just avoid harming. We can see here a clear parallel between active and passive forms of humanity within the ethics of social consequences. While the active form of humanity expects from us a certain type of acting leading towards the protection, or the support for and the development of life, the passive form of humanity can represent even non–acting, thus, for instance, non–harming of another human being or for example even compassion with another human being's suffering, or misery, need, etc.[32] Beneficence and utility played important roles in particular ethical theories. For example, "utilitarianism is systematically organized upon the principle of utility".[33] In contrast to utilitarianism, ethics of social consequences does not insist on the achievement of utility, at any cost. In comparison to the principle of beneficence, ethics of social consequences is more benevolent, because it strives for positive social consequences in every possible case, but they do not need to be maximal positive social consequences. As I already mentioned at the beginning of this article, ethics of social consequences is concerned with a prevalence of positive social consequences over negative social consequences in our acting. Sometimes even negative social consequences can indirectly imply positive social consequences, for example in the case if we choose negative performance of a particular act (although immoral, the vice), through which we basically achieve positive consequence in our acting (e.g. help, rescue, etc.), or a positive effect in our overall acting.

The principle of humanity is a fundamental criterion for reviewing the moral development of man. The content of this principle is made up of the realization of the rights and dignity of man. Based on the fact of how the rights of man are realized and his dignity is accepted, we can assess various stages of the development of humanity from the point of view of his moral development.[34]

However, there's a question, at what stage in his life does a man get the status of a human being, when his life begins to be humane and human. An important question that should be asked is whether every being born as

a human being, supposing with relevant morphological and functional signs, is eligible for the respect for this status. Gluchman stated his position that a being, upon being born as a human being, as a human form of life, gets the value belonging to this form of life within the so–called evolution developmental scale. However, it becomes a human being at the moment of birth.[35] Therefore, if we want to consider and further deal with the term of humanity, the subject of our research ought to be a human being showing all the life functions and signs that is, in all probability, a newborn (also including mentally retarded individuals). We can exclude human fetuses, germs and embryos from all of the options.

Human beings try to achieve humanity thanks to their natural–biological and moral characteristics and are mainly concerned with their overall positive social consequences, the protection of and the support for human life itself.[36] Moral agents, as rationally noble creatures, shouldn't stop just in their primary effort, but should take even greater action to approve the status of human existence on the one hand, to even exceed the instinctive, sensual, priori character given by our nature; something that they have been born with and we just improve by gradual development.

We understand the essence of human existence as the existence of humanity as such in its natural objectively given form that is implicitly expressed through the effort of man, and humanity as an entity, for self–preservation at a general and individual level. Human life is a fundamental form of human existence. For this reason such organized form of human existence is not able to guarantee the mutual cooperation of the members of humankind, beginning with the smallest social communities, the family, work teams, groups of friends, etc. This requirement or task can be realized only with respect for the humanity and dignity of man, each individual who deserves respect for his dignity.[37] However, in spite of such "group" organized fundamentals of human existence, individuals are making decisions within society by themselves, acting by themselves and also are primarily responsible for themselves (later on for the members of their society, etc.).

Beauchamp and Childress use the conception of autonomy for the search of the decision making of an individual. Respect for autonomy is not too individualistic, neither is it too focused on reasoning and nor is it too legally formalistic. Autonomous individual acts freely in accordance with the plan he has chosen himself. Man with a soft ability of autonomous decisions is controlled by others or is incapable of reflection or acting upon his desires or intentions (for instance, in relation to the field of biomedicine, mentally retarded individuals and prisoners usually have restricted autonomy).[38] In fact, autonomy consists of two basic conditions:

freedom (independency of influence) and agency (competence of conscious acting).[39] However, they are not fulfilled in the mentioned case of two groups of human beings; therefore the extent of their autonomy is restricted.

Mental incompetence equally restricts the autonomy of severely handicapped people. There's a question to be asked of confronting the biomedical principle of autonomy with the theoretical resources of the ethics of social consequences; what is the reason for restricting the autonomy of these members of society? Are the acts of such individuals inhumane? A possible explanation could be their reduced competence in establishing contact with other members of society in their social interaction and conduct of life. The reason for the restrictions and the limits of their autonomy are the consequences that are the results of their activity (in the case of prisoners, the motive for the restriction of their autonomy had to be the committal of a crime), or inactivity (meaning not complete competency and ability to make decisions or take the responsibility for our acting) in social life and following uncertainty or, in other words, non–existence of such potential of moral growth as for instance, in the case of mentally healthy individuals competent of intellectual and moral development.

The principle of respect for autonomy can be found in Beauchamp and Childress in two forms – as negative and positive obligation. Autonomous actions should be subjected to controlled restrictions of others in its negative form. Such a requirement promotes an extensive abstract obligation that doesn't obey statements such as "we have to respect the opinions and the rights of individuals as far as the thought and the acting do not threaten others more seriously". Of course, the principle of respect for autonomy needs to be precisely clarified in some contexts to be a practical guide for our acting. This process of clarification influences the rights and the obligations of freedom, privacy, confidence, honesty and informed consent. This principle requires, in its positive form, respectful treatment in providing information and activity that supports autonomous decision–making. Many autonomous activities could not be realized without the cooperation of others in accessing the possibilities. Respect for autonomy obliges health care and research professionals in health care (including human agents) to provide information, research and to ensure understanding and benevolence and to support reasonable decision–making.[40]

Other principles such as beneficence and non–maleficence help to rationalize some of these equal rules, such as telling the truth, respecting the privacy of others, protecting confidential information, getting the patient's consent for surgery and, last but not least, if we are asked, we

will help others make important decisions. All these rules are moral duties of moral agents (in the medical field of healthcare practitioners) that can even be expressed using the determination of the ethics of social consequences. First of all, we should care about the autonomy and rights of patients, whereas we care about the consequences resulting from our decisions and actions, specifically we try to achieve dominance prevalence of positive social consequences over negative ones. And that can only be achieved by respect in relation to the lives of all human beings. The principle of humanity shows us and encourages us to care not just about the life of human beings, but also about any form of living life showing some signs of life. We should fill not only our own life (and the life of our relatives – the expression of our legal obligation) with a prevalence of positive social consequences, but also the lives of strangers and unknown persons (the formulation of our moral duty). After the fulfillment and performance of moral duty, man shows/reveals his greatness, the scope of his humanity and the competence to live a moral life based on the values that give human life an additional moral value.

In this article, I discovered that the principle of humanity is related to and dependent on particular biomedical principles, to a greater or lesser extent. I succeeded in comparing the principle of humanity of the ethics of social consequences with the biomedical principles of non–maleficence, beneficence, autonomy and justice. Similarly, I drew the conclusion that the principle of respect for autonomy necessarily depends on the principle of humanity of ethics of social consequences. Gluchman concluded that our acting is autonomous to varying degrees, depending on how we are able to dispose of the freedom of will and the moral freedom. The principle of autonomy is in causal–correlative relation with the ethics of social consequences. In order to answer earlier–asked question, why is autonomy restricted, at first, we have to think of the fundamentals of our acting. In my opinion, the autonomy of mentally retarded and undeveloped individuals is restricted, because their abilities of rational thought, decision making, consciousness, morality, assessment, are not responsibility developed enough upon which they could achieve autonomy in their decision–making, an independence from external influences, or a certain non–suggestibility. But that is not to say that the activities of such individuals are inhuman. They also strive to act or shift their activities to the level of humanity, but insufficient development of their "key, determining" competences simply prevent them from doing so.

Even mentally retarded members of society have the possibility of autonomous choice, although they don't fulfill the criteria and don't qualify themselves to possess the status of moral agents. Although

qualitative criteria, values of being moral agent are absent in the case of mentally underdeveloped individuals, even though they deserve and are worthy of the realization, or respect for the principle of non–maleficence or beneficence when applied to them. The reason is the value of life, existence, that qualifies them for these rights, or correlative obligations related to the principles of non–maleficence and beneficence.

## 3. Conclusion

I would conclude that if we reconcile the principle of humanity in the context of the ethics of social consequences with the principles of biomedical ethics (autonomy, non–maleficence, beneficence and justice), each of these four principles of biomedical ethics plays an important role in the research of the decision–making of an individual regarding health care. Respect for autonomy or for a moral agent belongs to one of the fundamental principles on which the physician–patient relationship should be based. All four principles should participate in forming an evaluative opinion and the orientation of the physician and should express the core of the relation of the physician to his/her patients, regardless external circumstances. As the principles of non–maleficence defines what the physician ought not do and how ought not to act (simply, the physician ought not to cause any harm), the principles of beneficence determine, in a positive form, and restrict what the physician ought to do and how as efficiently as possible he/she would help their patients (ought to reach the highest possible benefits).

   As I suggested, the basic criteria for the moral development of man is the principle of humanity, according to which human beings conduct themselves and act morally, which necessarily results in positive social consequences for us (providing that the result of the activity and the conduct of human beings is positive) and this become the highest principle. If the moral agent strives for the greatest positive social consequences regarding their values, he/she has a particular moral duty. Within the ethics of social consequences, such a moral duty is formulated mainly at a general level, i.e. the moral agent has to strive for achieving positive social consequences in his reflections, decision–making, conduct and activity. That is his primary moral duty, what he ought to do. It means maintaining a prevalence of positive consequences over negative ones at least at a minimal rate. Therefore, such a general formulation of moral duty in a particular conception creates the space for its specification within particular cases of the everyday life of an individual, social community and society. The principle of situational approach is very important.

Through this principle, we can specify and individualize general responsibility related to the realization of the principles of humanity and justice. Therefore, not everybody is responsible for the realization of the principles of humanity and justice in particular life situation.[41] In my opinion, itis necessary to take responsibility for the decisions that moral agents make in their primary motive to perform a certain activity, for the activity itself that is done after consistent consideration and decision–making, and lastly responsibility for the consequences, either positive or negative, but the moral agent should not give up any responsibility at all. In spite of the formal differences, the principles of the ethics of social consequences and the principles of biomedical ethics have a lot in common, because they tend to the mutual right to help of patients, to the improvement of the physician–patient relationship to a higher level in the final consequence. Such a relationship shouldn't doubt mutual trust and should focus on mutual help to moral agents to avoid suffering in order to achieve positive social consequences and benefits.

## Acknowledgement

## Notes

1. Vasil Gluchman, *Etika a reflexie morálky* [*Ethics and the reflection on morality*] (Prešov: FF PU, 2008), p. 77.
2. Ideally within issues regarding physician–patient relationships (mainly in the area of euthanasia).
3. Either human beings, animals or plants.
4. Immanuel Kant, "The Metaphysical Principles of Virtue", in *Ethical Philosophy*, trans. James W. Ellington (Indianapolis: Hackett, 1983), pp. 28, 149.
5. Vasil Gluchman, *Človek a morálka* [*Man and morality*] (Brno: Doplněk, 1997), p. 150.
6. *Ibid*, pp. 144–162.
7. Vasil Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of social consequences within the contexts of its criticism*] (Prešov: LIM, 1999), pp. 69–82.
8. Tom L. Beauchamp and James F. Childress, *The Principles of Biomedical Ethics (Sixth Edition)* (Oxford: Oxford University Press, 2009), pp. 99–287.
9. *Ibid,* p. 197.
10. Vasil Gluchman, *Etika konzekvencializmu* [*Ethics of consequentialism*] (Prešov: ManaCon, 1995) p. 90.

11. Gluchman, *Etika a reflexie morálky*, pp. 78–79.
12. Gluchman, *Človek a morálka*, p. 156.
13. Vasil Gluchman, *Angažovanosť, solidarita a zodpovednosť* [*Commitment, solidarity and accountability*] (Prešov: Universum, 1994), p. 23.
14. Beauchamp and Childress, *The Principles of Biomedical Ethics*, pp. 99–100.
15. *Ibid,* p. 100.
16. Gluchman, *Etika a reflexie morálky*, p. 79.
17. Tom L. Beauchamp and James F. Childress, "The Principles of Biomedical Ethics (Selection)", in *Bioethics (An Introduction to the History, Methods, and Practice)*, eds. N.S .Jecker, A.R. Jonsen, R.A. Pearlman (London: Jones & Bartlett Learning, 2012), p. 155.
18. Beauchamp and Childress, *The Principles of Biomedical Ethics*, p. 152.
19. Bernard Gert, *Morality: A New Justification of Morality* (New York: Oxford University Press, 1988), p. 32.
20. William Frankena, *Ethics* (Englewood Cliffs: Prentice Hall, 1973), p. 47.
21. Gluchman, *Etika a reflexie morálky*, p. 82.
22. *Ibid,* pp. 86–87.
23. Nancy A. Davis, "The Priority of Avoiding Harm" in *Killing and Letting Die*, eds. N.A. Davis (New York: Fordham University Press, 1994), pp. 298–354.
24. The principle of beneficence is not identical with the classical utilitarian principle of utility. This principle should not be seen as either an independent principle of ethics, or as a principle that justifies or supplies all other principles. It is one among many probable principles and do not determine the overall balance of moral duties. Although utilitarians enable social interests to be supplied by the interests and the rights of an individual the principle of beneficence, that we defend, can be legally restricted by various other principles (Beauchamp and Childress, *The Principles of Biomedical Ethics*, p. 198).
25. Beauchamp and Childress in their book *Principles of Biomedical Ethics* search within the conception of the principles of non–maleficence, the difference between killing and letting die, considering and predicting harmful conclusions, suppressing and withdrawing life–sustaining treatment and above–average and average curing therapies (Beauchamp and Childress, *The Principles of Biomedical Ethics*, pp. 149–150).
26. Stephen S. Hanson, *Moral Acquaintances and Moral Decisions (Resolving Moral Conflicts in Medical Ethics)* (Dordrecht: Springer, 2009), p. 12.
27. Onnora O'Neill, *Autonomy and Trust in Bioethics* (Cambridge: Cambridge University Press, 2002), p. 18.
28. Sheila McLean, *Medical Law and Ethics* (Aldershot: Ashgate Publications, 2002), p. 10.
29. Beauchamp and Childress, *The Principles of Biomedical Ethics*, p. 199.
30. Willian D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 2002), p. 22.
31. Shelly Kagan, *The Limits of Morality* (Oxford: Clarendon, 1989), p. 402.
32. Gluchman, *Etika a reflexie morálky*, p. 86.

33. Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), p. 366.
34. Vasil Gluchman, *Etika sociálnych dôsledkov a jej kontexty* [*Ethics of social consequences within its contexts*] (Prešov: PVT, 1996), p. 38.
35. Gluchman, *Etika a reflexie morálky*, p. 61.
36. *Ibid,* p.78.
37. Gluchman, *Človek a morálka*, pp. 154–155.
38. Beauchamp and Childress, *The Principles of Biomedical Ethics*, p. 99.
39. Thomas E. Hill, *Autonomy and Self–Respect* (Cambridge: Cambridge University Press, 1991), p. 53.
40. Beauchamp and Childress, *The Principles of Biomedical Ethics* p. 104.
41. Gluchman, *Etika sociálnych dôsledkov a jej kontexty*, pp. 47–51.

CHAPTER EIGHT

HUMAN DIGNITY WITHIN ETHICS
OF SOCIAL CONSEQUENCES

JÚLIA POLOMSKÁ

## 1. Introduction

This article deals with the value of human dignity within the ethics of social consequences which represents a form of non-utilitarian consequentialism.[1] Using the words of the author of this ethical theory, Vasil Gluchman, "human dignity along with positive social consequences, humanity and moral right constitutes the fundamental aspects of this ethical theory".[2] In accordance with Gluchman, I am convinced that the topic of human dignity represents an important part of the philosophical basis of ethics of social consequences. Therefore I think it is appropriate to analyse this moral value in more detail.

Main aim of this article is to prove that multidimensional model of understanding of human dignity within this ethical theory represents an interesting and appropriate approach. Its applicability is based on the dynamic conception of this value. In other words, human dignity is not understood as an absolute moral value, but it is closely related to social consequences, as one of the main evaluative criteria in this ethical theory.

This article is divided into three main parts. The first one briefly deals with the development of the discussed value within the ethics of social consequences and it offers a brief outline of various authors working with the value of dignity in different fields of applied ethics. In the second part I focus on the contemporary understanding of human dignity within the ethics of social consequences and attention is mainly dedicated to the issue of dignity of moral objects. The last part of the article addresses the understanding of human dignity within this ethical theory and compares it with the Swedish philosopher Lennart Nordenfelt's conception of human dignity which was published in his article *The varieties of dignity*.

## 2. Development of Understanding Human Dignity
## in the Ethics of Social Consequences

The ethics of social consequences as a form of non-utilitarian consequentialism has been developing over the course of the last twenty years[3] so it is possible to speak about its history, development and continual modification of its fundamental features.[4] This statement is also confirmed by the author of this ethical theory himself, Vasil Gluchman, who admits that despite the fact that the basic points of the ethics of social consequences have been in place since its origin, its development is a long-term matter.[5] The publication of the work *Hodnoty v etike sociálnych dôsledkov [Values in ethics of social consequences]* which focuses on the evaluation of the history of this ethical theory and moreover it includes interesting suggestions for its future development was a meaningful catalyst for the development of this ethical theory.

Ethics of social consequences also represents a philosophical-ethical and methodological basis for other authors who work with this ethical theory. They try to develop its basic statements, modify its features and based on this it can be said that they expand the ethics of social consequences in various fields of applied ethics. For example, Gabriela Platková Olejárová applied ethics of social consequences in the field of management ethics,[6] Marta Gluchmanová works with this ethical theory within the ethics of the teaching profession,[7] Adela Lešková Blahová offers the application of this paradigm in the field of biomedicine.[8] Issues of business ethics are developed through the prism of ethics of social consequences by Ján Kalajtzidis[9] and animal ethics is reflected on by Katarína Komenská.[10]

The development of this ethical theory can also be observed when speaking about the value of dignity. As I have already said, dignity and other values have a significant position in the ethics of social consequences. In Gluchman's earlier works, the topic of human dignity was discussed more generally, usually in combination with the issues of humanity, freedom, responsibility and other values. The work *Človek a morálka [Man and morality]* which was first published in 1997 can be used as an example. In this work, the topic of human dignity is mainly discussed within one chapter dealing with the humanity and dignity of a human being. The above-mentioned chapter addresses the issue of dignity more generally; the author presents an understanding of dignity in the opinions of various authors, for example Immanuel Kant, Maria Ossowska and others. Gluchman presents the connection between human dignity and freedom[11] and these ideas are further developed in another work *Etika*

*sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of social consequences within the contexts of its critique*] which was published in 1999.

A more detailed conception of dignity in the ethics of social consequences can be found in latter works by this author, for example in the work *Etika a reflexive morálky* [*Ethics and reflections on morality*] (2008), in studies *Dignity and human dignity as a methodological basis of bioethics*,[12] *Hodnota ľudskej dôstojnosti a jej miesto v etike sociálnych dôsledkov* [*The value of human dignity and its place within ethics of social consequences*][13] and many others. In these works Gluchman presents an understanding of dignity as a multidimensional system which is a very interesting and specific component of ethics of social consequences and I discuss it later in this article.

Also other authors, we can say followers of Gluchman in his effort to expand this ethical theory, work with the conception of human dignity within their works. Some of them in more, while others in less, detail. Platková Olejárová only marginally deals with human dignity in connection to humanity and moral right and reflects upon how these values can be expressed within the code of ethics in the field of economy.[14]

Gluchmanová works with the concept of dignity within the teaching profession and she emphasizes that it is very important to preserve the dignity of children in kindergartens, pupils in primary schools and students in secondary schools and universities.[15] In her opinion, the main role of teachers is to lead their students to accept other children as equal humans, to avoid derogation, bullying and so on. I agree with opinion of Gluchmanová that when the teacher does not respect the dignity of his students, he cannot expect respect from students towards him. The fundamental thing for a teacher is to respect all students. This respect and esteem may be expressed through the clarification of students' duties, details of their studies, the criteria for evaluation, the dates of their meetings and other issues.[16]

Concerning the value of dignity in the work of Lešková Blahová, it is important to say that she modifies the understanding of human dignity in a more widened context by which she moves towards biocentrism.[17] Her ideas are presented in the second part of my article.

Komenská in her work concentrates on issues of animal ethics and following this she naturally focuses mainly on the understanding of dignity in the ethics of social consequences. In other words, she works with the understanding of dignity represented by its basic position which is ontologically given.[18] This leads to the fact that all living entities (including animals and plants) have their own dignity because of their existence.

## 3. Human Dignity

Jiří Kanský characterizes ethics of social consequences to be a new theory which disposes the established tradition of morality in Slovakia and provide us with new impulses.[19] Besides the fact that this statement is almost twenty years old, I agree with him. In my opinion, ethics of social consequences constitutes an original ethical theory because it involves some specific elements.[20] Among these specific components belongs the conception of human dignity that is discussed in detail in this article.

Dignity in the ethics of social consequences is understood as a value, which we assign to somebody or something (human beings or other entities) following a body of qualities or values they have and which are worthy of esteem and respect.[21]

What is important is the fact that dignity is not a value these entities are born with, but they acquire it throughout their development and the living of their life. Gluchman states: "[]...such general value which deserves esteem and respect is life in all its forms and manifestations".[22] It means that all living entities (not only human beings, but also animals and plants) have a certain value because of their existence. It is the ontological grounds of this value.

As it was said, life and existence of life represent the primary base of dignity. But it needs to be said that this ontological grounds is not the only one in the ethics of social consequences. There are several important points when speaking about dignity. Dignity within this ethical theory is not absolute or constant values. It depends on the stage of development of a living entity and also on the activity and actions of a moral agent. Existence represents a basic requirement when we want to speak about the dignity of an entity. But this criterion is merely a starting point which we can characterize as a basic level of dignity of all living entities.

Based on this statement, there is one interesting question. Do all living entities (human beings, animals, plants) have equal dignity? Ethics of social consequences offers an answer:

> "There exists an evolutionary chain of various forms of life from acellular and unicellular organisms to vertebrates that include mammals, the qualitatively highest form of life on earth. Having accepted the existence of life as the initial criterion for assigning dignity to life forms, we also need a qualitative differentiation between individual forms of life and between the degrees of dignity that we can assign to them on this basis".[23]

It means that the dignity of particular life forms varies and it depends on their developmental stage. Consequently, mammals are assigned a higher

degree of dignity that lower life forms and human beings have a higher degree of dignity in comparison to other mammals because of their consciousness, rationality (including the ability of moral decision making) and self- determination.[24]

To clarify this, Gluchman started to use a mathematical scale for this conception to make individual stages of dignity more visible. It is necessary to emphasize that dignity is primary a qualitative value, but usage of this mathematical scale is a good tool for illustration. The actual degree of dignity of individual life forms varies from 0.0001 to 1. The number 0.0001 represents the dignity of acellular organisms and number 1 stands for the dignity of human beings. Dignity of other life forms moves on the scale in between.

Dignity quantitatively expressed by the number 1 can be understood as a kind of turning point that belongs to all human beings and it is assigned to them on the basis of their membership of the class *Homo sapiens* that qualitatively represents the highest life form so far.[25] Human beings do not possess the highest initial value of dignity because of their species membership, but because of the fact that they are members of the species demarcating the highest stage of development so far (based on their consciousness, rationality and self-determination). It is true that we can speak merely about human beings (so far) to be morally adult beings who are capable of independent thinking and decision making about their actions, the consequences of these actions and who are able to be responsible for their actions.

Adela Lešková Blahová holds the view that demonstrating respect and esteem towards all life forms represents the declination from anthropocentrism, because the importance of esteem is dedicated to all life forms and not only to human life.[26] It means that within the ethics of social consequences all forms of life (not only human beings) are worthy of esteem and respect. Lešková Blahová emphasizes that even primary theoretical reflections about dignity in this ethical theory were focused on human life; in Gluchman's latter works declination from strong anthropocentrism is visible. It is manifested especially in reflections on the value of life generally.[27] So as we can see, there is development of primary statements of this ethical theory going on and I consider it to be a positive feature.

Besides the fact that Lešková Blahová speaks about the declination from anthropocentrism, in my opinion, a weak form of anthropocentrism is still present within this form of non-utilitarian consequentialism. Living entities (animals, plants) based on their existence have dignity, human beings obtain human dignity. If there is a strong need to completely reject

anthropocentrism in this ethical theory, it is necessary to change the terminology within ethics of social consequences and instead of human dignity use merely the term dignity.

Earlier in this text, I sided with the ethics of social consequences that the basic criterion for attributing human dignity is existence, in other words, the life of a given entity. This ontological grounds represents its basic, initial level. There are other two levels that I am going to introduce now.

The second level of dignity can be understood as the ability of human beings to be a moral agent. The category of moral agent creates an important component of the ethics of social consequences and its importance is also evident within the conception of dignity. The level of human dignity belonging to a moral agent is, on the mathematical scale, quantitatively represented by the number 2.

A moral agent in the ethics of social consequences is an adult, a mentally competent individual who is a) conscious of the situation, the moral norms and values valid in a particular social community, b) able to make autonomous decisions about actions, c) is aware of the consequences of said actions and is responsible for particular consequences.[28] These characteristics also represent individual requirements that need to be fulfilled when we want to consider somebody as being a moral agent. The ability to fulfil these requirements constitutes the basis for the second level of dignity within the ethics of social consequences. It means that human beings after fulfilling these requirements and on the grounds of their moral development are able to modify (increase or decrease) their human dignity. This modification of human dignity depends on the consequences of a moral agent's actions and it is interconnected with an increase or decrease in the esteem for and respect towards this moral agent from the other members of society.

Based on the previous statements I can conclude that all human beings deserve a basic level of esteem and respect because they are living entities who represent qualitatively the highest life form so far. It is a certain guaranteed level of human dignity that human beings obtain at the moment of their birth and that cannot be taken away regardless particular consequences of their actions.

Acquisition of greater respect and esteem is determined by the human being's own activities, who should be a morally mature being acting with the aim of achieving a prevalence of positive social consequences. The need for a prevalence of positive social consequences represents a needful prerequisite for a moral agent to receive a higher level of dignity and a greater level of respect and esteem.[29]

Emphasis put on the moral agent's action and its consequences resulting from this action also constitutes the fundamental aspect of the third level of human dignity in the ethics of social consequences. This level of human dignity represents a certain moral dimension of human dignity, which is, in this level, dependent on particular actions of moral agents and on the consequences of a given action.[30] In connection to this, Lešková Blahová draws the conclusion saying that the situational dimension of human dignity (and not the ontological dimension of it) is more important; "[the] level of a moral agent's dignity is the result of a long-time process of evaluation of his behaviour and actions from the point of view of the wider community where this moral agent belongs".[31]

As we can see, the fact that a human being is a living entity is not the only thing that is important. The way this human being lives, behaves and acts is very significant. It means that the behaviour towards other people as members of society and other living beings is also important when considering the level of human dignity dedicated to this moral agent by other people. Gluchman accordingly points out that human dignity is a moving aspect which is directly proportional to the actions of a human being. It is not based only on the fact of existence, although it is derived primarily from the existence of life.[32]

The importance of a moral agent's behaviour and actions in reflections on human dignity is also stressed by Lešková Blahová. In her opinion, such a dynamic understanding of human dignity is more suitable than the conception of dignity that is represented by religious thinking. One of the representatives of the religious point of view is Göran Collste. In his book *Is human life special?* the author defines human dignity (sanctity of life) as "a view that each human being is valuable in a unique way and, hence, worthy of respect, regardless of any personal characteristics or qualities and that this value is equal for all human beings".[33] Such an understanding of equal human dignity for all human beings regardless of their characteristics and qualities represents an unconditional understanding of human dignity which does not depend on the way human beings live their life, make decisions and act. Based on the fact that the author uses the concept *sanctity of life,* we can see that the religious paradigm in defining human dignity is dominant.

Indeed, Lešková Blahová considers Collste's perception of human dignity as non-productive because of the moral effort of a human being.[34] In her opinion, such a definition of human dignity results in the passivity of a human being in relation to manifestations of human dignity. Concerning species membership, human beings are born with human dignity and its qualitative manifestation is unchanged during their life. It

means that from the religious point of view, the level of human dignity does not depend on the human being's moral or immoral actions.[35] This constant level of human dignity during life regardless of the moral or immoral actions of the human being is characterized by Lešková Blahová as a non-productive point of view.

If we use this religious definition of human dignity in the ethics of social consequences, it means that all human beings (and only human beings) have equal human dignity regardless of their behaviour, actions and the consequences of these actions. We can use a simple example to illustrate this statement. Imagine three human beings - A, B and C. When discussing their dignity from the religious point of view, each of them has equal human dignity. Human being A spends free time with people with learning difficulties, works as a volunteer in a day centre for these people, creates programs and activities for them, tries to develop their abilities and skills during various activities in the centre and also this human being supports their integration into full-value and ordinary life. Human being B is a sarcastic and snobbish man who, when meeting people with learning difficulties, makes fun of these people, insults them with various abusive words and humiliates them. Human being C is a human with a learning difficulty who is the victim of B's humiliation. From the religious point of view which stresses absolute and equal human dignity for all human beings, all these people, A, B and C, have equal human dignity. In my opinion it is wrong, because all these three human beings behave and act in a totally different way. One of them is a person with a learning difficulty, one of them is a person helping these people, trying to support them and integrate them into society and one of them is a person who hurts these people with learning difficulties and humiliates them.

I agree with Lešková Blahová and I consider this religious understanding of human dignity to be inappropriate. I believe that it is not right that human beings A, B and C have equal dignity. B's behaviour and actions are inhuman, these actions discriminate C's human dignity and their result is a prevalence of negative over positive social consequences. . I think that all these human beings (A, B and C) have an equal initial level of human dignity, but B decreases his human dignity because of his actions and offense to people with learning difficulties (mainly by the fact that B considers person C to be only an objects of making fun and humiliation). Together with the lowering level of human dignity there is, hand in hand, a lowering in respect and esteem from other people in society toward human being B.

Lešková Blahová's entire argumentation is based on the unproductiveness of Collste's perception of human dignity and is further developed by the

emphasis on the motivational character of the conception of human dignity in the ethics of social consequences. The author holds the view that dignity in this ethical theory and especially its dynamic and differentiation character constitutes a motivational component in this theory, because all the time it motivates the human being (social group) to act in accordance with the moral requirements that are valid in society. We can say that it results in a benefit for morality generally.[36] I agree with this opinion and I believe that such a dynamic understanding of this value invites the moral agent to be active, to strive for good and right actions and help other people. It results in greater respect and esteem of people toward this moral agent.

## 4. Dignity of Moral Objects (Children, Young People, People with Learning Difficulties) in the Ethics of Social Consequences

In this part of my article, main attention is devoted to reflections on the human dignity of moral objects. Who can we consider to be moral object in ethics of social consequences? In the text above, in accordance with this ethical theory I have concluded that a moral agent is an adult human being who realizes the situation in his community, is competent to make autonomous decisions about his behaviour and actions and he is not fully responsible for the consequences of these acts. On the other hand, a moral object does not fulfil one or more of these necessary conditions. It means it is a human being without such competences, namely without the ability to realize the status in his community, to decide autonomously about actions and to bear responsibility for accomplished achievements. Based on this, the group of moral objects is represented by children, the majority of young people (not yet adults), people with learning difficulties and some seniors. I am mostly interested in the group of people with learning difficulties so in further reflections I will concentrate on them. The crucial question is what is the human dignity of people with learning difficulties? Is it the same as the dignity of moral agents, or are there some differences? In this part I will try to answer this question through reflections about the possibility of people with learning difficulties to be moral agents.

As I have said in the previous part, the basic value of human dignity is attributed to every human being at their birth. Gluchman holds the view that in the case of mentally healthy children there is a strong assumption that they will further develop from this basic level of human dignity (from level 1) to level 2, which is attributed to the human dignity of moral agents.[37] In other words, healthy children physically, mentally and morally

mainly develop after birth through the influence of education. We can say there is progress in all aspects of their personality and based on this development the level of their human dignity moves up from the primary initial level (1).

The situation is the same with the children with learning difficulties. They acquire an initial level of human dignity, which is quantitatively rated 1 and which is equal for all human beings at their birth regardless of their intellectual status. They are attributed this basic level of human dignity because of their membership of the *Homo sapiens* species.

What is the situation with human dignity of people with learning difficulties later in life? In connection to this question, Gluchman holds the view:

> "Concerning people with learning difficulties, their level of human dignity can move from 1to 2 and this movement depends on the level of their disability. There is a difference in comparison to a healthy individual which is based on the fact that people with learning difficulties cannot reach the level of human dignity rated 2 which is connected with the level of mental and moral development representing the stage of a being a moral agent".[38]

Following on from this, the human dignity of people with learning difficulties (according to the ethics of social consequences) can move between the levels quantitatively expressed by the numbers 1-2. This human being is able to reach the level of human dignity rated 2 only in the case that he is able to fulfil the necessary conditions for being a moral agent.

Gluchman believes that only after meeting the necessary requirements for being a moral agent, a human being becomes fully responsible for his own actions and only then the level of his human dignity can move in a more significant way up or down depending on the consequences placed on himself, the community and society resulting from their actions.[39] Based on this statement I can conclude that a human being with learning difficulties is able to increase/decrease his dignity to a greater extent (based on his consequences) only after the fulfilling three important conditions for being a moral agent. Without meeting these conditions, his human dignity only moves in space rated from 1 to 2.

As I have already mentioned, the moral agent represents an important component of the ethics of social consequences. Human beings based on their intellectual and cognitive abilities become moral agents and after that they are able to bear responsibility for their actions and their consequences. We can say that human beings after fulfilling the conditions necessary for

being a moral agent become real agents involved in morality who are able to act autonomously and responsibly. They are not objects anymore, but they are autonomous moral agents making autonomous and responsible decisions.

Human beings who cannot meet these conditions are, in the ethics of social consequences, understood as moral objects. They are not able to make autonomous decisions, act and they do not bear the responsibility for their accomplished achievements.[40] In spite of that, we approach them with respect and esteem as they are human beings fulfilling the basic criterion of life existence regardless the state and quality in which this life is.[41]

Concerning people with learning difficulties we can say that based on their disability (lowered intellectual and cognitive abilities) they do not fulfil the necessary conditions for being a moral agent; it means they are understood as moral objects. Other moral agents are obliged to behave towards them with respect and esteem because they are living human beings. Within these reflections there is an interesting issue about the ability of people with learning difficulties to be moral agents. The answer to this question is not clear and simple. I suppose that when thinking about this issue it is necessary to focus attention on particular levels of learning difficulties as it involves different characteristics. It is permissible in the ethics of social consequences as one of its important features is the orientation on situational relativism. It means that human beings' actions are considered in particular circumstances and situations. It is neither possible to focus on particular members of a moral community and their situation. In connection to this, I believe it is necessary to pay attention to particular levels of learning difficulties as it represents unique and different conditions of the lives and characteristics of individuals.[42] The abilities of people with various levels of learning difficulties vary in a significant way and we need to concentrate on individual levels and their characteristics because it is crucial in assessing their moral development.

## 5. Human Beings with Learning Difficulties
## as Moral Agents

Ivan Jakabčic and Ladislav Požár point to the fact that various types of disabilities result in different people's personality changes, because a disability represents a condition different from standard situation. The authors continue with the opinion that independent of the type of disability, all people with disabilities have something in common and it is different from other people. This distinction affects their life and this is

different, too.[43] I agree with this presented opinion, a disability affects the personality of a human being and represents certain barriers that they have to overcome during their life. The situation is more complicated when speaking about a learning difficulty.

In accordance with Švarcová, I understand learning difficulties as a reduction in the intellectual abilities of a human being resulting from brain damage. It is not a disease, but a permanent state.[44] This reduction in intellectual abilities influences their life, development, education, participation in society and their professional life.

My main focus in this part is to find an answer to the question whether there is some influence of learning difficulties on human dignity. But before this, we need to think about the possibility of a human being with intellectual disability being a moral agent, as it is crucial when discussing the issue of human dignity in ethics of social consequences.

I suppose that a human being with a mild learning difficulty has the necessary abilities to attain the status of a moral agent. On the other hand, I believe that a severe learning difficulty is a more complicated issue resulting from a significant reduction in intellectual abilities and based on this, a human being with this level of disability is not a moral agent. I am going to discuss these issues in more detail now.

One of the characteristics of a learning difficulty is a reduction in the intellectual abilities of an individual and therefore it is essential to consider whether a lower level of these abilities somehow affects the possibility of human being to be a moral agent. If follows that a major question in this part is the issue whether a learning difficulty influences the ability of a human being to be a moral agent. To answer this question we need to think about partial issues, namely a) whether a learning difficulty affects the perception of the situation, moral norms and values valid in society where this human being lives, b) whether a learning difficulty has an impact on autonomous and voluntary decision making about his actions and c) whether a learning difficulty affects the ability of a human being to bear moral responsibility for his actions. A closer examination of this question is based on the characteristics of particular levels of learning difficulties and its confrontation with the definition of a moral agent.

For this analysis I will be working with the classification of learning difficulty/mental retardation[45] of the WHO based on ICDH-10, which distinguishes between these levels of learning difficulty/ mental retardation: a)mild mental retardation (IQ 50-69), b) moderate mental retardation (IQ 35-49), c) severe mental retardation (IQ 20-34), d) profound mental retardation (IQ lower than 20), e) other mental retardation, f) unspecified mental retardation.[46] Before I focus on the

characteristics of particular levels of disability with reasoning about the ability of human beings with this level of disability to be a moral agent, I consider it necessary to at least briefly define two types of moral agents according to the ethics of social consequences and to point out the differences between these two types.

Following the cognitive aspect in the process of moral reasoning, ethics of social consequences differentiates between 2 types of moral agents. The first type is the conformal moral agent (habitual) and the second type is represented by the reflective moral agent.[47] The first type of moral agent acts (or tries to act) in accordance with the norms and values valid in society, while the moral agent of the second type reasons about the fundamental of these principles, values and norms. This type of moral agent also creates its own principles, values and norms which can differ from the values and principles within society.[48]

One of the characteristics of the first type of moral agent is that their way of moral reasoning is very often based on comparisons and it is aimed mainly at the solutions to superficial moral problems of everyday life. This model of moral reasoning is, in the ethics of social consequences, defined as the passive practical and comparative model of moral reasoning. On the other hand, the second type of moral agent, while solving specific moral problems, uses a wider basis especially in terms of long-term rational life plans in which he realizes its morally relevant features. This model of moral reasoning is referred as an active analytical model of moral reasoning.[49]

The first type of moral agent in the ethics of social consequences is characterized by the heteronomy position[50] which can be defined as the dependence of an agent on external moral authority. The second type of moral agent (reflective moral agent) has an autonomous position which means that there is no external moral authority, but this type of moral agent is moral authority unto himself.[51]

Another important aspect in differentiating between two types of moral agents in the ethics of social consequences is moral responsibility, especially the ability to bear responsibility for our actions.[52] The conformal moral agent realizes his moral responsibility only in a small circuit and short period of time and often he is not aware of the indirect responsibility for the consequences of his actions.[53] The reflective moral agent is able to bear a qualitatively higher level of moral responsibility in a broader circuit and period of time and moreover he realizes indirect moral responsibility for his actions.[54] I can conclude that the conformal moral agent is aware of the moral responsibility which is related mainly to present situations and to a small group of people and actions. In many cases this type of moral

agent does not think about consequences that are not direct results of his actions. On the other hand, reflective moral agents are able to bear moral responsibility for actions occurring in a longer period of time and related to broader circumstances. This type of moral agent doesn't realize the responsibility for the indirect consequences of his actions, either.

Concerning the differences between the two types of moral agents based on the cognitive aspect we need to focus on a different way of motivating r the moral actions of these agents. The first type of moral agent is mainly motivated by the power of public opinion, habits or taboos. Moral actions are subordinated to external rules and fear of their violation. The second type of moral agent acts morally because of his own need for moral self-performance and self-affirmation as an autonomous human being.[55]

During moral assessment of the conformal moral subject we can speak about a certain schematism, which limits the evaluation of his actions on a simple yes-no, good-bad, right-wrong, moral-immoral premise .The reflective moral agent is not related to this schematism in the process of evaluation. This type of moral agent realizes the complexity of the decision making process about the selection of certain actions and he is aware of possible external influences. A certain level of relativism is present.[56]

With this outline of conformal and reflective moral agents I wanted to point out the similarities and differences between these two types. Now I can move onto particular levels of learning difficulty and their characteristics and consequently confront these levels with the necessary abilities for moral agent.

Mild learning difficulty is expressed by the level of an individual's IQ moving from 50 to 69.[57] In the majority of cases, human beings with this level of disability use speech in everyday life; they are able to communicate (although it is typical that the development of speech is slower). Most people with mild learning difficulties can achieve full independence in their personal care (food, hygiene, and dressing) and master practical household duties. Practical education and training that is oriented on the development of their skills and compensation for their insufficiencies is very helpful to them. Despite having problems in theoretical work at school (problems with reading, writing), most of them are able to work when mature, to establish and maintain good social relationships with other people and to be a helpful member of society. In the majority of cases, people with mild learning difficulties after finishing their studies at vocational schools do not require additional or special care.[58]

But, as stated by Švarcová, when an individual with a mild learning difficulty is emotionally and socially immature, there may appear certain problems in adaptation to cultural traditions, norms; in balancing the requirements of marriage and bringing up children; in solving problems related to independent life (issues of employment, financial safety, housing, health care). In the socio-cultural environment, in which minor emphasis is put on theoretical skills, this level of intellectual disability does not have to cause bigger problems.[59]

Based on the presented characteristics of people with mild learning difficulties, it is possible to state that they do not constitute a homogenous group. It is natural that within this level of disability differences can also be found. It is emphasized by Slowík and Švarcová, who present the opinion that mild learning difficulties do not present severe problems in the everyday life of an individual, but on the other hand it is not the same for all people with this level of learning difficulty. Some of them can have problems in their life resulting from their immaturity.

Some people with mild learning difficulties live independently and they manage to be aware of the situation and moral norms in society. They know various rules and principles, but sometimes it is difficult for them to apply these rules in particular situations. Life brings many various situations in which they need to decide and act in various circumstances. Some of them manage to do it to a greater degree and others to a lower degree.

Despite their independent living, external authority sometimes plays an important role in their decision-making process; this authority is usually represented by their family, relatives or assistants. People with mild learning difficulties behave in a conformal way in many cases and they are often subordinated to the interests of an authority without deeper reflection on the given situation. Public opinion is the main motivation for their actions and very often the fear of violation of certain norms valid in society affects their decisions, too.

I can describe this situation with the example of employee attendance. For many people with learning difficulties, to have a job is of crucial importance because thanks to it they feel like important members of society. They understand their supervisor at work to be a certain authority and in the majority of cases they behave and act in accordance with the norms of their work place. In relation to their work, they feel responsible for their actions and they are aware that after violating some of these norms they may be punished.[60] These individuals usually represent a heteronomy position which means that conformity is their typical characteristic in relation to the moral norms and values valid in society and

in the community of people with finally. Despite this fact most of them are not able to create their own norms and values.[61]

A man with mild intellectual disability finally is aware of the responsibility for his actions in small area and usually it is possible to speak about the bearing of direct responsibility. His motivation to act morally is based on some habit and also public opinion. Concerning the people with intellectual disability I understand public opinion more specifically as an opinion of smaller community of people where this individual lives, namely their family, relatives, friends, school or other educational centre for people with intellectual disabilities, work and so on. It means that individual with mild intellectual disability acts in certain manner because he is used to do it and also because such actions are required of him by the society, parents and other people he is in contact with.

Despite the fact that their performance is mechanical action influenced by authority, I consider the people with mild intellectual disability to be a beings meeting the necessary conditions of moral agent. In different words, I believe the people with this level of intellectual disability can be moral agents of conformal type. But it is important to emphasize that we cannot generalize this statement. Not all people with mild learning difficulties have the necessary characteristics to be a moral agent.[62] It is a reason why relativism (as an important feature of the ethics of social consequences) is a necessary issue in connection to people with learning difficulties.

A moderate learning difficulty is represented by the level of individual's IQ moving between 35 and 49. This level of learning difficulty is characterized by belated development of speech, limited abilities of self-sufficiency and care. Educational development is limited; some pupils with this level of learning difficulty are able to acquire the basics of reading, writing and counting thanks to significant support from teachers and other professionals. In their adulthood they are able to perform simple manual work but it is necessary to give them exact tasks and supervise them as their ability to be independent is limited.[63] These people are socially active, able to maintain relationships, communicate with others and participate in simple social activities. Despite these facts, they need everyday assistance in living their life which means they are not able to live independently.[64]

As we can see based on these characteristics, this group of people are, in comparison to people, with a mild learning difficulty at a lower level and they need more support living their everyday life. What is the situation when answering our question about their ability to be moral agents?

Individuals with this level of learning difficulty are in the majority of cases not able to realize moral reality in their community. They manage to practise some practical tasks with the help and support from assistants.

On the other hand, their abstract thinking is not developed properly and it is difficult for them to realize the norms, principles and values in their community. They can choose what to wear themselves, or what to do in a day centre, but they are not able to decide about their actions in the moral sphere of life. It means they are not able to make autonomous and responsible decisions about their behaviour and actions and while performing them they need assistance and support.[65] Following their characteristics, I consider people with a moderate learning difficulty to be moral objects as they do not fulfil the necessary requirements of being a moral agent. I believe this conclusion can also be applied to other remaining levels of also and that is the reason I focus on it only briefly.

Concerning severe also, the level of an individual's IQ is moving between 20 and 34. This level resembles the previous level of learning difficulty in many details, but it includes more explicit limitations of individual capacities. The majority of people with a severe learning difficulty suffer from significant motor disorders, stereotypical automatic movements are very common. Their ability to concentrate is low, a typical feature is belated development of understanding and self-caring services. In communication, the dominance of non-verbal means is typical, various inarticulate shouts and voices are present, and in better cases certain independent words can be used by these individuals. For this level of learning difficulty, overall damage of affective sphere is typical; it means many of them have problems with emotional control and mood variability.[66]

Profound learning difficulty is characterized by an IQ level lower than 20 and the capacities of these people to understand requirements and instructions are significantly limited. The majority of people with a profound learning difficulty are immobile, they communicate only non-verbally in the majority of cases and they have very low (or no) ability to care for themselves and their needs. It means they require constant assistance, support and care. Within this level of learning difficulty it is possible to achieve basic orientation skills. With the help of constant supervision they are able to participate in practical self-caring activities.[67] On the grounds of these characteristics I think that people with a profound learning difficulty do not meet the requirements necessary for being a moral agent.

Based on the previous features we can see that the characteristics of people with profound levels of learning difficulty are of a considerably

lower level and they need more support in everyday life activities than people with a mild learning difficulty. Based on this it is visible that people with profound levels of learning difficulty have difficulties in understanding situations and the existence of moral norms in society and their community, they are not able to decide about their life and actions without the support and help of assistants and they are not morally responsible for their actions.

It means that they do not possess the necessary characteristics for being moral agents. They demonstrate a higher level of judgement simplicity, a low ability for logical and abstract thinking, impulsivity, slow reactions; lack of self-reflection, in severe cases, communication breakdowns are typical resulting in their inability to express their opinions and wishes. They can be understood as moral objects meaning they deserve respect and esteem from other moral agents and recognition of their human dignity based on its ontological understanding.

Based on this analysis I can conclude that there are considerable differences among individual levels of learning difficulty. These differences affect, in a significant way, whether the human being can be or cannot be considered a moral agent. I consider it to be important to emphasize that intellectual capacities and the ability to fulfil the necessary conditions for being a moral agent can also differ within one and the same level of learning difficulty. It means that an individual with a mild learning difficulty can be moral agent while another with the same level of learning difficulty does not fulfil the necessary requirements for being amoral agent and therefore he is a moral object. That is the reason why situational relativism is so important, particular situations and circumstances (in our case the intellectual capacities of an individual, the ability to perceive and understand the situation in society, to make autonomous and responsible decisions about actions) as one of the features of ethics of social consequences which represent a relevant component in discussions on human dignity.

I agree with the presented opinions; when a human being fulfils the necessary conditions he becomes morally adult and realizes the moral norms and values valid in society, is able to decide autonomously and responsibly about his actions. Such a human being based on these cognitive and intellectual capacities is understood as full representative of morality. In accordance with his moral development this moral agent (within ethics of social consequences) deserves a higher level of human dignity.

But there is one important question. What is the human dignity of moral objects in the ethics of social consequences? This group of people

with learning difficulties (moderate level, severe and profound levels of learning difficulty and also other moral objects for example children, young people, older people and others) represents a particular problem. These individuals in the majority of cases do not have the necessary cognitive and intellectual characteristics and it means they are moral objects and based on this, in the ethics of social consequences they cannot obtain a higher level of human dignity that is related to the status of a moral agent, his actions and its consequences. In connection to this, I feel the need to investigate in more detail the understanding of the dignity of moral objects in this ethical theory.

## 6. Human Dignity and Moral Object

This part of my paper is devoted to the understanding of human dignity of moral objects in the ethics of social consequences. But in the introduction I consider it important to sum up briefly what has been already said.

Individuals with a mild learning difficulty who are able to realize the moral reality in society, are able to make autonomous decisions and to act autonomously and responsibly are moral agents. It represents an important moment in the ethics of social consequences, because these cognitive and intellectual capacities of the moral agent make him capable of conscious actions with a prevalence of positive over negative social consequences.

Connected to this, the value of human dignity of this moral agent changes and it is accompanied by the respect and esteem of other members of society towards this moral agent based on the consequences of his actions. It can be seen that besides the ontological dimension of human dignity, the moral agent obtains a higher (or lower) level of human dignity in accordance with his own autonomous and responsible actions in favour of himself and also other people. In this dimension, not only the ontological approach is important. The situational dimension, in which the level of human dignity is a result of long-time process of evaluation of his behaviour and actions by other people and the community where this moral agent belongs is more significant.[68]

The situation differs when we focus our attention on people with more severe levels of learning difficulties whose intellectual and cognitive abilities are substantially limited. It means that these people are in many cases not able to realize the situation in society; they cannot understand the existence and importance of moral norms, values and principles, because it is highly abstract for them. Their disability is very often so serious that they are not able to decide autonomously about their actions. They need everyday assistance including help and supervision in basic activities. In

many cases they are not aware of their actions and they cannot bear the moral responsibility for it which means that they cannot receive a punishment for the consequences of their actions. People with these characteristics based on their limited intellectual and cognitive capacities are not moral agents. Ethics of social consequences recognizes them as moral objects deserving respect and esteem because of their *Homo sapiens* species membership. They deserve the protection granted to other moral agents and their human dignity is quantitatively rated on a scale from 1 to 2 within this theory of ethics.

It also states that children who are born with severe levels of learning difficulty obtain a human dignity rated 1 at their birth. It is an ontological fundamental of their dignity that is based on the fact of their existence and *Homo sapiens* species membership which represents the highest evolutional life form (so far). A level of human dignity quantitatively rated 2 is, in the ethics of social consequences, attributed to moral agents. As people with severe learning difficulties are not moral agents, they cannot reach this level of human dignity.

I want to think about this issue in more detail, but I think that it is necessary to return again to the understanding of the dignity of moral agents. In connection to this, I think it is inspiring to ask one question. How high can the level of human dignity of moral agents be based on a prevalence of positive social consequences? Gluchman states that it is impossible to define a certain limit as a maximum of human dignity of moral agents. He thinks it is an individual matter of each moral agent and there are no clear criteria (like for example Bentham's hedonistic calculus) that can be used in evaluating positive social consequences resulting from amoral agent's actions. Evaluating consequences resulting from the actions of moral agents and the ascription of human dignity to individual moral agents is a more-or-less intuitive matter, similarly to evaluation in ethics and morality *per se*.[69]

It means that in this ethical theory it is not precisely quantified how high the human dignity of moral agents can be with regard to a prevalence of positive social consequences that result from their actions. It is not exactly expressed whether the maximum value of human dignity can by quantitatively rated 10, 50 or 100. The position of ethics of social consequences rests on the intuitive character of evaluating a moral agent's actions.

Another interesting issue is the reflection on whether the human dignity of moral agents is always (in all cases and in any actions) higher than the dignity of moral objects (people with severe levels of learning difficulty).The further question of how low the human dignity of moral

agents may decrease when the result of their actions is a prevalence of negative social consequences is logically connected to this issue. When answering this question I will focus mainly on moral agents acting immorally based on the exclusive prevalence of negative social consequences.

Despite the fact they act wrongly and harm the people around them, they are still moral agents and that means that their human dignity (based on their status as amoral agent) is higher than the human dignity of people with severe levels of learning difficulty (based on their status as moral objects).The human dignity of moral agents is higher on the basis of their moral maturity and it is quantitatively rated 2 (minimally).

On the other hand, people with more severe levels of learning difficulty are moral objects and they cannot achieve such a value of human dignity. Why is it so? In such a case, a higher value of human dignity pertains to moral agents because of the stage of their moral development. In comparison to people with more severe levels of learning difficulty, moral agents are able to realize their actions and consequently to bear the moral responsibility for it and accept punishment for a prevalence of negative social consequences, too. In spite of their immoral actions, such an understanding of their human dignity could lead to some kind of absolutization of their human dignity. Based on their cognitive and intellectual capacities and their status as moral agents there could be a certain absolute perception of their dignity, which could be always higher than the dignity of people with more severe levels of learning difficulty.

Following the existence of such situations, in the ethics of social consequences there is an important fact that the dignity of moral agents is dependent on the consequences resulting from the actions of moral agents (represented by the already mentioned third level of human dignity within this ethical theory). Gluchman emphasizes that in the case of such moral agents (various social deviants, terrorists and so on), the level of their human dignity decreases in accordance with the consequences of their actions. An interesting question follows. Is it possible for their level of human dignity to decrease lower than the general dignity of moral agents quantitatively expressed with the number 2 (the second level of human dignity)?

Gluchman thinks about such a situation and presents that following the negative social consequences resulting from their actions it is possible to think about the mentioned opinion which states that the human dignity of moral agents can drop under the level of dignity expressed by the number 2.[70] This means that because of wholly negative social consequences, their human dignity can be lower than the dignity assigned to moral agents. In

this situation, these social deviants-moral agents get into the scope of human dignity belonging to moral objects (people with more severe levels of learning difficulty, children, young people and old people and so on) that is quantitatively rated on a scale from 1 to 2.

In such a case, there is another conflict. Is it possible to admit that such a social deviant who harms other people has approximately the same level of human dignity as a human being with more severe levels of leaning difficulty? An individual with a disability does not harm other people; his value of human dignity is, in the ethics of social consequences, limited on the above mentioned scale because of the fact he is not a moral agent.

Is it right to think about their approximately equal value of human dignity? I believe it is not. Ethics of social consequences holds the similar view. Young people who are not yet moral agents, but their actions result in a prevalence of positive over negative social consequences would be in such a case morally discriminated against in comparison to moral beasts.[71] I only add that the same is true for children and people with more severe levels of learning difficulty.[72] In their case it is also necessary to speak about their moral discrimination when we think about them as having approximately the same level of human dignity as people who act wrongly and behave as moral beasts.

Gluchman continues that in the case of extraordinarily abhorrent behaviour it is possible to think about the fact that the level of human dignity of these people (moral beasts) may drop under the basic level of human dignity quantitatively expressed by the number 1, which was primarily attributed to all human beings. One of the reasons for such a decision can be the fact that to preserve the same level of human dignity for moral beasts (possessing intellect, consciousness, free will and responsibility) as well as for newborns, children and people with learning difficulties would be to do a moral injustice to the latter groups of people. It would be morally unjust to attribute the same level of human dignity to people who are not aware of their situation and their status as to people who consciously, intentionally and voluntarily committed crimes against humanity on a number of innocent people, or caused their death.[73]

This approach can be understood positively. Such moral beasts, based on their actions and crimes against humanity towards other people, have degraded their value and they have ranked themselves among non-empathetic beasts whose dignity can move lower than the value of human dignity attributed to all human beings.[74]

When I evaluate it from my point of view, therefore, bearing in mind people with more severe levels of learning difficulty, it can be accepted because these moral beasts on the grounds of their actions degrade

themselves as human beings. This means that the value of their human dignity would be less than 1, in other words it would be lower than the dignity of people with more severe levels of intellectual disability. But Gluchman himself admits that such a fall in their dignity (lower than the level expressed by 1) is connected to truly horrific and inhumane acts, therefore it is only so in exceptional cases. The author's reflection allows that in a majority of cases, the dignity of these moral beasts is higher than the basic level of human dignity (expressed by 1) and it is approximately at the same level as dignity of people with moderate and severe learning difficulties.

Now I refer back to the case of moral beasts and their immoral actions. When in accordance with the ethics of social consequences we accept that in such extreme cases their dignity can be lower than the dignity quantitatively expressed by 1, it results in another interesting situation.[75] Such reflections may indicate that the dignity of these moral beasts is at the level of animals and moreover it may be lower than the dignity of some animals. Gluchman offers several examples of animals (pets, dogs helping to save lives, guide-dogs and so on) that may produce positive social consequences for their social environment. The author considers it to be unjust to have the same level of dignity for moral beasts and animals that through their actions produce positive social consequences and significantly make humans' lives easier.

To avoid this, Gluchman believes that in such cases it would be possible to think about the dignity of these animals on the grounds of the positive social consequences of their actions. Through these actions and a prevalence of positive social consequences, these animals can move their dignity up to the initial level of human dignity (expressed by the number 1) and in some cases they may exceed this level.[76] Again, I need to emphasize that it refers to the moral dimension of their dignity that emerges from the positive social consequences of their actions (help given to people, saving human lives and so on). Although it is learnt behaviour, it means these animals were trained to do so; I think that in these cases it is possible to think about an increase in their dignity (in its moral dimension).

In contrast to Gluchman, I think that these animals may increase the value of their dignity only in the scope that is given by their objective status, in other words by the status of their life form on the evolutionary chain. In my opinion, the above-mentioned animals cannot cross the border quantitatively expressed by the number 1, because this level represents the ontological basis of human dignity and it is attributed only to human beings as entities representing the qualitatively highest form of

life (so far). Nevertheless, I believe that their actions (saving human lives, helping humans and so on) bring a higher moral value than the immoral actions of the above-mentioned moral beasts and delinquents. It should be expressed in the attributing of dignity to these living entities.

I have to admit that such a consideration is quite interesting. I agree with the statement that the above-mentioned animals are really very helpful to people as they help us in many various activities and situations, very often also in the living of everyday life. They likewise represent an important part of the lives of people with various disabilities (for example guide dog for blind people, dogs in canistherapy and so on).

However, I assume that before we start to think in this way about animals and accept that they can increase their level of dignity based on the consequences of their actions (although they are not moral agents), we should try to think in a similar way in connection to children, young people and also people with more severe levels of learning difficulties.

These individuals are not moral agents (like the above-mentioned animals) but in spite of it I feel that through their actions they can produce positive social consequences.[77] In case we agree with the option that animals can increase their dignity in relation to the consequences of their actions, we should think similarly in connection to people with learning difficulties and other moral objects. Even though, in the ethics of social consequences it is not possible to speak about higher or lower human dignity as a result of the consequences of moral objects' actions, I believe that such a human being may act with a prevalence of positive social consequences.

Imagine an individual with a moderate or severe or profound learning difficulty. He does not fulfil the necessary conditions for being amoral agent, so he has the status of moral object in the ethics of social consequences. Despite this fact he is able to warm the hearts of his parents, family, relatives and assistants based on his progress in various activities. In the case that he attends a day centre for people with disabilities, within different therapies and activities provided by this institution, he makes some things that have an aesthetic value. He also develops necessary skills for the living of everyday life. This individual can be employed in sheltered workshop; he may work and make certain products which serve society and its members. As another example of this situation we can imagine a theatre performance organized by a day centre for people with learning difficulties. Clients of this centre prepare a show for two months and after that they invite their families, relatives, friends and assistants to watch it. The performance is very successful, the families are very proud of their children or other relatives with learning difficulties

and they have a nice and good feeling after that. I believe that these positive feelings of delight based on the fact they managed to perform their roles, represent positive social consequences on the grounds of which it is possible to respect people with learning difficulties and to attribute them a higher level of human dignity. These particular examples can be marked as situations in which the positive social consequences are visible and there is prevalence of the mover negative social consequences. Based on this, do these people with learning difficulties not deserve a higher level of human dignity and in connection to this a higher level of respect and esteem from other people?

I agree they are not moral agents as in the majority of cases they are not able to decide autonomously and responsibly for their behaviour and actions. But as we can see, there can be a prevalence of positive social consequences resulting from their actions and therefore I think that on the grounds of this we should attribute them a higher level of human dignity. In my opinion, people in society (despite ongoing prejudices and stereotypes) respect the work of individuals with disabilities and they respect them generally as human beings. I think it should also be reflected within philosophical-ethical reflections on various aspects of learning disabilities in the ethics of social consequences. I consider this ethical theory to be a dynamic system of ethical thinking which is able to reflect the various problems and challenges in contemporary society. Different issues related to disability belong there, too. Therefore I think that learning difficulties and the related limited abilities of these individuals (especially in moderate, severe and profound cases) should not represent some kind of barrier to attributing them a higher level of human dignity in the ethics of social consequences.

One of the possibilities how to fulfil this need is to think about the option that people with more severe levels of learning difficulties are also able to raise their value of human dignity based on a prevalence of positive social consequences of their actions. In the text above, I have offered several situations which represent examples where people with moderate, severe and profound level of learning difficulties produce a prevalence of positive social consequences in the form of giving their relatives pleasure, in producing objects with aesthetic value, aesthetical adventures and many others.

Ethics of social consequences thinks in a similar way in discussions about animals that are able to produce positive social consequences for their environment (life-saving dogs, pets, and guide-dogs and so on). The author of this ethical theory believes that in the case of these animals it is possible to consider the level of their dignity in relation to the positive

social consequences they produce. He holds the view that based on a prevalence of positive social consequences these animals can raise their dignity (the basic level of their dignity that was attributed to them because of their existence).[78]

I believe we can think in a similar way about people with learning difficulties. Some of them have necessary capacities so we can consider them to be moral agents. More severe levels of learning difficulties are related to significantly limited capacities and it means these people are moral objects. They are not conscious of their moral status, they do not understand the requirements of society and they cannot bear responsibility for their actions. Figuratively speaking, they are in the similar situation as the above-mentioned animals producing positive social consequences and within the ethics of social consequences they may obtain a higher level of dignity. Therefore in my opinion it is possible to think in this way also in relation to people with more severe levels of learning difficulties.[79] Despite their limited intellectual and cognitive abilities and based on their actions resulting in a prevalence of positive social consequences we could think about an increase in their human dignity and subsequent higher respect and esteem from other members of society. When we think in this way about animals, it is essential to think similarly about people with more severe levels of learning difficulties, too. Otherwise, it would lead to the conclusion that we prefer and appreciate more the positive social consequences of animals than the positive social consequences of people with these levels of learning difficulties which could be considered as discrimination of these moral objects.

In this context, there is another important question focused on how high the human dignity of people with more severe levels of learning difficulties could go in relation to the consequences of their actions. These people obtain human dignity rated 1 at birth. They develop slowly and the level of their human dignity increases. Their actions bring positive social consequences to society in the form of pleasure for their relatives, helping other people, working in sheltered workshops, producing various objects and so on. Following the dominance of positive social consequences, their level of human dignity can increase. In connection to this, there is an interesting question; are there any limits for increases in their human dignity?

I think that although we admit the possibility of increasing the level of their human dignity on the basis of positive social consequences, the position of the moral agent is still crucial in ethics of social consequences. It means that despite the possibility to increase (or decrease) their dignity in relation to their actions and its consequences it is possible within certain

limits which are objectively given by the state of these people, their cognitive and intellectual capacities. Even in this hypothetical reflection it is necessary to keep in mind that these people are not moral agents. That is the reason why we should observe the second level of human dignity in the ethics of social consequences which is attributed to people fulfilling the conditions necessary for moral agents.

To conclude briefly, I think that people with more severe levels of learning difficulties may increase their dignity in connection to the consequences of their actions, but it is possible only within an objectively given set, which they meet based upon their capacities. They cannot obtain dignity that is dedicated to moral agents because they lack necessary intellectual and cognitive abilities.

Concerning the quantitative formulation of the human dignity of these moral objects we can formulate it in the following way. These moral objects obtain a basic level of human dignity at birth (quantitatively expressed by the number 1). On the grounds of their development and actions resulting in a prevalence of positive social consequences their dignity rises towards the level expressed by the number 2. Despite these positive social consequences and because of the fact that these people with more severe levels of learning difficulties are not moral agents, they cannot reach a level of human dignity that is expressed by the number 2.

In connection to this, there is another interesting and important question. Is the level of human dignity expressed in the scale from 1 to 2 a sufficient quantitative scope of human dignity for moral objects? Above in the text, in accordance with ethics of social consequences I have expressed the opinion about the absence of an exact numerical expression of the value of human dignity of moral agents. In other words, it is not exactly determined how high the value of human dignity of moral agents can move based on a prevalence of positive social consequences of their actions. By this reasoning, I consider it necessary to ask the following question. Is the scope of human dignity expressed quantitatively by the range from 1 to 2 sufficient to manifest respect and esteem for moral objects?

On the grounds of above mentioned fact of the absence of a certain absolute frontier of moral agents' human dignity, I think that a scale from 1 to 2 dedicated to moral objects is not sufficient. Despite the fact that they are not moral agents, all sides of their personality develop although this development is slowed down and limited in comparison to moral agents.

Based on the moral objects' development, their human dignity moves up from its basic position (quantitatively expressed by 1). These people are not moral agents but despite this fact they are able to act with a prevalence

of positive social consequences. On the grounds of this, their human dignity increases. But it is important to emphasize that it is not possible to cross the level of human dignity dedicated to moral agents which has, so far, been quantitatively rated by the number 2.

If we stay at this numerical formulation, it follows that moral objects can increase their level of human dignity (based on the consequences of their actions) only by a negligible extent, for example from the level of human dignity rated 1.5 (obtained by their development) to the level of human dignity of moral agents quantitatively expressed as 2. Such a minor scope of human dignity offered to moral objects for the enhancement of their dignity based on the consequences of their actions is really negligible in comparison to the human dignity of moral agents and in the absence of a certain absolute level of human dignity. Therefore, I think that to avoid the charge of a limited set of moral objects' human dignity, it is necessary to move the quantified boundaries of the second and the third level of human dignity in the ethics of social consequences.

Based on this modification in the conception of human dignity, the basic features of ethics of social consequences are preserved, including the importance of the moral agent and emphasis on the consequences of actions as the main criterion in evaluating actions. It also permits the understanding of the value of human dignity of moral objects as a dynamic value which does not only depend on the state of development of a certain human being, but also on the particular action and its consequences.

## 7. Nordenfelt's Conception of Human Dignity

This part of my article is devoted to the presentation of understanding human dignity by the Swedish professor of bioethics, Lennart Nordenfelt. The main focus is on the introduction of basic points of his conception of dignity and then I deal with the comparison of Nordenfelt's ideas with the understanding of human dignity in the ethics of social consequences.

Nordenfelt mainly offers his reflections on human dignity in his paper *The varieties of dignity,* in which he introduces four types of dignity, namely a) dignity of merit, b) dignity of moral stature, c) dignity of identity and d) Menschenwürde. The author emphasizes that these four types of dignity should be understood as quite different kinds of values that are not additive. No one line exists that is created by these types of dignity. As we can see, Nordenfelt points to the fact that these four kinds of dignity cannot be added to each other in order to sustain the idea of human value in general.[80]

Based on this fact, it is possible to point out that there is one important difference between the understanding of human dignity in the ethics of social consequences and in Nordenfelt's conception. In the ethics of social consequences, particular levels of human dignity are mutually interconnected, related to each other and one level of human dignity represents a certain basis for the other levels. It follows that non-fulfilment of one level makes it impossible to achieve a higher level of human dignity (or at least it is questionable, as in the former part of this paper, concerning the human dignity of moral objects and their inability to be a moral agents and consequently to increase/ decrease their value of human dignity on the grounds of their actions) which may seem too restrictive (in relation to moral objects).

On the other hand, Nordenfelt distinguishes four different types of human dignity which cannot be added to each other. I think it is a quite interesting approach as it allows one human being (also moral object) to have a high level of human dignity of one type, but a low level of human dignity of another type.

The first type of dignity distinguished by Nordenfelt is *dignity as a merit* which is related to a certain prominent position which involves some rights. In Nordenfelt's words: "A person who was a rank or holds an office that entails a set of rights has a special dignity".[81] Typical examples of people who have dignity as merit are senators, archbishops also physicians and so on. We can characterize it as certain formal dignity which is attributed to human beings on the grounds of their position and they obtain it through some formal act. This type of dignity is connected with special rights and respect. We can see in society that various important people, for example ministers, bishops, physicians, judges and so on, have, through their position, a special dignity and it carries onto the special rights related to particular status or profession. These rights should be respected by all people who enter into relationships with the people mentioned above.[82]

Dignity as a merit is variable, which means it can come and go. Certain important positions in offices or in certain profession are not permanent and the same is valid for this type of dignity. Nordenfelt states: "People can be promoted but they can also be demoted. People can for, some time, have informal fame and high reputation, but this can suddenly be gone".[83] The author distinguishes various degrees in this type of dignity and these degrees are dependent on the various positions of the people within the hierarchy. For example, the Pope has a higher position that bishops and he deserves a higher degree of dignity as a merit.

In conclusion, we can say that dignity as a merit represents an unstable value of dignity, in other words, it is some special merit attributed to

human beings because of their specific position which includes certain
special rights. This type of dignity is, in interpersonal relationships,
realized through the favour and respect towards people with special
positions in society.

Concerning human dignity in the ethics of social consequences, there
is no significance put on the social position of a human being. In this
ethical theory, the social status of a human being is not important at all,
this theory of ethics does not distinguish whether the human being is a
king, free man or beggar. Position in society is not relevant; emphasis is
put on the human beings themselves, on their behaviour, actions and
consequences of these actions.

In connection to these ideas, there is an interesting question. Is dignity
as a merit filled with moral content? Doesn't this type of dignity represent
a certain sociologically determined expression of human beings' position?
Nordenfelt's understanding of this type of dignity is based on the position
of the human being and his status in a community or society. It is really a
certain formal value which the human being gains through his position,
special function as, for example, the leader of some office, king, bishop,
general and so on. So in this context it is impossible to understand dignity
as a merit as a moral value. It is more appropriate to understand it as a
value that is sociologically given, based on the position and status of an
individual in society. The behaviour, decision making and actions of this
human being are not important at all. We can say that this type of dignity
in Nordenfelt's view is filed not with moral, but with sociological content.

On the other hand, ethics of social consequences tries to avoid such an
understanding of dignity. In this ethical theory, the first level of dignity is
ontologically determined and it is attributed to all human beings at r birth
because of their *Homo sapiens* species membership. This ontological basis
of human dignity represents just the initial position. The other levels of
human dignity in ethics of social consequences which are filled with the
moral content are more important. These following levels of human
dignity (the second and third ones) are determined within this theory of
ethics by the moral maturity of a human being (moral agent) and his
behaviour, actions and the consequences resulting from his actions. Since
the perception of dignity as a merit in Nordenfelt's conception is
sociologically conditioned, I am not going to spend more time discussing
it.

The second type of human dignity distinguished by Nordenfelt is
*dignity as moral stature*, which is dependent upon the thoughts and deeds
of the subject. Early in the introduction to this type of dignity we can see a
difference in comparison with the first type of dignity (dignity as a merit).

Dignity as moral stature focuses on the significance of the thoughts and deeds of a subject, so the shift from the sociological base of dignity in the first type to the moral base of dignity in the second type is visible. In this type of dignity, the behaviour, thoughts and deeds of the subject whose dignity is in question, is important. If this individual respects moral laws, behaves morally and acts in the accordance with the rules valid in society he possesses dignity as moral stature. As Nordenfelt points out, this type of dignity is dimensional, it can vary from an extremely high level of dignity to an extremely low level of human dignity and these variations are dependent on the thoughts and actions of a given subject.[84]

In comparison with dignity as a merit, dignity as moral stature does not involve any special rights for the acting subject. It means that when a person performs good and right deeds, he has dignity as moral stature, but he is not privileged with any special rights. Nordenfelt emphasizes that "the moral value of an action would be lost or at least diminished if the action were to result in certain rights or privileges for the subject".[85] As we can see, this type of dignity is based on right and moral actions of a subject regardless the certain specific rights and benefits for this subject. To conclude, in this type of dignity, moral actions are in the centre of interest and based on the amount of moral or immoral deeds, some subjects deserve a higher/ lower level of dignity.

The approach offered by Paul Wainwright and Ann Gallagher is interesting. The authors, in their article *On different types of dignity in nursing care: a critique of Nordenfelt*, present a critical analysis of Nordenfelt's four types of dignity in the context of nursing care. In their opinion it would be appropriate and at the same time necessary to link the two types of dignity presented above, to be specific dignity as merit and dignity as moral stature. The main line of argument for these authors' is that when a given person acquires a certain office, his dignity should consist of two main parts, namely dignity based on his social position (office leader) and dignity based on the behaviour and actions of this person. The main reason lies in the fact that very often a particular person may be competent to lead a certain office, country and so on, but he does not behave and act in accordance with morality which results in low dignity of moral stature of this person. On the other hand, one can be hardly competent to lead a particular special position, office, country and so on, but based on his moral qualities he deserves a high level of dignity and respect from other people.[86]

The authors hold the view that dignity of merit should by a subcategory of dignity of moral stature. I agree with their opinion and I think that merely holding a position in an office is not a sufficient criterion for attributing

dignity. I believe it should be dependent on the moral character of a human being. As a simple example it is possible to think about various politicians, ministers who are indifferent important positions, but their behaviour and actions are not in accordance with morality (because of their deceptions, corruption, and so on). Based on this fact they do not deserve esteem and respect from the citizens living in a particular state.

If I go back to Nordenfelt's understanding of dignity as moral stature, I can state that there is a visible similarity with ethics of social consequences, in which the dignity of a human being is dependent on the behaviour and actions of the individual and especially on the consequences that result from his actions. When an individual behaves and acts in accordance with the morality valid within a society, his actions result in a prevalence of positive social consequences and it increases his human dignity (contrarily it decreases his human dignity).

I consider it important to state that, in ethics of social consequences, dignity on the grounds of consequences represents the third level of dignity. For obtaining this level of dignity, the human being needs to be a moral agent. After fulfilling the necessary conditions for being a moral agent, he can more significantly move up or down on the scale of human dignity in relation to the consequences of his actions. So, in the ethics of social consequences, consideration of human dignity based on the consequences of actions is permissible at the stage when a human being is a moral agent. On the grounds of a prevalence of positive social consequences, the moral agent increases the level of his human dignity and he also receives greater esteem and respect from the members of the particular society.

Dignity is also associated with respect in Nordenfelt's conception. The moral agent is prone to pay respect to other people and it represents an important part of morality. [87] It includes respect for other people's rights, also to certain special rights which were given to these people by legal authorities and also to human rights which are attributed to all people without differences. The second dimension of respect linked with dignity as moral stature "is a special respect that the moral agent deserves, but a respect that is not tied to any of his or her rights. We ought to pay respect to the moral agent in the sense of thinking highly of and talking well of him or her". [88] The third dimension of respect associated with dignity as moral stature according to this author is self-respect or, in other words, expression of esteem toward oneself.

Likewise in ethics of social consequences, in Nordenfelt's understanding of dignity as moral stature importance is placed on the concept of respect which is interconnected with dignity. Based on actions that are in

accordance with morality, the moral agent is attributed dignity of moral stature and he receives respect from other people. His moral actions represent a source of his self-respect that means that this moral agent thinks highly of himself. Respect towards other people represents the basis for his moral actions.

Right and moral actions and positive social consequences resulting from these actions represent the source of respect for moral agent in ethics of social consequences. When a moral agent acts in a right and moral way he deserves the respect and esteem from other people in society. So as we can see, in both cases, both in the case of Nordenfelt and the ethics of social consequences, mutual connections between respect and human dignity can be found.

The next type of human dignity introduced by Nordenfelt is *dignity of identity*. Based on the denomination of this type of dignity, it is possible to deduce that it is primarily connected with the identity of a subject, with his integrity, his mind and body. Dignity of identity is interconnected with the image of the self and self-respect of a human being which means that this type of dignity influences the way how the human being perceives himself. Nordenfelt understands dignity of identity as "dignity that we attach to ourselves as integrated and autonomous persons, persons with a history and persons with a future with all our relationships to other human beings".[89] So this type of dignity is primarily based on self-respect, in other words, respect toward our own identity. It is also important to know that this self-respect can be easily destroyed.

It results in the fact that this type of dignity can be gained but also lost (increased, decreased) based on the actions of other people and on the changes in our bodies or minds and in perception of ourselves.[90] So dignity of identity does not represent a certain absolute understanding of dignity which is at the same level all the time. Nordenfelt points to the various changes within dignity of identity which are dependent on changes in the identity and self-perception of a human being. The author considers dignity of identity as the most important in the context of dignity and illness, as well as ageing.[91] I agree with the presented opinions, because in many cases and various illnesses there is a change in the identity of a human being, it results in a different perception of him and it can lead to various changes in the perception of his dignity and value.

As I have already mentioned, dignity of identity can be lost or regained. Its loss can be very often caused by other people (after humiliation by other people there can be a change in self-perception and a decrease in dignity of identity) or by accident, by illness, by ageing and so on.[92] All these factors which can decrease dignity of identity result in a

particular change in a person's personality, his own self-perception. Nordenfelt offers several examples of identity loss which leads to a decrease in or loss of dignity of identity. For example, an individual who suffered severe facial disfigurement in a car accident, or another example is the loss of the once beautiful face of a worldwide known top model, which can lead to identity loss consequently to a loss of her dignity, respect and esteem towards herself. Another example, an individual may have lost his legs in a serious car accident and in such a case his physical identity radically changes, his autonomy is reduced and it results in a reduction in his dignity of identity.[93] It should be noted that if the person comes to terms with his new situation and limitations, he starts to understand his situation as a part of his life and his identity and it leads to an increase in his dignity of identity again.

Concerning people with disabilities, their situation in many cases represents a reason for a lowered dignity of identity. Their disability which is connected to lowered autonomy influences their identity and dignity. These people very often need help (provided by family, relatives, friend, assistants and social workers) in living their everyday lives and this situations includes a high risk of intervening in his personal space and it leads very often to a violation of their identity and integrity.[94]

I agree with the presented opinion because such cases are quite frequent in real life. I think that in many situations there is a breach of integrity and the identity of persons with disabilities (physical or mental), as well as persons without disabilities but suffering from various diseases, people after certain accidents, and so on. It means that their dignity on the basis of changes in their identity is changing and descending mainly because of their self-perception but also on the grounds of perception of them by other people.

When I focus my attention particularly on learning difficulties and reflections about identity and dignity of identity of people with learning difficulties, it is necessary to think about two different situations. I agree with Nordenfelt, that life with a disability very often includes limitation of autonomy, exclusion from society and lowered dignity of identity. But I believe that it is necessary to distinguish between situations based on the fact when the disability occurs. A human being may end up with a learning difficulty after an accident which results in stagnation of his mental development, certain changes in his development, so the identity of this human being changes but also a different perception of this individual by society can develop. Such cases may result in a reduction in his dignity of identity caused by the mentioned changes in perception of the individual by himself as well as by society.

However, I think that after a decrease in their dignity of identity, there is a possibility of its repeated increase through the individual accepting himself. It is questionable whether it is possible for dignity of identity to be the same as the dignity of identity of this individual before the accident (before he developed a learning difficulty). The situation in which the learning difficulty occurs during life represents one point of view in which I admit that dignity of integrity changes (can change).

It is necessary to think about different situations in which the individual has a learning difficulty from birth (for example in the case of Down syndrome). In my opinion, in this case, there is no decrease indignity of identity, because the disability represents a part of the person's personality, a part of his identity and his perception of self. There may be some negative situations (for example exclusion and so on) in his life too, but I think the main criterion for evaluating dignity of identity is the individual's own attitude towards himself, his own self-perception.

All of the above mentioned types of dignity distinguished by Nordenfelt may have various degrees which means it may vary in relation to the individual's position in society, on the individual's thoughts and actions and finally on the individual's perception of himself. It means that one human being may have a higher dignity as merit (because of his social status), a lower dignity as a moral stature (based on his actions which are not in accordance with moral rights) and a higher dignity of identity (through positive perception of the self). This leads to the conclusion that one human being does not achieve an equal level for each type of dignity and it is changeable based on the above-mentioned aspects.[95]

The last, but not least type of human dignity in Nordenfelt's classification it *Menschenwürde*. It differs from the previous types of dignity in a significant way, because it does not have any degrees and thus it is the same for all human beings. Nordenfelt states:

> "The German word *Menschenwürde* refers to a kind of dignity that we all as humans have, or are assumed to have, just because we are humans. This is the specifically human value. We have this value to the same degree, i.e. we are equal with respect to this kind of dignity. And it is significant that *Menschenwürde* cannot be taken from the human being as long as he or she is alive. Given our equal *Menschenwürde*, nobody may be treated with less respect than anybody else with regard to basic human rights".[96]

The idea of an equal value of human dignity for all human beings is respected in the civilized world and it represents a fundamental value for various religions, legislative documents and so on. But, what are the grounds for Menschenwürde? Nordenfelt present two main approaches

that try to answer this question, but he does not specify which one he prefers.[97] To sum up, we can say that Menschenwürde is equal dignity attributed to all human beings who deserve it while alive.

I think his understanding of Menschenwürde is similar to the basic level of human dignity in ethics of social consequences but the designations and fundamentals for attributing dignity are different. Ethics of social consequences uses the concept of a basic level of human dignity when speaking about an equal level of human dignity for all people and Nordenfelt uses the term *Menschenwürde*. On the other hand, both of these concepts of dignity differ in its basis, too. While Nordenfelt uses the Christian approach or modern approach as a basis for *Menschenwürde*, ethics of social consequences focus on ontological fundamentals for attributing a basic level of human dignity to all human beings. This initial level of human dignity is, in this ethical theory, attributed to all human beings at birth because they belong to the *Homo sapiens* species (as the most developed life form so far). This level of human dignity represents some kind of starting point in ethics of social consequences and subsequently it changes in relation to the development of a human being (the stage of moral agent) and in relation to the behaviour and actions of a moral agent.

Based on the presented types of Nordenfelt's dignity, it is possible to conclude that every human being has equal *Menschenwürde* dignity and also different levels of human dignity in relation to his social status, actions and perception of self. Concerning the ethics of social consequences, the basic value of human dignity is given to human beings based on their species membership, consequently on their status as moral agents and finally in relation to their behaviour, decision making processes and actions.

# 8. Conclusion

In this article I have focused on the conception of human dignity within the ethics of social consequences. The multidimensional understanding of this value was presented. The positive aspects of this approach are based on the fact, that within this ethical theory, human dignity does not represent an absolute value. It is a dynamic system standing on the several pillars. First one is represented by the existence of entities. Second and the third pillar include the criteria of moral agency of entity and the social consequences resulting from their actions. It ensures that human dignity in this theory is not value dedicated to beings irrespective of their acts. Such dynamic conception of human dignity enables it to be fulfilled with the

moral content. Activity and autonomous thinking and moral decision making of moral agent is crucial and the acts with positive social consequences are necessary for the development of human dignity. Using these arguments helps us to prove that such multidimensional approach to human dignity is appropriate, because it is not dependent on the social, economical or other criteria, but on reviewing the acts and its consequences from the moral point of view.

Main contribution of this article is represented by the reflections on the human dignity of moral objects and within this group major interest was addressed to people with learning difficulties. I tried to answer the question whether people with learning difficulties can be understood as moral agents, because this issue, within this ethical theory, is closely related to their human dignity. I consider it to be a productive part of this article, as these issues have not been discussed within ethics of social consequences in more detail. The last part of article was dedicated to Lennart Nordenfelt's understanding of human dignity which is based on the existence of four different types of human dignity. I have tried to compare his opinions about human dignity with the conception of this value in the ethics of social consequences.

# Acknowledgement

# Notes

1. In general, the priority of consequences in the decision making, actions and evaluation of moral agents' actions; value pluralism, the importance of the moral agent, rejection of maximization as only one criterion for evaluating an action's rightness, and refusal of the principle of impartiality belong among the most fundamental aspects of non-utilitarian consequentialism. Vasil Gluchman, "Non-utilitarian consequentialism and its contexts", in *Wokól humanistycznych wartości: w 70. rocznice urodzin Profesora Henryka Pilusia*, eds. T. Daszkiewicz, P. Czarnecki (Warszawa: Wysza Szkola Finansów i Zarzadzania, 2007), p. 149.
2. Vasil Gluchman, "Ľudská dôstojnosť a neutilitaristická konzekvencialistická etika sociálnych dôsledkov [Human dignity and non-utilitarian consequential ethics of social consequences]", *Filozofia*, 59:7 (2004), p. 503.
3. Vasil Gluchman, "Etika sociálnych dôsledkov-minulosť, prítomnosť, budúcnosť. (namiesto predslovu) [Ethics of social consequences – past, present, future (instead of introduction)]", in *Hodnoty v etike sociálnych*

*dôsledkov* [*Values in ethics of social consequences*], V. Gluchman et al. (Prešov: Grafotlač, 2011), p. 5.

4. Development of this ethical theory is mainly visible in the following works by Gluchman: Vasil Gluchman, *Angažovanosť, solidarita, zodpovednosť* [*Involvement, solidarity, responsibility*] (Prešov: Universum, 1994); Vasil Gluchman, *Etika konzekvencializmu* [*Ethics of consequentialism*] (Prešov: ManaCon,1995); Vasil Gluchman, *Etika sociálnych dôsledkov a jej kontexty* [*Ethics of social consequences and its contexts*] (Prešov: PVT,1996); Vasil Gluchman, *Etika sociálnych dôsledkov v kontexte jej kritiky* [*Ethics of social consequences in context of its critique*] (Prešov: LIM, 1999); Vasil Gluchman, *Človek a morálka* [*Man and morality*] (Prešov: LIM, 2005); Vasil Gluchman, *Etika a reflexie morálky* [*Ethics and reflections of morality*] (Prešov: FF PU, 2008); Vasil Gluchman et al. *Hodnoty v etike sociálnych dôsledkov* [*Values in ethics of social consequences*] (Prešov: Grafotlač, 2011) and many other studies, articles and texts dedicated to this ethical theory. In Gluchman's other works, this ethical theory is further elaborated through its applicability as a model of professional ethics, for example Vasil Gluchman, "Analýza teoretických východísk profesijnej etiky na Slovensku [Analysis of theoretical basis of professional ethics in Slovakia]", in *Profesijná etika. Analýza stavu profesijnej etiky na Slovensku* [*Professional ethics. Analysis of the status of professional ethics in Slovakia*], V. Gluchman et al (Prešov: FF PU, 2012), pp. 11–52; Vasil Gluchman, "Profesijná etika v kontexte konzekvencialistického uvažovania (ESD model profesijnej etiky) [Professional ethics in the context of consequentialist consideration (ESC as a model of professional ethics]", in *Profesijná etika. Minulosť a prítomnosť* [*Professional ethics: Past and Present*], V. Gluchman et al. (Prešov: FF PU, 2012), pp. 42–65.

5. Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky,* p. 13.

6. Gabriela Platková Olejárová, *Aplikácie etikysociálnych dôsledkov v ekonomike* [*Application of Ethics of Social Consequences in Economics*] (Prešov: FF PU, 2009).

7. Marta Gluchmanová, *Uplatnenie princípov a hodnôt etikysociálnych dôsledkov v učiteľskej etike* [*Enforcing Principles and Values of Ethics of Social Consequences in Teaching Ethics*] (Prešov: FF PU, 2009).

8. Adela Lešková Blahová, *Bioetika v kontextoch etiky sociálnych dôsledkov (aplikácia zvolenej paradigmy na vybrané bioetické problémy)* [*Bioethics within the ethics of social consequences (application of chosen paradigm on certain bioethical problems)*] (Prešov: FF PU, 2010).

9. Ján Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor)* [*Ethics of social consequences and business ethics (with focus on financial sector)*] (Brno: Tribun, 2012).

10. Katarína Komenská, "Reflexia problematiky etiky vzťahu k zvieratám na Slovensku [Reflections on animal ethics in Slovakia]", in *Ochrana zvířat a welfare 2012: sborník příspěvků: 19. odborná konference s medzinárodní účastí* [*Protection of animals and welfare 2012*], eds. V. Večerek, M. Malena, V. Pištěková, E. Voslářová (Brno: Veterinární a farmaceutická univerzita Brno, 2012), pp. 88–93; Katarína Komenská, "Zodpovednosť ako vzťah k

morálnej komunite [Responsibility as relation to moral community]", in *Aktuálne otázky teórie a praxe aktivít a terapie s asistenciou psov (canisterapia)* [*Actual issues of theory and activities' practice and theraphy with the assistance of dogs (canistherapy)*], eds. J. Ferko, D. Šoltésová (Bratislava: Doggie, 2012), pp.69–76; Katarína Komenská, *Etika vzťahu k zvieratám (cez optiku etiky sociálnych dôsledkov)* [*Animal ethics (in ethics of social consequences)*] (Prešov: Vydavateľstvo Prešovskej university, 2014).

11. Vasil Gluchman, *Človek a morálka. [Man and morality]* (Brno: Doplněk, 1997), p. 99.

12. Vasil Gluchman, "Dignity and human dignity as a methodological basis of bioethics", in *Bioethics in Central Europe: Methodology and education,* ed. V. Gluchman (Prešov: FF PU, 2009), pp.73–86.

13. Vasil Gluchman, "Hodnota ľudskej dôstojnosti a jej miesto v etike sociálnych dôsledkov [Human dignity and its place in ethics of social consequences]", in *Filozofia – Veda – Hodnoty II* [*Philosophy – Science – Values II*], ed. O. Sisáková (Prešov: FF PU, 2005), pp. 79–96.

14. Platková Olejárová, *Aplikácie etikysociálnych dôsledkov v ekonomike*, pp.137–138.

15. Gluchmanová, *Uplatnenie princípov a hodnôt etiky sociálnych dôsledkov v učiteľskej etike*, p. 98.

16. Marta Gluchmanová – Vasil Gluchman, Učiteľská etika [*Ethics of teaching profession*] (Prešov: FF PU, 2008), pp. 146–147.

17. Lešková Blahová, *Bioetika v kontextoch etiky sociálnych dôsledkov*, pp.93–96.

18. Komenská, *Etika vzťahu k zvieratám (cez optiku etiky sociálnych dôsledkov)*, p. 41.

19. Jiří Kánský, "Podnětná původní práce z etiky [Inspirational work of ethics]", *Filozofia*, 52:7 (1997), p. 487.

20. I believe that this uniqueness of the given theory is influenced by its nature. This theory combines the components of several ethical systems, for example moderate relativism, deontology, hedonism and eudemonism. Ethics of social consequences can be understood as some kind of combination of these features, but it is necessary to emphasize that all these features have a marginal function and do not represent the main factor of the action. This ethical theory is based on consequences that are understood as an outcome of attitudes, decision making and subsequent actions of moral agent, Gluchman, *Angažovanosť, solidarita, zodpovednosť*, pp. 25–26.

21. Gluchman, *Etika a reflexie morálky*, pp. 92–93.

22. Gluchman, *Hodnota ľudskej dôstojnosti a jej miesto v etike sociálnych dôsledkov*, p. 79.

23. Gluchman, *Dignity and human dignity as a methodological basis of bioethics*, p. 83.

24. Gluchman, *Etika a reflexie morálky*, p. 100.

25. *Ibid.*

26. Adela Lešková Blahová, "Etika sociálnych dôsledkov ako možné metodologické východisko riešenia bioetických problémov [Ethics of social consequences as a methodological basis in solution of bioethical problems]", in

*Metodologické a metodické otázky bioetiky súčasnosti* [*Methodological and methodical issues of contemporary bioethics*], ed. V. Gluchman (Prešov: FF PU, 2009), p. 139.

27. Adela Lešková Blahová, "Morálny biocentrizmus, chápanie hodnoty života a aplikácia etiky sociálnych dôsledkov v (bio)medicíne [Moral biocentrism, understanding of value of life and application of ethics of social consequences]", in *Hodnoty v etike sociálnych dôsledkov* [*Values in ethics of social consequences*], V. Gluchman et al. (Prešov: Grafotlač, 2011), p. 47.

28. Gluchman, *Človek a morálka*, p. 22.

29. This process is aptly presented by Marta Gluchmanová in an example from the teaching profession. Teachers have to respect children and pupils because they are human beings. The role of teachers is to educate the children and to lead them to mutual esteem and respect for the human dignity of other children and adults. On the grounds of developing the cognitive and intellectual capacities of these children, pupils and young people, there is a change in the state of appraisal of their dignity. According to the ethics of social consequences, children, and young people change from passive bearers of human dignity (obtained on the grounds of their species membership) through their cognitive and intellectual development into active beings deserving esteem and respect from others on the grounds of their own behaviour and actions, Gluchmanová, *Uplatnenie princípov a hodnôt etiky sociálnych dôsledkov v učiteľskej etike*, p. 100.

30. We can ask one question. Why are there, in the ethics of social consequences, these levels of dignity? What is wrong with an absolute understanding of human dignity as an equal value for all human beings, which is typical for religious approaches or for legislative understanding of this value? Religious opinions perceive the uniqueness of the human being and his value based on the fact that the human being was created as *Imago dei*. Human life is sacred and this is so because of its similarity to God. That is the reason why human life needs to be saved at all times. In connection to these religious views of human dignity, it is important to state, that Gluchman does not reject the religious basis of this value. He accepts the religious (mainly Christian) context of this value and he considers it to be very helpful because it helps to protect human life as the highest (but not absolute) moral value, Vasil Gluchman, "Rozličné kontexty idey ľudskej dôstojnosti. (G. Collste) [Various contexts of idea of human dignity. (G. Collste)]", *Filozofia*, 59:1 (2004), p. 72. As we can see, this author accepts the religious basis of human dignity but he also emphasizes the need to formulate this value on a philosophical basis. Concerning the value of human dignity, ethics of social consequences uses the situational approach and relativism. This ethical theory rejects an absolute understanding of individual moral norms and focuses on particular situations, circumstances in which the action occurs. Human dignity does not represent an unchangeable and absolutely valid value. It is dependent on the moral maturity of the individual and on his behaviour, actions and the consequences of these actions. By this approach, the ethics of social consequences is free of understanding dignity as a certain species characteristics without real influence

on the behaviour and actions of human beings. Human beings manifest themselves as moral beings exactly through their behaviour and actions, meaning by their activity. On the grounds of their behaviour and actions, they obtain a higher or lower level of respect and esteem from society, they obtain a higher or lower level of human dignity.

31. Lešková Blahová, *Etika sociálnych dôsledkov ako možné metodologické východisko riešenia bioetických problémov*, p. 143.

32. Gluchman, *Človek a morálka*, pp. 148, 152; Gluchman, *Hodnota ľudskej dôstojnosti a jej miesto v etike sociálnych dôsledkov*, pp. 79, 82.

33. Göran Collste, *Is human life special? Religious and philosophical perspectives on the principle of human dignity* (Bern, Berlin, Bruxelles, Frankfurt am main; New York; Wien: Lang, 2002), p. 15.

34. Lešková Blahová, *Bioetika v kontextoch etiky sociálnych dôsledkov*, p. 94.

35. Lešková Blahová, Morálny biocentrizmus, chápanie hodnoty života a aplikácia etiky sociálnych dôsledkov v (bio)medicíne, p. 59.

36. Lešková Blahová, *Bioetika v kontextoch etiky sociálnych dôsledkov*, p. 95.

37. Gluchman, *Etika a reflexie morálky*, p. 110.

38. *Ibid.*

39. *Ibid.*

40. Ján Kalajtzidis, Martin Gluchman, "Ethics of social consequences and issue of the principle of humanity in medical ethics", in *Second Eurasian Multidisciplinary Forum, EMF 2014* (Tbilisi: European Scientific Institute, 2014), p. 238.

41. Ján Kalajtzidis, "Problematika mravných subjektov v etike sociálnych dôsledkov [Issue of moral agents in ethics of social consequences]", in *Hodnoty v etike sociálnych dôsledkov* [*Values of ethics of social consequences*]*,* V. Gluchman et al. (Prešov: Grafotlač, 2011), p. 88.

42. This opinion is stressed also by Iva Švarcová. She points to the fact that people with learning difficulties do not represent an easily definable and homogenous group. They are unique personalities and differ in a significant way by their peculiarities and individual needs, similarly to people without such disabilities. There are big differences and different variants among individual levels of intellectual disability and each individual is different in a certain way. That is the reason why we cannot think about people with learning difficulties as one homogenous group, Iva Švarcová, *Mentální retardace* [*Mental retardation*] (Praha: Portál, 2011), pp.13–14.

43. Ivan Jakabčic-Ladislav Požár, *Patopsychológia mentálne postihnutých* [*Pathopsychology of intellectually disabled*] (Bratislava: Iris, 1996), p. 77.

44. Švarcová, *Mentální retardace*, pp. 29–30.

45. In this article I prefer to work with the concept of learning difficulty because I consider it to be more appropriate than concept of mental retardation because of its more neutral tone. But in the WHO classification I use concepts of mental retardation as it is originally used in this classification, while in other places, in my own ideas and opinions, I prefer the term learning difficulty.

46. World Health Organization, *Mental and behavioural disorders. International statistical classification of diseases and related health problems 10th revision (ICD- 10)* [online],[cit.20.02.2015]. Available online: http://apps.who.int/classifications/icd10/browse/2010/en#.

47. Gluchman, *Člověk a morálka*, pp. 8, 42.

48. It is necessary to point out that these values and principles cannot be in contrary to basic moral values. Despite the differences, humanity, human dignity and a human being's moral right to life have to be respected, *Ibid*, p. 40.

49. *Ibid*, p. 43.

50. The heteronomy position includes a high rate of conformity in the issues of moral norms and values which this type of moral agents use in their decision making processes. External authority for this type of moral agent is usually represented by the wider social organism, habits, laws, public opinion which represents the interests of the social community to which this individual belongs, *Ibid*, p. 46. Conformal moral agents usually do not reason about these norms and values in much detail, they understand these norms and values as a fact and follow it.

51. *Ibid*, p. 45.

52. Kalajtzidis defines moral responsibility as a) the ability of a moral agent to be able to bear the consequences, b) as the ability to bear reward or penalty and c) as the ability to act, Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika*, p. 25.

53. Ethics of social consequences works with direct and indirect responsibility. Direct responsibility includes direct consequences resulting from the moral agent's actions. Indirect responsibility deals with consequences that are not directly related to the actions of a moral agent, Gluchman, *Etika sociálnych dôsledkov a jej kontexty,* p. 48.

54. Gluchman, *Člověk a morálka*, p. 50.

55. *Ibid*, p. 54.

56. *Ibid*, p. 59.

57. Švarcová presents that mild and moderate levels of intellectual disability have some clinical manifestations in common and it differs based on the level of intellectual disability and its extent. Among these common manifestations belong for example slowly understanding, simplicity and factuality of judgements, lowered ability to compare and conclude logical findings, lowered mechanical and logical memory, insufficient word-stock and uncoordinated communication, failures in motional coordination, impulsiveness, hyperactivity, insufficient development of self-reflection and many others, Švarcová, *Mentální retardace*, p. 47.

58. Josef Slowík, *Speciální pedagogika* [*Special needs education*] (Praha: Grada Publishing, 2007), p. 14.

59. Švarcová, *Mentální retardace*, p. 38.

60. As an example of this situation we can use the real-life case of Joseph (a 35 years old man with a mild learning difficulty) who works manually in a factory using line production. He is aware of the valid norms and rules in this factory

which need to be followed by all employees. He is also able to realize his duties that are connected to these norms and rules. For example, he knows that when he cannot go to work it is necessary to contact his supervisor, or his assistant (proving necessary support to Joseph in solving certain problems). He is conscious of the fact that if he does not do it (contact his supervisor in the case of his absence at work) he can be punished because of violating the factory's norms. I presuppose it results in the fact that Joseph is aware of his responsibility in violating norms. I think it is necessary to emphasize that in the case of Joseph we speak about the direct responsibility for his actions (rule and norm violation). It means Joseph is able to bear responsibility for any consequences which are directly connected to him personally. It is questionable whether Joseph can be responsible for any indirect consequences of his actions, for example whether he is able to think about the situation, when he doesn't go to work, he will not produce the necessary components, so his colleagues will not have work too, as they are dependent on the components made by Joseph.

61. We can really see that the people learning difficulties differ in their capacities that are related to the level of their disability. Some of them (people with mild learning difficulties) can realize that their actions are not right and they can hurt somebody. On the other hand, people with a severe level of learning difficulty cannot understand it in the majority of cases. For them, it is difficult to think about their actions and about the rightness/wrongness of them. Individuals with severe learning difficulties are in some cases able to realize certain mistakes in an action much later. It is probably the result of his lowered reflection and understanding of particular situation. We can illustrate this opinion with one real-life example.

A volunteer has worked with people with learning difficulties in their community. It was the last week of this internship. He has a good relationship with all clients because he tried to offer them useful support and autonomy when needed. In this last week, the volunteer had a conflict with one of the clients - John (a 31 year old man with severe learning difficulties). John was angry and said to volunteer that he is happy this internship is over soon and volunteer will leave them soon. After these words, the volunteer was sad and disappointed, because he really loved these people. Three days later, John came to the volunteer and said he is so sorry for his words and he does not want the volunteer to leave them. Based on this example we can reason that John reflected about this conflict and he felt guilty and ashamed of his words. Thinking about this situation and its moral reflection took him a longer time, but he finally did it and apologized to the volunteer.

62. Such an example is the case of Thomas (a 36 year old man with a mild learning difficulty). Despite the level of his disability he is not able to live independently, because he needs everyday assistance. Formerly, he lived with his mother who tried to include him in ordinary life and let him live independently. After a short period of time his mother realized that Thomas is not capable of it. He did not manage to realize the norms and values valid in his community; he was not able to fulfil his duties in relation to his work place.

In certain decision-making processes he permanently needed the help of his mother or other assistants and he was not able to bear responsibility for his actions. Based on this situation we can see that Thomas cannot be a moral agent within the ethics of social consequences. He represents a moral object.

63. Švarcová, *Mentální retardace*, pp. 38–39.

64. Kateřina Thorová, "Pervazivní vývojové poruchy, mentální retardace a syndromy pojíci se s mentální retardací [Pervasive developmental disorders, mental retardation and syndromes associated to mental retardation]", in *Agrese u lidí s mentální retardací a s autismem* [*Aggression of people with intellectual disabilities and autism*], V. Čadilová, H. Jůn, K. Thorová et al. (Praha: Portál, 2007), p. 27.

65. Despite their inability to bear moral responsibility for their actions, people with this level of learning difficulty should be permitted to bear responsibility for themselves at least in their everyday life activities. Their capacities are limited, they need more support from other people, but I believe they are able to decide autonomously and responsibly about certain practical circumstances and situations in their life. Pörtner points to the fact that it is the role of the assistant to recognize in which fields these people are able to be responsible for their actions. Concerning severe levels of learning difficulty it is necessary to let them decide autonomously about their room, for example whether they want to have an open or closed door, or whether they want to take an umbrella when they go for a walk and so on. These forms of receiving responsibility for their own decisions are very important for these people. It signifies that they are taken seriously as other members of society. It affects their quality of life and the feeling of having value in a significant way, Marlis Pörtner, *Na osobu zaměřený přístup v práci s lidmi s mentálním postižením a s klienty vyžadujícimi trvalou péči* [*Person-centered approach in the work with the people with intellectual disability and clients demanding permanent care*] (Praha: Portál, 2009), p. 38.

66. Švarcová, *Mentální retardace*, p. 46. An example of individual with this level of learning difficulty is Anton (a 22 year old man). Apart from a learning difficulty he has also some problems with walking that limits his movement. In communication with others he does not use words, because he cannot talk. His communication is based on various sounds, shouts and gestures. He communicates with others with the help of these sounds, shouts and gestures. He has a book with many pictures representing various things, clothes, meals, activities. He answers different questions by pointing to individual pictures. Despite this difficult form of communication, the interest of assistants and other people is very important for Anton and he constantly wants to communicate with others. Anton attends a day centre where he participates in various activities. Very often he encounters a problem which requires decision making about certain activities. Assistants have discovered that when they give him two variants for different activities he is not able to decide on one. This uncertainty makes him confused and aggressive towards other clients in the centre. Assistants started to use a new approach when communicating with Anton about possible activities which was based on offering him one activity

at a time. Anton nods his approval for a certain activity without being stressed or aggressive towards others. Based on this example, we can see that this client with a severe learning difficulty became confused and aggressive in ordinary situation requiring decision-making about a particular activity. We can conclude that he is also notable to decide autonomously and responsibly about certain actions with a moral scope. Following this example I think that people with a severe learning difficulty do not fulfil the necessary conditions for being a moral agent and, therefore, are moral objects.

67. *Ibid*, p. 40. The WHO includes in classifying learning difficulty includes two other categories of learning difficulty; *other intellectual disability* which represents special category where it is difficult to state the level of disability based on ordinary methods. In other words it is impossible to identify the level of impairment because of other damage (sensorial, somatic damages) as for example in the case of blind or deaf people. The last category is *unspecified intellectual disability* that indicates cases in which the learning difficulty is demonstrable, but there is a lack of information which is necessary to categorise the particular level of disability, *Ibid*, pp. 40–41.

68. Lešková Blahová, *Etika sociálnych dôsledkov ako možné metodologické východisko riešenia bioetických problémov*, p. 143.

69. Gluchman, *Etika a reflexie morálky*, p. 112.

70. *Ibid*.

71. *Ibid*, p. 113.

72. In my opinion, the actions of children and people with learning difficulties action can result in positive social consequences, either. Children are able to help other children or adults (for example to save their life) and such an action leads to positive social consequences. Such cases can also be found in connection to people with severe learning difficulties. I believe that despite the fact they are not moral agents, but moral objects, they strive to act with the intention of achieving a prevalence of positive social consequences.

73. *Ibid*, p. 114.

74. Here I consider it necessary to emphasize that these opinions concern the moral dimension of human dignity. This moral dimension of dignity based on immoral actions can fall below the basic level of human dignity, which is valid and equal for all human beings. Although a moral agent, because of his immoral actions, and almost the maximum prevalence of negative social consequences, degrades himself, he decreases his level of human dignity based on his actions. Despite this, his initial-ontological manifestation of human dignity- remains unchanged. In other words, because of his actions he does not deserve respect and esteem from other people (but rather rejection from society), he deserves at least basic respect and esteem because he is a living entity.

75. The moral dimension of human dignity that is dependent on the consequences of a moral agent's actions.

76. *Ibid*, p. 116.

77. In comparison to people with more severe levels of learning difficulties and animals I do not want to degrade people with disabilities. Even though these

people have significantly limited cognitive and intellectual capacities, they belong to the species *Homo sapiens* and it has these capacities and represents evolutionary the highest form of life (so far).

78. *Ibid*, p. 116. As I speak about non-human members of the moral community, I use the concept of dignity. Concerning human beings, I work with the concept of human dignity. In connection to this I think it is important to emphasize what has been already said above in the former text. In my opinion, these animals, thanks a prevalence of positive social consequences resulting from their actions, can raise their dignity, but only within the scope that is objectively given. It means they are able to increase their dignity within the scope that is attributed to these life forms. I believe that they cannot cross the level of dignity quantitatively rated 1, because it is attributed to human dignity and human beings who represent qualitatively the highest life form so far. I can conclude it with a statement that these animals can increase the value of their dignity in comparison to other animals that are on the same position in the evolutionary chain. For better understanding I can use the following example. We can imagine a dog that saved a child from a burning house. Based on this action this dog has a higher level of dignity than another dog who escaped when the fire started.

79. Using these arguments, I do not want to degrade people with more severe levels of learning difficulties. On the grounds of this formal similarity and the status of the mentioned animals and people as moral objects I want to point to the possibility of widening such reflections in the ethics of social consequences also when discussing people with more severe levels of learning difficulties (and of course in connection to other moral objects for example children, young people, old people).

80. Lennart Nordenfelt, "The concept of dignity", in *Dignity in care for older people*, ed. L. Nordenfelt (Oxford: Wiley–Blackwell, 2009), p. 46.

81. Lennart Nordenfelt, "The varieties of dignity", *Health Care Analysis*, 12:2 (2004), p. 71.

82. *Ibid*, pp. 71–72.

83. *Ibid*, p. 72.

84. *Ibid.*

85. *Ibid*, p. 73.

86. Paul Wainwright, Ann Gallagher, "On different types of dignity in nursing care: a critique of Nordenfelt", *Nursing philosophy*, 9 (2008), p. 51.

87. Nordenfelt uses the concept of moral agent, but he does not specify in more detail who he considers to be a moral agent.

88. Nordenfelt, *The varieties of dignity*, p. 73.

89. *Ibid*, p. 75.

90. *Ibid*, p. 69.

91. *Ibid*, p. 74.

92. *Ibid*, p. 75.

93. *Ibid*, p. 76.

94. *Ibid.*

95. Here lies the main and already mentioned difference between Nordenfelt conception and ethics of social consequences. This ethical theory presents individual levels of human dignity which can be added to one another and together they form one scale of dignity. On the other hand, Nordenfelt differentiates between four different types of dignity which we cannot add to each other and it may constitute four different scales of dignity.
96. Ibid, pp. 77–78.
97. The author offers two approaches which may represent the basis for *Menschenwürde*. One of them states that *Menschenwürde* is grounded in the traditional Christian approach in which the human being has dignity because he was created in the image of God (*Imago Dei*). The modern approach considers the capacities of humans to be the basis for *Menschenwürde*. Among these capacities are consciousness, the ability to think, rationality, autonomy, Nordenfelt, *The varieties of dignity*, p. 78.

# NEW CONTEXTS OF (THE VALUE OF) LIFE IN ETHICS OF SOCIAL CONSEQUENCES

## ADELA LEŠKOVÁ BLAHOVÁ

## 1. Introduction

The main aim of this paper is to find, describe and analyse the concept of life in Ethics of Social Consequences; the objective is to overcome anthropocentric understanding of the concept of life in Ethics of Social Consequences, which is related to the theory's efficiency actively enter bioethical discourse. This text thus reacts to the new challenges in philosophical and applied ethics which Ethics of Social Consequences has to face. Forasmuch as the given ethical theory aims to be successful also in the applied and professional ethics (in the context of this paper predominantly in the area of bioethics), it is inevitable to find and define a newer understanding of the concept of life in Ethics of Social Consequences. In current bioethical discourse, a bio-centric approach towards the concept of value of life as the basic bioethical category has been more and more dominant. My aim is to design an innovative – biocentrically oriented, as well as methodologically coherent – concept of life as a process and moral value in the given theory. I suppose this shall create a broader space for this theory in the applied ethics sphere, i.e. its possibilities to react to current social medical, scientific, environmental, etc. problems shall be enhanced. The secondary objective of the text is elaboration of some concrete bioethical topics in the Ethics of Social Consequences context, or to verify the possibilities of application of the given ethical theory on selected bioethical topics.

My research begins with a short historical retrospective of how the concept of life has developed throughout this contemporary ethical theory. I will attempt to reconcile the positions of moral biocentrism and biocentric consequentialism and widen their conclusions and apply them

to a particular conception. The thesis that life is not exclusively a human matter can be found in the older works by Vasil Gluchman, the author of Ethics of Social Consequences. Life and existence is present all around us and has various manifestations and forms. Also this is the reason why the life is by the author perceived as an objectively given quality (not dependent on a man) already in the 1990s. However, as he states, this non-moral value becomes a moral value (the good) only in a particular existence, based on the acting of a particular moral agent; by doing good.[1] Thus, the non-moral (natural) world precedes and determines the moral world in a certain sense; however, this does not imply that the biological (genetic) context is more significant than the social context in the field of morality.[2] This idea is also applicable to the Ethics of Social Consequences, where the value of life has its invaluable place.

Gluchman perceives the moral value of life as an axiological principle of the ethics of social consequences because it conditions several elements of its value system, i.e. humanity, human dignity, moral right (for life) and positive social consequences.[3] In relation to the fundamental values of this theory, the value of life is an important correlative, which interlinks the theoretical background of conception of values with a theory of right (in actions).

Although the first theoretical reflections on concrete values of this theory are related to the human life exclusively, in later works of Gluchman, there is a significant shift from the so called strong anthropocentrism. This becomes evident mainly in the author's reflection on the value of life in its broader sense as the value of life as such. Definition of the values of (human) dignity and humanity or moral right (to life) can serve as examples. Although the first ideas of the author on these issues are related exclusively to a human being, e.g. the first edition of *Man and Morality* (1997), in the later works he starts to think in broader contexts and he relates them to the non-human sphere, too.[4] The same shift can be seen in his reflections on the place and significance of animate and inanimate nature in the context of the decision-making of the moral agent. In his first works, these are understood only as the so called moral objects of human acting and thus he retains his anthropocentric position, although it's a weak anthropocentrism.[5]

The shift of the author's position from strong to weak anthropocentrism reflects the author's openness towards new arguments relating to the application of ethics of social consequences for solving various problems of (not only) social life. I talk about, predominantly, the sphere of applied ethics, specifically bioethics, environmental ethics or animal ethics. The last mentioned field of applied ethics required a new definition and

broader understanding of the category of moral community in the context of this ethical conception. Moral community is no longer reduced to the social or civil community, it has a broader meaning. It shall reflect on all spheres of morality – private and public (social) life, relationships and responsibilities, as well as interspecific, ecological and bio-spherical relationships.[6] Thus also here is a visible shift regarding the reflection of the scope of the concept of life issue, where the boundaries of the moral community has been broadened from the humane sphere "onto everything alive, taking into account differentiation of their moral significance"[7]

Already in several other works,[8] I have tried to reflect on the author's ideas on life in relation to the non-human (natural) world, whereby I have shifted this theory into the position of moral biocentrism, partially also axiological objectivism. In the following part of my paper, I will present my most significant findings. I begin my reflection with the definition of the concept of life in Ethics of Social Consequences.

Despite the fact that the author works with the value of life as a central value of his conception, he does not further specify the notion of life itself. I consider it to be a relevant limitation in the field of the theoretical framing of the value of life, mostly in the context of the questions of bioethics, environmental ethics and animal ethics. Based on the author's determination of the value of life (but also other values, especially dignity and humanity), I am of an opinion that in the Ethics of Social Consequences, life is primarily related to the life of concrete entities but it is not reduced to the life of human beings only. Thus, from this point of view, we can talk about a rather narrow definition of life, which is based on the latest information from (not only) the natural sciences.[9]

Following the criticism of and objections to the anthropological orientation of Ethics of Social Consequences, I have proposed the basic theses of biocentrism as a theoretical basis, where all living beings are morally important thanks to their competence to be alive. My aim has been to find and describe such a form of biocentrism that would overcome the anthropocentrism of that time and that would, at the same time, fully correspond to the consequentialist orientation of Ethics of Social Consequences. Also this was the reason why I have turned to the biocentric consequentialism of Robin Attfield and the moral biocentrism of Kenneth E. Goodpaster. I have aimed to define a new understanding of the value of life in Ethics of Social Consequences by comparing and partially analysing both conceptions, and thus, to shift its axiological position towards biocentrism and partial axiological objectivism.

## 2. The Biocentric Consequentialism of Robin Attfield

Returning to the most important conclusions of my research, I have proposed that we can integrate Attfield's biocentric consequentialism into the wider context of utilitarianism of the rule, where the evaluation of the action, especially its consequences, is assessed by the action's accordance with a generally accepted rule. The core of this theory is the value of life as an inner value, as the good of all living entities. The condition of the good, as Attfield states in accordance with Aristotle's theory, is the development and the improvement of competencies important for a particular category. In particular, the capacities of growth and reproduction (mainly in the case of plants and animals), locomotion, feeling and perception (especially in the case of the majority of animals) or so-called "exceptional" competences related mainly to man, e.g. to know how to use a common sense, competences of self-consciousness and autonomy. Thus, all living beings, at the present and in the near future, are the good in itself. Attfield adds that whatever has the good in itself (or might have) becomes morally standing or deserves moral consideration.[10] According to Attfield, an inner value is primarily associated with living individuals. In the case of ecosystems, we can speak at the very most of the immense instrumental value that is brought for the proprietors of moral competence.[11]

Generally speaking, biocentric consequentialism strives to justify an equal approach to the equal interests of all living entities. However, what is interesting in this conception is its anti-egalitarianism that makes the conception different from other, mostly egalitarian, environmental conceptions. However, as the author states, egalitarianism is valid only in extraordinary situations, by offering the precedent in the form of prioritization of the interests of the entities' with more sophisticated competencies. However, it is neither about a social anti-egalitarianism which prioritizes satisfaction of the basic needs and interests, and nor is it about the prioritization of people just because they are people.[12]

In principle, not all living beings, even though they all deserve moral consideration, are also equally morally significant.[13] The author in question distinguishes between the moral consideration and the moral significance. He states that to be a proprietor of moral consideration is not the same as to possess the equal moral significance as other such proprietors.[14] Such a differentiation enables him to create a sufficient space for biocentrism in the form of consideration for all living forms, although not to the same degree of moral significance is given to them. But at the same time, he respects the qualitative differences between them

based on the quality and the complexity of their competences, as well as their interests. Therefore, it is true that more complex and sophisticated competences are prioritized over the less complex and sophisticated ones only if both groups are in conflict and thus it is necessary to make a choice. Hence, we cannot talk about the so-called automatic priority of one over the other; i.e. about the automatic preference of one member of the more sophisticated group, which, in our case, is a man.[15]

Biocentric consequentialism frames certain signs of value pluralism by recognizing the value of health, improvement of competencies, valuable life, justice, autonomy and others. At the same time, it searches for the value based justification of actions when we have several alternatives and the choice has to be made.[16] Thus it is a pluralism in respecting and the relation of several values, but at the same time it is monism in their consequentialist relation to the overall prevalence of positive values over the negative ones, or, because it is a utilitarianism, their maximisation.

## 3. The Moral Biocentrism of Kenneth E. Goodpaster

The similar biocentric orientation can be found in the works of Kenneth E. Goodpaster. In his works, biocentric orientation is not only about differentiation between the terms moral considerability and moral significance, but he also conceptually distinguishes the term moral standing, which he attributes to moral agents only – to people.[17] Before I present the significance of particular terms, it is necessary to state that "being alive" is, same as in the case of Attfield, a determining criterion of assignment of an inner moral value to a particular entity and it conditions the moral significance of something/somebody.

Goodpaster distinguishes between moral rights and moral considerability. The result of such a differentiation is the statement that if people and only all rational beings that are able to perceive are the legitimate proprietors of rights, then other living beings (based on the fact they are alive and thus morally valuable) deserve the moral respect from others, i.e. moral considerability.[18] Assigning moral considerability does not primarily depend, on rationality, ability to perceive pain and suffering, potentiality of growth related to certain entities, or the competences of desire, will or wish.[19] His justification is based on the statement that all these competencies (including consciousness) are determined by the only objective condition and the inner value – "being alive". Thus, the principle of life is essential for the assignment of moral considerability.[20]

In practice then, all living entities should be treated equally. However, it does not need to signify that all living beings have the same rights, the

same moral significance. The criteria of moral significance (same as in Attfield's work) play an important role in a comparative review of moral "relevance" in the case of conflict.[21] The author states that there are certain limits regarding the claim for moral considerability and respect for other living entities. These limits are based upon the satisfaction of man's needs, such as food sufficiency, deepening and widening of his/her knowledge (including experimentation with living entities and in some case even their death), protection from predators, diseases and so on. The regulative character of moral considerability signifies the sensitiveness and responsiveness of humanity in their relation to others; however, it does not follow its own self-destruction in the form of absolute moral considerability to all living beings.[22]

I consider this position, same as in the Attfield's case, to be productive because the value of life is acknowledged as the essential moral value, i.e. it is not reduced to a human life only.[23] However, in the case of the regulative character of moral considerability, certain problems can occur. Goodpaster does not specify the criteria for attributing the degree of moral significance to individual living entities.

Therefore the fusion of the both theories (Attfield's and Goodpaster's) seemed to be an effective step, with the Attfield's complexity and qualitative difference of competences of individual entities functioning as the (missing) criteria. The result of this synthesis is the understanding of the value of life in the context of biocentrism and consequentialism, which I have consequently applied to the consequentialist Ethics of Social Consequences.

## 4. Conclusion

To sum up and apply Attfield's and Goodpaster's findings in relation to Ethics of Social Consequences, this theory perceives life in its narrower naturalistic meaning, as a life of concrete entities. This perspective shall be amended by the organicism perspective. This means to think about a life as a specific biological process, which is based on (apart from other things) physical-chemical mechanisms, however not excluding other, non-physical laws, such as organization and complexity of living entities and systems. The abovementioned complexity opens up a space for qualitative differences amongst individual forms of life. Life, as a phenomenon, is then being materialized in the existence of individual forms of life. This understanding of the category of life sublimes in itself also its concrete manifestations such as special and time limitedness, specific chemical composition, ability to move, progress, genetic guidance, reproduction,

etc. In turn, the life conditions everything else, including cultural and social dimension of society.

Life itself represents the ontological fundament of the entire structure of values of Ethics of Social Consequences, by which everything develops further. In this context, it can be truly considered as an objective quality that determines other values (moral ones included), as well as the existence of the evaluative subject itself. As I stated above, I don't perceive this position as axiologically objectivistic, even though my arguments might make such an impression. I am merely highlighting partial axiological objectivism at the utmost. It starts and ends with the categorization of life as a resource, i.e. an original, self-maintaining (self-supporting) and self-regulatory phenomenon that deserves respect and protection in its particular approaches and forms. When protecting and respecting the materialized phenomenon of life, we are in the position of axiological subjectivism. I am sufficiently confident that morality is a social phenomenon, hereafter even the values themselves and their evaluation depend on the evaluative subject. In the case of moral values (including the moral value of life), I have suggested that we shall start from the position of moral subjectivism, which implements also Ethics of Social Consequences.

Therefore, from this point of view, it is evident that it is necessary to distinguish between life as an objective quality and life as a moral value. Ethics of social consequences remains axiologically-subjectivist in its relation to morality and values, although in the case of life as a phenomenon (not a moral value), it shall and should accept the existence of life as an objective quality. Moreover, the definition of the value of life affects the definition of other moral values in Ethics of Social Consequences, especially the values of dignity, humanity and the moral right (to life, or the protection from all the forms of behaviour and acting that denies life). Following the viewpoints of the authors of the moral biocentrism or biocentric consequentialism, it is possible to consider every living entity to be morally valuable, i.e. deserving respect and protection just because it manifests life. As morally valuable, it even has some moral significance. However, this moral significance is conditioned by the quality and the complexity of competences it does or does not have. Such competences are, e.g., instinctive feelings, growth, reproduction, motion, perception, instinctive behaviour, ability to make associations and learn, practical intelligence, self-consciousness, autonomy and so on. These competences present the criteria for a review of the moral significance of particular entities and their interests, which has a significant influence on evaluation of actions in the sphere of morality. Thus, there are certain qualitative

differences between particular forms of life. They are expressed by the category of moral significance of these entities. It would be unjust if we consider all forms of life to be equally morally significant, when our assumptions are rooted in the qualitative differences based on the complexity of their competences. We would deny evolution itself in the sense of constant development, adaptation and improvement of these competencies that involves socio-cultural scope of the organization of life in form of the communities.

Taking into account a fact that the moral value of life is considered to be the central, however not the absolute, value in Ethics of Social Consequences, the universalization of action evaluation as a moral or not moral in relation to the respecting (not respecting) the value of life has been withdrawn. Soft situational relativism of this ethical theory creates space for wider consideration of acting in accordance with the theory of right (acting) found in Ethics of Social Consequences.

In practice we aim for assessment of the action (its social consequences in particular) not only from the moral or immoral (as a certain overvalue) point of view, but we also aim also for the assessment of rightness/wrongness or commendableness/condemnableness as certain lower 'levels' of morality/immorality.[24] In general, however, it can be said that actions which disrespect (deny) the moral value of life cannot be considered as moral as they does not result in maximization of positive social consequences.[25]

Such a statement is then in accordance with Attfield's and Goodpaster's claim that it's necessary to limit the demands on moral considerability and respect for life and the interests of other living entities under certain circumstances. Consequently, this enables us to reflect on the so-called right (and even wrong) actions, which may be denying life or the interests of a morally less significant entity at the expense of the preferences of the interests or the life of morally more significant entities, but on the other hand, this action can bring at least minimal prevalence (not necessarily the maximization) of positive social consequences over the negative ones. I would relate this at least minimal prevalence of positive social consequences to at least partial respect for the value of life. That would be specified in the form of respecting the interests and the life of a morally more significant entity, which should bring, in its final consequence, the benefit and the development of life in general, or no harm to this life, its diversity, continuity and organization. Thereby we can escape "automatization" of the priority of the interests and the life of a morally more significant entity. On the other hand, such a reflection does not exclude the possibility of expanding the consequences of the actions

from the micro-social to the macro-social level and to consider not only their social, but even other (e.g. environmental) parameters.[26]

The objective of this text was to re-establish current philosophical-ethical understanding of the concept of life in Ethics of Social Consequences, to search out for the methodologically coherent bio-centric orientation. Following some of the conclusions of biocentric consequentialism of Robin Attfield and moral biocentrism of Kenneth E. Goodpaster, I claim that axiological orientation of Ethics of Social Consequences has been moved towards biocentrism and partial axiological objectivism. This movement may significantly promote more efficient application of Ethics of Social Consequences in the bioethics sphere and the contribution of this text is in elaboration of the given topic on the philosophical and applied ethics levels.

## Acknowledgement

## Notes

1. Vasil Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of social consequences within the contexts of its criticism*] (Prešov: PVT, 1999) p. 66.
2. We can see it even within the author's account of the origin of morality. Although the author admits that morality is based primarily on biological (genetic) grounds and results from a human effort to survive and reproduce, or an effort to protect and support life, but at the same time, he accepts that there are many other social aspects not related to the survival race. "We can conclude that morality consists of certain grounds related to genetic or biological determination of our protection of and support for human life, but on the other hand, it consists of a social extension regarding the protection of and support for human life that can be in many cases even contradictive to our biological determination and can be a determining moment of our morality" (Vasil Gluchman, *Etika a reflexie morálky* [*Ethics and the reflection on morality*] (Prešov: FF PU, 2008), pp. 35–36).
3. *Ibid*., p. 77. Concerning the ethics of social consequences as a theoretical model of soft non-utilitarian consequentialism, it even influences the value structure that is an attempt to overcome a traditional view of deontological vs. consequential value classification. It's a matter of humanity and human dignity issues that are often considered as the domain of deontological ethical conceptions. Justice, tolerance, moral duty and responsibility are secondary values of this conception. Vasil Gluchman, *Etika sociálnych dôsledkov v*

*kontextoch jej kritiky* [*Ethics of social consequences within the contexts of its criticism*] (Prešov: PVT, 1999), p. 61; Vasil Gluchman, *Etika sociálnych dôsledkov a jej kontexty* [*Ethics of social consequences within its contexts*] (Prešov: PVT, 1996), pp. 41–53.

4. Gluchman, *Etika a reflexie morálky*, pp. 55–76, 88–122, 133–144. New contexts of the development of reflections on human dignity and the quality of life need to be mentioned in the context of human mental disability (see Júlia Klembarová, *Etické a morálne aspekty mentálneho postihnutia (v kontexte etiky sociálnych dôsledkov)* [*Ethical and moral aspects of intellectual disability (within the ethics of social consequences)*] (Prešov: FF PU, 2015). The moral value of human dignity becomes acquires a wider scope not only in the context of non-humans, but even specific humans (various levels of mental disability in humans).

5. Some authors (Jemelka, Münz) indicate an anthropological focus of ethics of social consequences (mainly in early works by the author) as one of the main needs of this conception, whereas anthropocentrism is considered to be "overcome" in the solution of ecological problems. The problem is also the name of the conception itself, because it considers only social, i.e. societal consequences of human acting. Thus, the human becomes primary at micro-social level (family, friends, working group, etc.), but we don't think of the consequences in their wider contexts. Teodor Münz, "Etika sociálnych dôsledkov Vasila Gluchmana. Poznámky neetika k jednej etike" [Ethics of social consequences of Vasil Gluchman. Notes of non-ethicist on some ethics], *Filozofia*, 57:4 (2002), pp. 275–284; Petr Jemelka, "Etika sociálních důsledků a environmentální etika" [Ethics of social consequences and environmental ethics], in *Reflexie o humánnosti a etike*, ed. V. Gluchman (Prešov: L.I.M., 1999), pp.113–115.

6. Katarína Komenská, *Etika vzťahu k zvieratám (cez optiku etiky sociálnych dôsledkov)* [*Animal ethics (the view of ethics of social consequences)*] (Prešov: Vydavateľstvo Prešovskej university, 2014), p. 48.

7. *Ibid*., 49. By this, a so-called combined moral community is meant. *Ibid*., pp. 55–58.

8. Adela Lešková Blahová, "Hodnota života v etike sociálnych dôsledkov" [The value of life in ethics of social consequences], in *Hodnoty v etike sociálnych dôsledkov*, eds. V. Gluchman et al. (Prešov: Grafotlač Prešov, 2011), pp. 47–64; Adela Lešková Blahová*, Bioetika v kontextoch etiky sociálnych dôsledkov. (Aplikácia zvolenej paradigmy na vybrané bioetické problémy)* [*Bioethics within the contexts of ethics of social consequences (Application of chosen paradigm on the selected bioethical problems)*] (Prešov: FF PU, 2010).

9. It must be pointed that there are two differing argumentations in relation to the understanding of life which most often appear in the field of natural sciences. Life could be discussed in its lesser and broader delimitation. The first one perceives life as an attribute or a group of attributes characteristics for living beings or organisms. In this context, life is always individual, i.e. appears in space-time constraints and in a specific form. Ernst Mayr, *This is Biology: The Science of the Living World* (Cambridge: Harvard University Press, 1998);

Maurizio Mori, "Life, concept of", in *Encyclopedia of Applied Ethics*, *vol. 3,*
ed. R. Chadwick (San Diego: Academic Press. 1998), pp. 83–92. Life means
the competence of something "to be alive". Life always means "to be alive".
Heinz Penzlin, "The riddle of "life", a biologist's critical view",
*Naturwissenschaften*, 96:1 (2009), pp. 1–23. However, according to some
authors, such (lesser) understanding of life is insufficient and reductionist. It
delimits us in perception of life in the context of the living of a particular
entity, whereby the understanding of life eludes us in the significance of the
process (course of events). Therefore, within the broader delimitation of the
term life, there is referred to as a specific (biological) form of movement, as a
way of "the existence of an organized, thermodynamically open nucleoprotein
system characterized by the competence of auto-reproduction and metabolism"
(Petr Jemelka, "Hodnota života" [The value of life], in *Bioetika*, P. Jemelka, V.
Gluchman and A. Lešková Blahová (Prešov: FF PU, 2008), pp. 15–21).
Consequently, life itself, in the context of its perception as a value, is presented
as a dynamic system (being) fulfilled by its living. *Ibid.*, p. 21.

10. Robin Attfield, *The Ethics of the Global Environment* (Edinburgh: Edinburgh
University Press, 1999), p. 39. However, it is more important to notice here
that the author perceives the terms of moral standing and moral considerability
as synonyms. Both of them mean respect for and consideration of the interests
of the well-being of all entities having such a status, i.e. all living beings. As I
also deal with the arguments of Goodpaster later in this subchapter, who, in
contrast to Attfield, finds some differences between these terms, I choose the
translation as moral considerability in the case of Attfield.

11. *Ibid.*, p. 40.

12. Robin Attfield, "Biocentric Consequentialism and Value-Pluralism: A
Response to Alan Carter", *Utilitas*, 17:1 (2005), pp. 85–92.

13. Robin Attfield, *The Ethics of the Global Environment* (Edinburgh: Edinburgh
University Press, 1999), p. 39.

14. *Ibid*.

15. *Ibid*. However, the most critique of this theory is dedicated to its utilitarian
maximization of good. As stated by Attfield, in biocentric consequentialism
the maximization of good is associated with improving competencies of the
majority; in lesser extent it is associated with maximal improvement of certain
competencies of minority individuals at the expense of the majority. Robin
Attfield, "Biocentric Consequentialism, Pluralism and "The Minimax
Implication": A Reply to Alan Carter", *Utilitas*, 15:1 (2003), pp. 76–91. Alan
Carter sees a problem because it involves the association of utilitarianism and
anti-egalitarianism. According to Carter, in some situations it could mean the
following: the maximization of good would not be achieved by the low human
population with the competencies at the highest possible level, but through the
highest possible number of people with the lowest developmentally acceptable
degree of competence (The Minimax Implication). Carter reminds that the
result could be overpopulation at the expense of entities with lower
competencies, or the extinction of so called "irrelevant" species- irrelevant for
human interests but necessary for the existence of current ecosystems Alan

Carter, "Review of Robin Attfield: The Ethics of the Global Environment", *Mind: A Quarterly Review of Philosophy*, 110:437 (2001), pp. 149–153. Attfield defends his position by implication that biocentric consequentialism refuses an absolute colonization and universal use of the planet by the human population. Increase of human population is recommended only in the case if the non-human beings are not completely deprived of their basic needs. Consequently, Attfield's ethical theory advises people to live sustainably.

16. Attfield, "Biocentric Consequentialism and Value-Pluralism", pp. 85–92.
17. Kenneth E. Goodpaster, "On Being Morally Considerable" *Journal of Philosophy*, 75:6 (1978), pp. 308–325.
18. *Ibid*., p. 311.
19. If we considered these competencies as determining, it would be true that moral considerability wouldn't be related to small children, the mentally disabled and so on. *Ibid*., pp. 322–323.
20. *Ibid*., pp. 314–320.
21. *Ibid*., pp. 312, 322–323.
22. *Ibid*., p. 324.
23. As I stated above, even Gluchman respects relationships towards other beings, or moral considerations that are based on "what is common for all beings, including human beings, and that is life" (Gluchman, *Etika a reflexie morálky*, p. 96).
24. Bearing in mind that ethics of social consequences, as differing from biocentric consequentialism as a form of utilitarianism of the rule, is non-utilitarian, i.e. the evaluation of morality/immorality of the acting is not exclusively connected to the maximizing of the good, the pleasant, the utility, and so on.
25. However, in some cases, we can speak of wrong or even right acting, depending on the positive social consequences resulting from it (or have already resulted).
26. It partially has happened in connection to the problem of the animal ethics (see Komenská, Etika vzťahu k zvieratám (cez optiku etiky sociálnych dôsledkov).

CHAPTER TEN

THE CONCEPT OF MORAL COMMUNITY
IN ETHICS OF SOCIAL CONSEQUENCES

KATARÍNA KOMENSKÁ

## 1. Introduction

Ethics of social consequences tries to profile itself as a theory of moral biocentrism. These efforts have started with a complex definition of value of dignity. Nevertheless, this definition does not fully contribute to the understanding of priority setting between individual subjects of dignity. For this reason, the concept of moral community needs to be formulated within ethics of social consequences. The notion of moral community presented in ethics of social consequences has until now been very vague while corresponding with the notion of human society. It has not corresponded with its efforts to present itself as moral biocentric theory. First of all, ethics of social consequences needs to expand the boundaries of moral community and embrace everything that deserves respect and reverence. Secondly, understanding the concept of moral community can explore practical implications of this theory for ethical decision-making in the context of animal ethics discourse.

For this purposes, the chapter will present the initial notion of moral community in ethics of social consequences. Afterwards, this concept will be compared with two different understandings of moral community formulated by authors Peter Singer and Mary Midgley. These authors are considered to be adequate sources for such comparison, as their theories correspond with the consequential tendencies of ethics of social consequences. The main topic of this comparison will be built upon the notion of (im)partiality in the context of moral decisions making, the problem of the priority-setting between different morally relevant concerns and upon the definition of relationships within the moral community. Through a critical evaluation of understanding of the moral community in

the work of these authors (P. Singer, M. Midgley), a new and comprehensive concept of moral community in ethics of social consequences will be introduced.

Traditionally, ethical systems avoid the question whether it is possible to extend the boundaries of moral community beyond human interests. The main question for animal ethics is then to explain in what extend the moral concern can be dedicated to animals and according to what principle can moral agent consider the action towards them. Extending boundaries of moral community needs primarily to re-evaluate what interests and concerns can ethics consider as morally relevant.[1] In ethics of social consequences, the moral concern is dedicated to everything that is alive. It spreads from the concept of life as a moral value, which is built upon the understanding of values of dignity, moral right, and humanity. The value of dignity is ascribed to everything that deserves moral agent's respect and reverence, what means that the moral community in ethics of social consequences necessarily includes all living beings.[2]

The problem is that to determine the boundaries of moral community only by such formal criteria[3] is not sufficient and it often cannot respond to practical issues arising from complicated and complex relationships of moral agents towards animals. Mary Midgley claims that defining moral community purely in this theoretical and speculative way will not help ethics to resolve practical, everyday problems and it may lead back to the traditional refusal of moral concern for animals.[4] Following these thoughts, it is clearly shown that despite the formal acceptance of moral concern (either relative or full), the practical action of moral agent can easily decline animals' interests as it does not offer a guidance for how to prioritize different types of interests. Therefore, it is very important to depict the characteristics of relationships of individual members of moral community and the basic principles of moral agent's decision making process.

For a complex definition of ethical relationships between moral agent and animals, they need to be set in a wider understanding of moral community. In the past, Vasil Gluchman, the pioneer of ethics of social consequences, did not pay much attention to the conceptualisation of moral community. He simply concluded that moral community is a place where moral agents act towards objects of their actions and in such way create relationships with them. From my perspective, the weakest point of his delimitation of moral community was that it was mistaken for the social and civic community. This idea was afterwards adapted by other authors of ethics of social consequences.[5] This definition on one hand understood that the moral community is based on creating relationships

between its individual members but, on the other hand, it evoked that the morally relevant relationships are only the reciprocal ones.[6] This meant that the only consideration was given to relationships between individual moral agents.

Such initial conceptualisation of moral community ignored the fact that the moral community must be defined in the way, in which it can effectively reflect on all spheres of moral life: duty towards family, professional duties, public life responsibilities, interspecies, ecological, and biospherical relationships, etc.; and is capable to set priorities among these (often confrontational and competitive) duties;[7] and in the way that it can accept its boundaries (which are in ethics of social consequences set by the moral concern for everything that is alive). Authors later dedicated more attention to the definition of moral concern (through the delimitation of the concept of life as a moral value) what extended the boundaries of the moral community. But this was still not able to build a framework for setting priorities between moral concerns of individual members of moral community. Therefore, in this work I will concentrate on a more in-depth analysis of moral community in ethics of social consequences.

## 2. Initial understanding of Moral Community in Ethics of Social Consequences

In Vasil Gluchman's work *Human Being and Morality in Ethics of social consequences,*[8] the moral community is defined for the first time in this theory. When the author thinks about moral community, he understands it as a world of all participants of morality. The author claims that morality distinguishes its two basic elements: the one who acts and the one towards it is acted. Accordingly, it talks about objects of morality (moral objects) and subjects of morality (moral agents). The moral object is defined as an object of moral action and it can be another human being, animal, living and/or non-living nature, and potentially the whole space.[9] Based on such definition, it can be said that the moral action is related not only to human beings, but to other forms of life and natural world, too.

The moral agent is understood as an acting and participating subject of morality. It is a member of the moral community who satisfies several intellectual and cognitive criteria; namely the ability to recognize and understand the existing state of morality, his/her ability to act consciously and willingly, and the ability to accept his/her moral responsibility for such actions.[10] As can be seen, the status of moral agent is not an axiological category, similarly as it is not bound to the biological membership to the species of *Homo sapiens*.

All participants of morality, either objects or subjects of morality, are attributed with a moral value (either intrinsic, inherent, or instrumental). The mere fact of a moral action towards them attributes them with it. The type of a moral value of a concrete moral object depends on its moral significance. Moral agents (despite their being a moral object in the particular situation) have a higher moral significance than objects of the morality which will never achieve the status of moral agents.

Based on such definition, it can be said that the moral value is assigned to everything towards what moral agent acts. Such definition is rather vague and therefore cannot define the boundaries of moral community. It covers a wide scale of objects of morality without the differentiation of their moral values. This can possibly lead to ascribe the moral concern not only to living but to non-living objects of morality, too. Ethics of social consequences understands that it might cause practical problems in the decision making process of the moral agent. To solve this problem, ethics of social consequences emphasizes the moral value of life, which is considered as a basic attribute which deserves (in the form of respect and reverence) moral agent's consideration. The value of life creates an ontological foundation of ethics of social consequences.

Moral agent, as the only active participant of morality, has to consider ethical principles and moral values during his/her ethical decision making process. In morally conflicted situations, s/he has to often prioritize one moral value above the other. A principle to set the priority in such cases is developed from the "self" orientation of the moral agent. This does not mean that the moral action is allowed to shift towards an egoistic position (even if it could be the case, mostly in cases of conformal types of moral agents).[11] Ethics of social consequences has inspired itself by practical experiences and observations which show that there is an obvious orientation of moral consideration primarily towards "self", then towards the closest ones, and, continuously, the circle of his/her moral concern extends itself until it covers the whole moral community. For example, the value of life is primarily recognized by moral agent as a protection of his/her own life, as life of the close ones (not necessarily of the family members but based on personal preferences), acquaintances, and then as a value of life of the whole humankind. In the wider context, the moral agent is able to accept the value of life of all living beings, flora, and the whole natural world. As can be seen, the ethics of social consequences is an *agent relative* ethical theory. Nevertheless, the strive for the highest possible level of neutrality is demanded during the decision making process.[12]

The personal preferences, which can be considered as morally relevant, are not further formulated in ethics of social consequences. This can lead to uncertainties and ambiguities during the decision making of moral agent. Would it be morally relevant to prioritize life of a dog – pet, that was a part of the family for a long time, over the life of a person living in the neighbourhood? Or can be the welfare of pigs in animal factories irrelevant to moral agent, as s/he is not in everyday contact with them and s/he sees them only as a product of the factory? Are in such cases our personal preferences (to have food) more significant than the quality of life of factory pigs? In extreme cases, it could be even stated that a farmer can have stronger personal preferences to the value of life of the tree in his garden than to the life of his neighbour's dog, etc.

Because of such uncertainties, I find it important to define more closely how the moral agent can set his/her priorities during the consideration of moral significance of life. Similarly, it is necessary to state which preferences are morally relevant during such decision making processes. For this purpose, I will shortly present two conceptions of moral community; firstly, the moral community defined in the work of Peter Singer, as an author of preferential utilitarianisms, and secondly, the Mary Midgley's understanding of moral community as mixed one.

## 3. Moral Community in Works of Peter Singer and Mary Midgley

Peter Singer argues that all current efforts to establish strict boundaries between humans and animals fail, regardless whether these efforts are supported by ability of man to use language, to have consciousness, emotions, etc. He also argues that this shift is substantiated by historical development of society.[13] Inspired by work of classical utilitarian philosopher Jeremy Bentham, he tries to extend the boundaries of moral concern to all beings capable of experiencing pain and suffering. Perception and experiencing pain and pleasure (sentientism) is the only universal interest which, according to the author, may be taken into an account during the moral reasoning and decision making. In other words, an action which may lead to distress and suffering of sentient being is morally unacceptable.

Based on these assumptions, the moral community in Peter Singer's theory consists of all moral objects which have *interest*, more specifically, the ones which have an interest not to suffer and/or feel pain and which consciously avoid such states. This interest is as common for some animals (dogs, horses, pigs) as it is for human beings. On the other hand,

plants, ecosystems, lower forms of life, insects, or non-living things do not have such interest (as they are not capable to feel pain or to have a subjective experience of it) and are not part of the moral community.[14] Although the set boundaries of moral community in this ethical theory are not corresponding with the moral biocentric orientation of ethics of social consequences, it offers us an interesting tool for setting a principle for decision making which could help person to consider the interests of different members of moral community.

Person has, according to Singer, a duty to protect interests of all members of moral community. Interests which are in conflict must be considered on the basis of principles of preferential utilitarianism, primarily on the principle of equal consideration of equal (or similar) interests. Singer does not understand the equality of interests as an absolute value. He accepts the diversity of interests:[15] on one hand, Singer claims that the pain is pain, regardless to which species the sentient beings belong to; on the other one, being member of particular species can significantly influence the differences of interests of particular sentient beings.[16] The dog's interest not to suffer is the same interest as the interest of a newborn baby not to feel pain, but the interest of adult person to protect his/her life is incomparably stronger than the interest to survive in other sentient beings (e.g. dogs). The different level of moral consideration is not defined by the different type of the interest, but by the different level of the same basic moral interest not to feel pain. The perception of pain is different for a person and for other sentient being which misses the ability of consciousness, autonomy, and other cognitive characteristics.

Another important principle, which should direct the persons' moral reasoning and decision making during their consideration of different interests, is the principle of impartiality. Singer argues that a person is able to impartially evaluate preferences and thus to reject the subjective and emotional support of his/her selfish interests.[17] As acting subjects of moral community (persons) must meet certain cognitive abilities and one of them is the ability of reasoning. Persons, in Singer's theory, must always seek impartial assessment of moral claims and interests since ethics without rationality and rational reflection is not the right one. Persons can prioritize their own interests only when they are, in impartial comparison to others' interests, stronger. Impartiality must be applied to persons' own interests, too, which means they cannot be prioritize over others without a proper claim.[18]

Only such rational and objective approach to moral decision making can, according to Singer, lead to a proper understanding of equality within the moral community and to suppression of speciesism.[19] Speciesism

unjustifiably favours irrational priority and preference of the relationships towards the members of the own species. Singer argues that despite the theoretical formulation of extending the moral circle, most people are still speciests. They willingly and consciously violate the principle of equal consideration of equal interest in cases where the interests of different groups are put in the conflict with interest of members of their own group (species).[20] Such inequality should be understood as the same ethical problem as racism, ageism, or sexism and is not rational.

I consider principles of preferential utilitarianism inspiring as they formulate a way of how person can approach and solve moral conflicts between interests of various members of moral community. This can help to avoid discrimination on the basis of belonging to a particular species. Preferential utilitarianism respects the consequential and utilitarian aspects of ethical decision making. This process is in Singer`s theory also build upon principles of equality, rationality, and impartiality. Singer excludes emotions, subjectivism, and acceptation of existence of relationships within moral community, as they can lead to the rejection of other than rational principles of priority setting, but this might be a significant deficit of this theory.

Mary Midgley offers another definition of moral community.[21] The largest influence over this definition has Midgley's understanding of the main problem of ethics which, according to her, rises up from the misunderstood relationship between the rationality and emotionality.[22] She says that the conflict between rationality and emotionality has the largest impact on the decision making of the moral agent. She concentrates on analysis of relationships within the moral community and develops a framework for setting the priorities for consideration of individual interests (morally relevant ones).

The definition of the moral community is in her theory based on two main arguments. Firstly, moral objects are grouped in concentric circles. Examples of concentric circles are family, personal relations, age group, colleagues, race, social class, nation, species, and, in the widest contexts, biosphere. The value of life ascribed to a particular moral object is influenced by its belonging to a concrete circle and its distance from the main circle, which is a circle "self". The basic concentric circle is a circle of particular species. Human being chooses his/her life or life of other human beings over other forms of life for two reasons: evolutionary (protection of life as protection of the species and of its individual members) and subjective (what is a goal and interest of particular moral object).[23] Midgley claims that from the perspective of human being, the

comparison and the prioritizing of a moral value of human's life over a life of other, non-human animal is natural and morally acceptable.

The theory of concentric circles is not a novel, revolutionary idea in ethics. Similar orientation towards "self" and is subsequent extension towards more distant moral objects is also present in ethics of social consequences. But such definition of moral community may carry a risk of mechanical and one directed determination of moral significance. This may cause that the theory will not be able to consider different specifics of individual cases, cultural habits, and personal claims, and it may easily lead to the repeated return of the anthropocentric understanding of moral community in which all moral concerns would automatically subsequent to the concerns and interests of human beings.

Therefore, Midgley adds that concentric circles are not "impenetrable social barriers"[24] and can be modified by considering other, special moral claims. Midgley explains it further: "The moral universe is not just a system of concentric circles, in which inner claims must always prevail over outer ones"[25] and "at once we see that the order of the circles is not at all certain. At each point we may want to reverse it, or be dissatisfied with either order".[26] Special claims often spread from emotional experiencing of social nearness and individual relationships, bonds. For Midgley, it is morally more binding to protect those with who we have emotional relationship; for example pet-animal or animals which are closer to us and with which we encounter on everyday basis.

Ethics of social consequences faces the same problem of "self" orientation. To solve the problem, this theory considers essential to exceed the definition of moral significance understood by purely biological aspects and involve other, morally relevant aspects. These aspects are not only emotional ones, but they include wider contexts of social, cultural, cognitive-intellectual, and others aspects. This means that moral agent, while considering the moral value of animal's life, has to bear in mind its status and role in the society (either it is pet-animal, laboratory animal, or animal living in the wildness), cultural specifics of particular morality (either the morality is influenced by Jewish-Christian tradition or, for example, by Eastern religions), and whether the animal is capable to reflect on the reality of the world around it. The reason for such diversification of moral claims is simple. If we remain in determination of moral value of life (and its moral significance) only from the biological perspective and from the distance of the concentric circle from the concentric circle "self", it would not offer us a tool, principle, to prioritize the different moral claims of animals belonging to the same species. Is their moral significance on the same level? For example, a rabbit can be

considered as a rabbit – pet, laboratory animal, or rabbit reared at the farm. In such cases, the moral significance is based also on their impact and their role in the society, namely either it is a companion, research object, or food source.

In my perception, cultural traditions can also differentiate the understanding of individual life's moral significance and therefore should be accepted as morally relevant aspects. For example, in some Asian countries, the moral significance of dogs is on the same level as the moral significance of either pigs or chickens, as they are, historically, considered as food. Their transfer in small cages (sometimes dozens of dogs per cage), inhumane conditions at the market places (a few days without food and without water in tropical heats, with no possibility to move properly), their selling for the purpose of meat processing, or their exposure to meaningless stress (some traditions believe that the flesh of killed animals exposed to stress just before the slaughter tastes better) are for our culture morally unacceptable.[27] On the other hand, Western cultures encounter the same practices in breeding chickens, cattle, or pigs.

For both, Midgley and ethics of social consequences, the value of life of moral object is also influenced by other moral claims and subjective demands of moral agent (personal, social, ecological). These can modify the initial value of moral object and the extent of its moral significance. It indicates a strong emphasis which is put on relationships in moral community (relationships of moral agent towards moral objects), their creation and sustaining. Midgley does not ignore the role of rationality in decision making, but she accepts also the emotional and partial position of moral agent. Such standpoint creates more practical and realistic perspective on moral community and the decision making process as it is formulated in Peter Singer's theory.

Based on these assumptions, Mary Midgley introduced a notion of mixed community. Such definition of moral community is able to reflect on the fact that the moral agent naturally exists in complex relationships outside of species isolation.[28] The existence of mixed moral community is determined by evolutional, historical, and social development. Extending the moral concern to all animals is primarily the result of our common evolutionary background and close relationships, which people have developed with other animals.[29] Therefore, including animals in the moral community is not impersonal, mechanical, formal, or instrumental.[30] It expands from formalistic delimitation of moral concern and requires strong social interactions, observations, and inter-species communication. Creating such strong bonds between members of mixed moral community is, according to Midgley, rather emotional than rational priority setting

during the decision making of moral agent. Relationships are instinctive, natural, and biological, and therefore, the moral agent cannot ignore them in the process of moral consideration, decision making, and action.

According to Midgley, when setting priorities between several values of life, the moral agent will consider primarily the natural and emotional preferences of his/her own species as s/he has got the strongest bonds, relationships towards them. These preferences are for Midgley logical, real, and undeniable. Unlike Peter Singer, Mary Midgley places the foundation of ethics and moral reasoning in this natural and biological sphere. Her reflection of the world of morality spreads mostly from these biological aspects and it largely conquers the rationality.

For example, the moral significance of life of two different animal species such as rabbit and dog can be compared. According to Singer's criterion of moral concern, which applies only to sentient beings, the interest of both of these animals will be the same. Singer offers no additional criterion that would facilitate decision of moral agent. In this case, the moral agent can seek help in additional criteria, which are formulated by Mary Midgley, namely the relevancy of moral relationships in the moral community. Using these criteria, the initial value can be modified based on how long and how intense these relationships of moral agent's towards other living beings are. The intensity of the relationship also influences the nearness of the concentric circle to the circle "self". According to such argumentation, it is relevant to prioritize the interest of dog to the rabbit, whereas in the process of domestication and familization, the stronger relationships were formed between human beings and dogs.

Protection of life (either one's own life or the life of someone else from his/her species) is a preference which is instinctively and naturally shared by all living beings. But such biological and irrational reflection of life is insufficient. Life is based in its biological nature – this is undeniable; but its moral value needs to reconsider other axiological aspects of life, too. For example, in ethics of social consequences these are the values of dignity, moral right, and humanity. Otherwise, such instinctive and biological protection of life will prevent to protect and accept the moral value of other forms of life (other species or plants) and it could also morally justify speciesisms.

I agree with Mary Midgley in preferring one's own life (or the life of a member of the same species), but I still think that priority setting within moral community must respect the moral agents` ability to reason and rationalize. Midgley is afraid that if moral agents reject this natural feature of their reasoning, it would lead them to abstract and non-practical

consideration of moral value of life. As I have claimed earlier, outside of this biological aspect of one's life protection,[31] there is another dimension to think about life and its value which Midgley does not fully reflect. It is the moral aspect of life's protection which can be developed only in consideration and action of moral agents.[32]

While formulating the principles of priority setting for moral value of life, Midgley takes a specific point of view. She realizes that morality is very complex and comprehensive system which cannot follow unidirectional focus on either rational or emotional basis of decision making. She claims that our decision making must consider both of them: emotions and reason,[33] as they cannot exist without the other. Midgley tries to formulate position that would balance both of these aspects.[34] This stands in an opposition to Singer's effort to create an impartial ethical theory, with the emphasis put on the rationality. Despites her efforts, she does not meet her goal (to balance the rational and irrational) and largely emphasizes the emotional and instinctive structure of relationships. This influences the priority setting of moral agents and highly suppresses the reasonable and rational argumentation and reasoning. As was stated by Andreas Nordgren or J. Bair Callicott, Midgey`s approach is strongly inclined to agent relative position or a form of ethics of care.[35] But ethics must require that consciousness and reason controls emotions, not vice versa. Moral agents are rational beings which are capable to understand its moral responsibility for their own actions and this has to be bear in mind.

# 4. Conclusion

Presented chapter tried to formulate a comprehensive concept of moral community within the theory of ethics of social consequences so it will be coherent with the axiological orientation of this theory, moral biocentrism. Based on presented approaches, the initial understanding of the moral community has been complemented. On the basis of definition of the moral concern, the boundaries of moral community are set to all living things while taking into an account the differentiation of their moral significance. Ethics of social consequences also understands moral agent as a social being who is not capable to live in isolation. This respects the role of relationships in the moral community. In this community, all living beings and their moral values can interact and create strong relationships with each other. The ethics of social consequences also respects the existence of interspecies relations what accepts the extent of the boundaries of the moral community beyond the human, social community. Interspecies relations are as important for such considerations as the

relations between human beings. Therefore, the definition of moral community needs to differentiate from the delimitation of human community.[36]

The other aspect of discussion was focused on defining principles of priority setting within the moral community. Analysis of Peter Singer's definition of moral community confirmed the inadequacy of impartial, neutral position for moral reasoning and decision making. There are several arguments to substantiate such statement. Firstly, it eliminates the moral relevance of emotions and relationships existing within the moral community. Secondly, the principle of equal consideration of equal interests opens up many questions which, based on impartial approach of moral agent (person), cannot be adequately answered; such as comparing a value life of an infant with the value of life of another sentient being.

This can be interestingly solved by Mary Midgley, who highlights the role of relationships and bonds formed in moral community. She calls such moral community a mixed one, which emphasizes the possibility to create our relationships outside of one concentric circle (mostly species). This dimension has been missing in ethics of social consequences as relationships were understood as reciprocal. It is important to understand that during the moral agent's decision making and action, the moral agent not only ascribes a moral value to living object of his/her action, but creates a relationship toward it, too.

Accepting the relevancy of relationships cannot slip to the exaggeration and irrational prioritizing of other forms of life, as can be seen in the work of Mary Midgley. At this point, ethics of social consequences rather corresponds with Peter Singer's preferential utilitarianism. Morality was created through the rational awareness of the world and the relationships within it. Without the ability of this rational reflection, there would be no moral norms, values, principles. Even when we accept the existence of other than rational aspects of moral consideration, morality is not based in instincts, natural determination, or in blind following of emotions. Ethics of social consequences (despite its agent relative position) puts, similarly to Singer, the focus on the rational and reflective abilities of moral agent to reflect the world and to control irrationality with reasoning during the decision making processes and actions. Moral agents have a possibility to see the complexity of the world (both natural and moral), and, therefore, their responsibilities increase through accepting new relationships expanding further from their own moral circle.

## Acknowledgement

## Notes

1. Vaughan Monamy, *Animal Experimentation. A guide to the Issues (2nd ed.)* (New York: Cambridge University Press, 2009), p. 29.
2. The concept of life as a moral value was in ethics of social consequences formulated by author Adela Lešková Blahová (Adela Lešková Blahová, *Bioetika v kontextoch etiky sociálnych dôsledkov (aplikácia zvolenej paradigmy na vybrané bioetické problémy)* [*Bioethics in the context of ethics of social consequences (application of given paradigm on selected bioethical issues)*] (Prešov: FF PU, 2010); Adela Lešková Blahová, "Etika sociálnych dôsledkov ako možné metodologické východisko riešenia bioetických problémov [Ethics of social consequences as a possible methodological approach to bioethical problems]" in *Metodologické a metodické otázky bioetiky súčasnosti* [*Methodological and methodical questions in contemporary bioethics*], ed. V. Gluchman (Prešov: FF PU, 2009), pp. 135–148).
3. In this respect, the formal criterion means the definition of moral concern.
4. Mary Midgley, *Animals and why they matter* (Athens: The University of Georgia Press, 1998), pp. 17–18. Marc Bekoff comes to the same conclusions when he observes that: "Indeed, most people are simply accustomed to thinking and doing things the way they always have, without considering the effects of their actions" (Marc Bekoff, *The Animal Manifesto* (Novato: New World Library, 2010), pp. 4–5).
5. Ján Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor* [*Ethics of social consequences and business ethics (with focus on financial sector)*] (Brno: Tribun EU, 2012), p. 111; Adela Lešková Blahová (Adela Lešková Blahová, *Bioetika v kontextoch etiky sociálnych dôsledkov (aplikácia zvolenej paradigmy na vybrané bioetické problémy*), p. 97)
6. Ethics of social consequences claims that the moral relevancy of moral agent's action is connected with moral responsibility for particular decision and action. One of the authors says that "consequences must be relevant for the moral agent, they must result from moral agent's action" and must include making a decision between good and bad, right and wrong (Ján Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor)*, pp. 46–47). This, of course, does not mean that morally relevant action is only the action towards other moral agents. Consequences relevant for moral agent come from the protection and support of moral right of other members of the moral community, too. That confirms the enhancement of moral concern to all living beings.

7. J. Baird Callicott "The Case against Moral Pluralism", in: *Environmental Ethics. An Anthology,* eds. A. Light, H. Rolston (Oxford: Blackwell Publishing, 2003), p. 214.

8. The monograph was published in Slovak language under the title *Človek a morálka* (1997, 2005). Thorough this chapter I will refer to the 2005 edition of this publication Vasil Gluchman, *Človek a morálka [Morality and Man]* (Prešov: LIM, 2005).

9. *Ibid*, p. 22.

10. Vasil Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of social consequences in the contexts of its criticism*] (Prešov: LIM, 1999), p. 38; Ján Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor)*, p. 20.

11. Ethics of social consequences distinguish two types of moral agents – conformal and reflexive. The aim of this chapter is not directly connected with this problem; therefore, at this point, I do not pay more attention to describe them closely.

12. Vasil Gluchman, *Človek a morálka*, pp. 87–88; Ján Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor)*, pp. 31–40.

13. Peter Singer, *The Expanding Circle: Ethics and Sociobiology* (Oxford: Clarendon Press, 1981), pp. 27, 113.

14. According to Singer, life as a characteristic, as an ability to be born, grow, reproduce, etc., is not morally relevant interest which should state the boundaries of moral community (Peter Singer, "Not for Humans Only: The Place for Nonhumans in Environmental Issues", in *Environmental Ethics. An Anthology,* eds. A. Light – H. Rolston (Oxford: Blackwell Publishing Ltd., 2003), pp. 55–64). This interest is not consciousness and therefore cannot be considered fully. For him, it is absurd to say that cutting tree, mining in mountains, or leading a campaign against the protection of the nature is not an ethical dilemma in its true meaning. These objects of person's action do not have an interest to avoid the pain and therefore their protection can be based only in their instrumental value (Singer*, The Expanding Circle: Ethics and Sociobiology*, p. 123).

15. In this respect, Singer sees the problem in poor understanding of the principle of equality. He claims, that his rejection of speciesms does not imply that different species are equal, as they differ in their characteristics such as intelligence, physical strength, ability to communicate, ability to suffer, influence the environment, and other (Peter Singer, "All Animals are Equal", in *Applied Ethics,* ed. P. Singer (New York: Oxford University Press, 1986), pp. 215–228), but still, their basic interests are the same and therefore should be equally considered.

16. Peter Singer, *Animal Liberation* (New York: Harper Collins, 1975). In this chapter, the Czech translation of the book was used and referred to (Peter Singer, O*svobození zvířat* (Praha: Práh, 2001), p. 87).

17. Singer, *The Expanding Circle: Ethics and Sociobiology*, p. 101

18. *Ibid*, pp. 109–110.

19. Speciesism is, according to Singer, the most dominant moral issue of contemporary ethics which prevents us to apply the principle of equal consideration of interest fully.

20. Singer, "All Animals are Equal", p. 222.

21. Midgley, similarly to Peter Singer, states the boundaries of moral community exclusively to sentient beings. As I have mentioned earlier, ethics of social consequences does not agree with such limited understanding of moral community and moral concerns towards its members. Despite this, Midgley's work and theory develops other aspects of thinking about priority setting in moral community.

22. Midgley's definition of moral community is widely presented in work *Animals and why they matters,* which will be the main resource for my research, but the author also paid attention to this problem in Mary Midgley, *Beast and Man: The Roots of Human Nature* (London, Routledge, 1995) or Mary Midgley, *Ethical Primates: Humans, Freedom, and Morality* (London: Routledge, 1996).

23. Mary Midgley, "Why the idea of purpose won't go away", *Philosophy*, 86:4 (2011), pp. 545–561.

24. Midgley, *Animals and why they matter,* p. 124.

25. *Ibid*, p. 22.

26. *Ibid*, p. 28.

27. Information obtained from the journal *Animals Asia Review 2010* (Hong Kong: Animals Asia Foundation, 2010), which presents activities of organisation Animals Asia – Until the cruelty ends. Activities of this organisation show the cultural specifics and differences in understanding the moral concerns towards individual species.

28. Midgley, *Animals and why they matter*, p. 110.

29. Shortly it can be stated, that the evolutional background is for example the ability to feel pain, which is a specific feature of higher, and more complex forms of life. Nearness and close bonds are results of domestication and familization (V. Lund, C.M. Mejdell, H. Rocklinsberg, R. Anthony, T. Hastein, "Expanding the moral circle: farmed fish as objects of moral concern" in *Diseases of Aquatic organisms*, 75:2 (2007), pp. 109–118.

30. Midgley, *Animals and why they matter*, p. 145.

31. In ethics of social consequences understood as the first dimension of humanity.

32. This moral over-value in moral agent's action is in ethics of social consequences defined as a second dimension of humanity.

33. Midgley, *Animals and why they matter*, p. 42.

34. Mary Midgley, *The myths we live by* (London: Routledge, 2003), pp. 36–42; Alan McEachran, "Mary Midgley" in *The Erasmus Darwin Report* [online]. Published online: http://ptolemy.co.uk/wp-content/uploads/2009/09/MaryMidgley.pdf [20. 04. 2014].

35. Anders Nordgren, *For our children* (Amsterdam: Rodopi, 2010), pp. 44, 50; J. Baird Callicott, "Animal Liberation and Environmental Ethics: Back together again", *Between the Species*, 4:3 (1988), pp. 163–169; Lund et al, "Expanding the moral circle: farmed fish as objects of moral concern", p. 111).

36. This needs to be abandoned as it would lead us back to the anthropocentric evaluations of moral community. Such orientation has been in ethics of social consequences already overcome.

# CHAPTER ELEVEN

# ENVIRONMENTAL ETHICS IN THE CONTEXT OF ETHICS OF SOCIAL CONSEQUENCES

## PETR JEMELKA

This text is based on an evaluation of the existing development of the ethics of social consequences. Based on this analysis, chapter focus on the unfulfilled challenges which are opening up for this ethical concept. One area of possible further development of the ethics of social consequences is also the reflection of environmental issues as one of the important components of bioethical theory. The text therefore offers suggestions for further development of the ethics of social consequences in this thematic focus.

The concept of ethics of social consequences was formulated comprehensively for the first time by V. Gluchman in 1994 in the work *Angažovanosť, solidarita, zodpovednosť* (*Engagement, solidarity, responsibility*).[1] In the two decades of its existence, this variation of modern ethics has undergone interesting internal development and achieved remarkable and valuable results both in the purely theoretical sphere as well as in application. Gluchman's ethics of social consequences can rightly be considered as a significant creative achievement, which has not exhausted its possibilities in the least.

Ethics of social consequences can be considered as one of the forms of moderate satisficing consequentialism. This basic determination can be developed so that the ethics of social consequences deliberately defines the narrowly restrictive framework of utilitarianism in a critical manner. Together, the shared criteria are the consequences of a given action; at the same time, however, the ethics of social consequences, besides these, also contextually examines the motivation, intentions and attitudes of acting moral subjects. This does not therefore concern the determination of a primary-utility, but the ethics of social consequences is based on a broader axiological basis, also including quantifiable values only with difficulty or not at all. It actively seeks to replace the original utilitarian criterion of the

abstract (statistical) calculus of happiness with an emphasis on the need for a specific approach and situational analysis – without it, however, is reducible only on this plane. It is a completely original ethical concept, which in the present has evolved into a whole "school" fostering actively publishing successors.

If we consider the prospects for further development of this variation of consequentialist ethical thinking, a certain retrospective balance can definitely be a useful starting point. First, though, let's think of the broader context of ethical theory at present.

# 1. "The End of Philosophy" and Ethics

Considerations that philosophy is heading to its end (or has already reached it) are far from anything new and unusual. The possibility of the end of philosophy is spoken of and has been spoken of often – at least since the days of Marx through Heidegger and up to postmodernism (O. Marquard, M. Foucault, P. Sloterdijk etc.). The point is whether this end is perceived positively (as the completion of the implementation of the historical role of this form of intellectual culture), or whether it is seen as the final expression of the dubious role and equally dubious meaning of this discipline. This or that position depends on the relationship to the field – on the recognition of its cost and importance or vice versa on the negative relationship to philosophy in general.

In any case, however, it can be said that in some sense philosophy is indeed dying. More specifically, apparently philosophy is definitively dying, seeking a universalism interpretation and the associated monopoly on the function of a certain arbitrator.

Originally, objections against such ambitions came from the outside, especially from science. With postmodernism, however, they are becoming a serious internal moment of philosophical thought itself. They come from within philosophical discourse as a manifestation of the consciousness of the unsustainability of that originally matter-of-course overarching position in relation to other areas of theory.

Today, philosophy apparently cannot be seen as a universal unifying discipline but only as a critical discipline. It's essentially a new solution to a recurring (i.e. persisting) situation – the demonstrable reluctance of modern thought towards speculation. When searching for principal themes in which philosophy could still contribute something meaningful, we therefore meet with the efforts of critical thinking about ontological issues (see process approach and non-substantial ontology variants). For the same reason, we can, in "hope for philosophy", also consider efforts aimed at

the study of and critical thinking about the real possibility of ethics as a form of philosophical thinking that deliberately and purposefully seeks correspondence with the practical aspects of human (cultural, social, etc.) existence. From this viewpoint, and in this context, work on the further development of the concept of ethics of social consequences is one of the most valuable expressions of such an effort.[2] In this paper we will be more specifically interested in the potential of the mentioned concept in the field of environmental ethics, by which, however, a broader framework of bioethical issues is encompassed.

## 2. Three Pillars of Bioethics

Bioethics today undoubtedly consists of a quantitatively and qualitatively intensively reflected form of ethical thinking. It can be found, in a relatively compact form (and the below-stated comprehensive designation),[3] from the 1970s. During this past period, with varying degrees of emphasis, the accent on individual theoretical areas that are concerned with bioethics as a whole and from which it is also composed, changed. These thematic areas are the main pillars of the complicated construction of contemporary bioethics. They are fully authentic in their competences. At the same time they also exhibit a remarkable synergistic interdependence, relating to many aspects and areas of application practice. At the same time, these main themes can be regarded as specific historical forms of spontaneously occurring bioethical issues *before* the deliberate establishment of the already mentioned (relatively compact) contemporary bioethics. We understand these three pillars as an ethical reflection on the biological aspects of human life (including medical and nursing ethics), then so-called animal ethics and lastly environmental ethics.

The anthropic issue is historically very closely linked with the demands which the development of science and medical practice put on traditional (after all, no less of an anthropic focus) ethics, which significantly intensified during the 19th century and thereafter.[4] At the same time, it can be said that the underlying problem areas had to be intensively dealt with primarily in the form of professional ethics. Overall, this new trend does not go beyond traditional ethics with its "areas of action", dealing essentially only with human affairs.

As regards the other areas mentioned, in a certain sense our preferred exacting differentiation can cause problems. The issue of so-called animal ethics is in fact still generally categorized within environmental ethics. Here, however, it is important to note that the thematic focus on the moral dimension of the relationship to animals is quite a distinct area of ethical

thinking that may not necessarily be more closely related to environmental issues. In addition – from a historical point of view – the "animal" issue undoubtedly predates the birth of environmental ethics – including its subsequent projection into the legislative sphere (and hence practice at all). In the case of so-called animal ethics, once again we find ourselves in the 19th century. It was a period when environmental ethics was not yet conceived, and at most it makes sense in its case for this time to refer to a few authorial exceptions (e.g. H.D. Thoreau).

The emergence of environmental ethics goes back to the century after, while it clearly makes sense to think more about its second half regarding its gradual expansion.

A common (and very important) feature of so-called animal ethics and environmental ethics is the essential (onto-axiological) turnabout in the form of expanding the scope of ethics *per se* – to nonhuman entities or whole natural systems (see ecocentric or cosmocentric ethics). This tendency could perhaps be described as a generalized "abolitionist" trend in terms of the expansion of the initial scope of traditional morality.[5] Precisely this tendency to turn attention to the need to morally (and by extension, legally) correct the human relationship to animals[6] undoubtedly has an older and more authentic form than efforts to draw attention to the moral dimension of the relationship to the more abstract "nature" (environmental ethics). Thus, for historical reasons we can consider animal ethics to be a unique subject in the context of bioethical issues.

## 3. Bioethical Potential of the Ethics of Social Consequences

The submitted formulation of the three primary themes of bioethics can now serve as a basis for evaluating the current state and future prospects of the development of ethics of social consequences.

When looking back at the current development of this concept, the first such attempt at balance, which can be found in the form of two works from 1999, can be thought of as a defining moment.

The first of them is the work *Reflexie o humánnosti a etike* (*Reflection on humanity and ethics*), in which the views of fifteen authors intersect. As a key issue for the further development of ethics (and therefore the social consequences of ethics) the category of humaneness is set out here. It then truly becomes one of the main motives of Gluchman's ethical school of thought. From today's perspective, it is obvious that this central category also offers considerable scope for the application of the bioethical

perspective; in the stated text, however, we do not encounter this focus (with one exception).

The situation is also similar in the other work. In it, the author of the concept of the ethics of social consequences himself reflects on opportunities for further development. Here we find only a more general formulation, which, however, indicates further options for the concretization of the focus of the ethics of social consequences:

> "In ESC (author's note – *ethics of social consequences*) the relationship to reality is preserved mainly on the level of the analysis of the relationships of different types of moral subjects to the generalized kinds of moral issues of our time, such as the problem of environmental hazards, human relationships in the family, a doctor's responsibility for the death of a patient, the driver's responsibility for the death of an innocent person in an accident, the rescue of drowning children, nationalism, unemployment, sacrifice, life etc. ESC can therefore be a productive starting point for solving specific moral challenges of our time, even within the scope of applied ethics".[7]

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As has already been pointed out, in the first of the above mentioned works there is only one contribution that suggests the possibility of a certain direction of the ethics of social consequences toward environmentally ethical issues.[8] This contribution comes out of the period of the current warning on the rapid development of this area of ethical thinking.[9] It subsequently states that Gluchman's variant of satisficing consequentialism critically builds on conclusions which are too general and non-specific – also in the case of proposed solutions to environmental problems (see e.g. H. Jonas). Gluchman's view is marked by efforts toward the situational approach and toward the inclusion of the individual dimensions of everyday life. Therefore the subjective dimension of human existence is the prism through which the moral dimension of global issues must be viewed.

Ethics of social consequences can therefore offer moderate anthropocentrism for the reflection of environmental issues as a starting position, which currently accepts the *rights* of other living beings. It is obvious that this approach can be evaluated critically (for the use of the notion of *rights* in connection with non-human beings). In the stated text, however, this criticism was formulated as partly pointing out one of the most important issues of the further development of the ethics of social consequences, which at the given time was only just beginning to open up.

Another motivationally intended comment was the reference to the problem of the philosophical foundation of this ethical concept. This theme can be a suitable source for considering the present form of the ethics of social consequences.

## 4. Ethics of Social Consequences and the Problem of Ontology

Referring to the initial text by Gluchman,[10] an opinion on the problematic nature of the deliberate resignation to the ontological anchoring of the ethics of social consequences is expressed in the aforementioned contribution.

Gluchman's arguments for this aversion to ontology concern excessive abstractness, which is a far from practical life. The second reason for refusal is then the alleged obstacles to a fruitful discourse stemming from the diversity of ontological positions. In fact, V. Gluchman did not want to create a new axiology, but his idea about the development of the ethics of social consequences is based on the use of traditional values in the middle of which stands humaneness.

The author rightly sees the sense of the whole concept mainly in the realm of applied ethics.[11] That is why he responds to the criticism of the lack of ontological anchoring by recognizing the reductionist nature of the ethics of social consequences and the avoiding of ontological bases:

> "The reductionist approach in the formulation and development of the ethics of social consequences means focusing only on a range of issues and not all ... The reductionist approach to the ethics of social consequences is also reflected in the fact that metaphysical and ontological issues do not play a substantial role in formulating the assumptions of these ethical concepts or in finding and proposing ways of addressing the specific moral challenges of the present ... metaphysical issues do not play a decisive role in the process of the moral reasoning and decision-making of moral subjects".[12]

In the cited text, we find an even more radical formulation: "Some may then conclude from this that ESC is not very philosophical as it does not solve the lofty philosophical problems. But here we come to the question of differences of opinion on what is the way of philosophizing and what can be considered legitimate philosophical problems".[13] Therefore, V. Gluchman also draws attention here to the risk of reductivism conversely, when the specificity of ethical problems is cancelled and fully substituted by ontology (see e.g. phenomenology).[14]

In this context it should be noted that the said objection to the absence of ontology in the ethics of social consequences was not intended as an essential critique, but rather as an additional inspirational stimulus. Specifically, two aspects play (and played) a role here. On the one hand, I actually share certain doubts with N. Hartmann about the value of insufficiently ontologically substantiated philosophical statements, but on the other hand I also share doubts with V. Gluchman about the value of "Platonism".[15] Primarily, at the time of the formulation of this criticism, I considered it appropriate to highlight the significant potential that (here in particular in the case of environmental ethics issues) another original concept still represents. It originated around the same time as the ethics of social consequences – as if both thus responded to a similar "social order". It is Šmajs' evolutionary ontology, providing a remarkable impetus for thinking about the roots, causes and most recently, possible solutions to the ecological crisis. The undisputed focal point of both concepts is, precisely, social consequences.

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But let us first focus on a broader issue – the ontological foundation of ethics itself. We have already noted that during the two decades of the existence and development of the ethics of social consequences, the elaboration of bioethical issues has occurred. However, how is it with the particular form of distribution of the three aforementioned supporting thematic areas of bioethics?

If we look at the production of the abovementioned Prešov ethical "schools", then we must recognize a considerable imbalance in this matter. Specifically, this means that environmental ethics was given very little attention during the entire period of its existing development, with animal ethics, the frequency of occurrence is somewhat more common and most of the published work concerns those anthropic pillars – especially in the form of professional and applied ethics (biomedicine, medical and nursing ethics). At first glance, development in the context of the ethics of social consequences reflects the trends of contemporary bioethics itself. However, it is questionable whether the freely developing original ethical concept should only prefer "mainstream" topics and issues, and to ignore other, no less important (but currently neglected) questions.[16]

So we can criticize this aspect, but it can also be seen positively as a manifestation of a certain immanent author's responsibility – not to delve into areas and subjects for which they have no proper theoretical foundations.

It is this consideration that brings us back to the problem of the place and role of ontology.

Since, to a large extent, the problematic tackling (or not) of ontological foundations can be regarded as a kind of key issue in the development of bioethics (as ultimately its mentioned development within the framework of the ethics of social consequences proves). Perhaps the conviction that ontological issues form the basis necessary for the essential overcoming of the persisting, only *intuitive*, understanding of the key concepts (*life, nature, animals* etc.) can be defended in this context. In the end, since the tendency to reduce bioethics issues only to humaneness subjects (typically medical and nursing ethics) probably stems right from there, as there you can most easily succumb to the illusion of the obviousness of the used categories.[17]

That reduction, in terms of the possible development of ethical concepts, has very problematic manifestations and impacts. One of the most serious is the *de facto* resignation to a deeper reflection on certain issues or entire problem areas. A possible consequence is, for example, the fact that, at present in our country, environmental ethics is in a period of overall stagnation. Similarly, in the case of so-called animal ethics, we also only usually come across a few basic themes.[18] These are more or less unchanged from the original classic texts (see e.g. Singer, Regan) and carry on to more and more other texts, without causing a significant shift in the quality of reflection (including the registration of any changes of reality).

The teaching of these issues is adequate; however, theoretical development is stagnating. This can be illustrated, for example, by the fact that the quite specific (professional application) issue of veterinary medicine still does not deal with ethics much and leaves it up to the experts from the practice in question (see for example the vicissitudes of the problem of the formulation of the code of ethics for veterinarians).

However, the mentioned reduction not only concerns the issues being solved but also necessarily affects the methodological area. In this way, we can, for example, highlight the persistent use of highly problematic (mostly speculative) criteria for the area of the construction of ethical argumentation. This is indeed a problem encountered precisely in the case of certain topics within the ethics of social consequences.[19] Specifically, we find this difficulty where the contact of anthropic and non-anthropic issues occurs within this concept. In summary the radical term *evolutionary chauvinism* can even be used to name these areas which are not yet fully resolved in a satisfactorily manner.[20]

# 5. Reduction and Argumentation
## (Example of Evolutionary Chauvinism)

The whole problem can be opened up by pointing out that specific examples of potentially problematic argumentation certainly do not apply only to the ethics of social consequences. In their case, however, the root cause of this condition (the mentioned "traditionalism" in the form of the automatic transmission of certain opinions or arguments), can be supplemented by the relationship to the central theme. In this way it is a question of the humaneness of the ethics of social consequences (and of human dignity). At this point we would now like to express the hypothesis that it is actually a lack of attention to the ontological basis that is the real reason for the problem. But what actually is the problem? What kind of reminder are we seeking here?

In a more general awareness and in a certain circle of authors the notion that evolutionism is a progressive line of thought (compared with creationism) has prevailed (i.e. it is more or less strongly accepted) since the time of Darwin. This view also acts as a determinative "background" for the standard issue of environmental ethics, which is a critique of the anthropocentric approach, built on the basis of ideas about human uniqueness. This critique of anthropocentrism matured, in the case of reflection on man's relationship with other living organisms, to known formulations on speciesism in the form of so-called human chauvinism. In this way, the usual arguments in the framework of animal ethics (see e.g. animal rights problems etc.) are designed. With support in the idea of evolution, these versions of ethics (Singer, Regan et al.) formulate arguments on the acceptability or unacceptability of certain types of behaviour towards other living creatures. Typically it is a question of their killing and subsequent consumption. Perhaps now we can afford the claim that these authors unintentionally commit evolutionary chauvinism. What does it mean?

If we look into one of the classic texts[21] focused in this way, we then find that the justification of the acceptability or non-acceptability of certain acts is likewise evolutionarily derived – from the assessment of the phylogenetic "advancement" of a particular type of organism. Consideration about the ability of organisms to experience suffering[22] – which, moreover, is a pre-evolutionary argument, is based precisely on that. At present, this is how they stand on Singer's arguments in favour of vegetarianism with the fact that this author mentions, as a sort of last resort, the consumption of creatures other than plants if they are adequately low on the imaginary phylogenetic scale (here, specifically oysters).[23] So – if we critically

summarize it – plants or the mentioned oysters are indeed also alive, but they are not developed enough to feel suffering (pain, fear) and therefore it is no problem to kill them and eat them. Of course that leads us to the observation that thus based reasoning for the requirement to rethink eating habits is therefore very inconsistent (it also concerns living creatures), that is to say we can label it as hypocritical and selective. Indeed, why can oysters only be opened after expending considerable effort? Could it be that they feel imminent danger?[24]

The idea of so-called "higher" and "lower" creatures is not only ethically questionable. It can be rightly described as a variation of chauvinism. Why? On account of the fact that such a concept of "lower" and "higher" (and thus a kind of 'worse' and 'better') creatures is entirely built on the problematic argument of the complexity of body structure, which should be testimony to evolutionary "advancement". This (biologically uninformed layman) view on living nature, however, forgets the fact that even the simplest organism are successful from the evolutionary perspective (natural selection etc.). Earthworms live, prosper, multiply and persist as a species. They are just as evolutionarily successful as the lion (and what about cockroaches as the perfect "survival machines"). Why should "less advanced" creatures be morally disadvantaged?[25] Could it be just because they are usually less likeable for us? Moreover, in such a hierarchical argument the idea of human exclusivity is once again latently hidden. Or is it a coincidence that every depiction of the course of evolution of life on Earth ends with man?

It seems that one can rightly speak of evolutionist chauvinism, which attaches a suspicious scale of so-called evolutionary maturity (phylogenetic advancement) to living creatures. Here it can be recalled that a penchant for quantifying scales, hierarchies and classification schemes is sometimes a manifestation of some limitations (in terms of real knowledge replaced by so-called common sense). Additionally, we can also find it as a typical feature of utopia leading to totalitarianism (Plato, Maliarik). In any case, it is always connected with the risk of reductionism. And ethics cannot get by with it.

Here, we have chosen this example because it relates to the ethics of social consequences – and so represents one of its "grey areas". The mentioned purely speculative hierarchy is also based here on the consideration of the evolutionary advancement of various life forms. It is then used to quantify the so-called dignity of individual living beings:

> "Simply speaking, that depending on the position on the evolutionary developmental scale, the corresponding value of dignity for the individual forms of life is also based ... The specific value of dignity of the individual

forms of life, however, depends on its level of development and by its position on the imaginary evolutionary developmental scale. If we could at least approximately express it mathematically, then the value of dignity for individual life forms is, for example from 0.0001 to 1".[26]

Everything ultimately results in the conclusion of the recognition of the highest dignity for man with the fact that this type of argument is even regarded as a positive innovation of the ethics of social consequences:

> "What is more fundamental is the fact that I was responsible, on the one hand, for the primary question about on the basis of what all human beings can be attributed with dignity and in addition, I also made significant progress on the issue of dignity, when I came to the conclusion that all life forms deserve to be honoured and respected, that all life forms have a certain level of dignity".[27]

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It seems that in this thematic area, the need for truly new and deep (up to ontology and stretching to axiology) reflection on the key categories of bioethical theory (especially *life categories*, or the *value of life*) prior to the concept of the ethics of social consequences opens up.

The referred to critical remarks do not have a destructive motivation towards ethics of social consequences. They are, however, intended to open up discourse about those issues that have not yet been satisfactorily reflected upon. After all "the philosophy of objective and constructive criticism ... contributes to improving the quality of philosophy and philosophizing in Slovakia".[28]

## 6. An Additional Incentive for the Development of the Ethics of Social Consequences

In connection with the considerations on the relationship between ontology and ethics, we can provide one more incentive to the discussion, but characterized somehow in the opposite direction. We have already indicated a possible inspirational link to the concept of evolutionary ontology of the Czech philosopher Josef Šmajs that fundamentally changes our understanding of the world. Let us first briefly outline its shape.

Determining the motive behind this concept can be considered the idea of two mutually non-transferable ontological components of earthly reality. They are the order of nature and the order of culture. Culture is

understood here (in the broadest sense) as a human adaptation mechanism which is not another (and possibly encompassing) continuation of the evolution of nature. On the contrary – culture is a manifestation of a fundamental transformation, which was brought by man and his deliberate creative activity to the natural order of the world, turning away from its original form of a purely natural world.[29]

Under this viewing angle, it is then possible to better understand the roots, causes and sources of alienation and the subsequent crisis which the human relationship to the natural world matures to from time to time. The so-called ecological crisis can be interpreted in this concept as a result of human error or a moral failure. It is viewed as a legitimate outlet of mankind embarked upon quite specific adaptive ways – cultural evolution. The essence of this form of evolution is the constantly increasing anthropogenic transformation of the original natural environment. This human "remodelling" of the world, at the same time, does not happen in line with the functional systemic logic of natural communities and ecosystems, but only in the motivation of human interests. The course of the implementation of this change can then be understood as a concatenation of an anthropogenic environmental crisis and subsequent technological revolution, solving in an alternative way[30] the resulting deficit of resources needed for the continued existence of the human community. In this way the technosphere as an artificial (i.e. not a naturally occurring evolution) counterpoint of the biosphere was historically created. From a single original global homeostatically balanced system a competitive system was secondarily created, competing with the biosphere in mutual opposition. The potential of human instrumental rationality ignoring the considerations of the feedback insurance mechanisms of natural systems causes the dramatically increasing dominance of that artificial system. The original structural links of nature (evolutionary tested and permanently homeostatically tuned feedback mechanisms) are overpowered in this competition. They are forced out and disappear forever. The biosphere is the technosphere suppressed, biodiversity as a crucial condition for existence and maintaining the balanced functioning of societies is drastically reduced. The threat of collapse of the systemic links and hence the functional form of individual communities (ecosystems) as well as the whole biosphere is the reality of the possible transformation of the crisis of the environment into irreversible catastrophic destruction.

Perhaps it would be more appropriate to say that the ontological conception advocates the process-conception of reality and is based on the

premise of its spontaneous creativity, the demonstration of which is the unique evolution of terrestrial life.

Currently, however, a certain significant problem with this philosophical concept, which can be the key to understanding some of its current stagnation, has matured into a registerable form. That particular problem is a heady disregard for ethics. J. Šmajs expressed his conviction about the outcome of ethical redundancy.[31] The result, eventually, is the ebbing of attention because readers are no doubt disappointed by the excessive abstractness of this concept. J. Šmajs is understandably sensitively aware of this issue and finally came to his own attempts to resolve the crisis, when he offered an encompassing formulation in the form of a sort of code. These are the texts *Nájemní smlouva se Zemí* and *Deklarace závislosti* [*Tenancy Agreement with the Earth* and *The Declaration of Dependence*].[32] Both of these texts are characterized by efforts to overstep the limits of a purely theoretical level towards the acceptance of the requirements of practical applications, brevity and clarity.

As if even by this effort Šmajs confirmed that if (in the sense of Hartmann) ethics without ontology is "headless", then at the same time ontology without ethics is meaningless. This thesis can then be an indicator to the aforementioned opposite direction of inspiration.

If up to now, on the account of the ethics of social consequences I have raised a complaint of a lack of interest in ontology, then perhaps I can now propose for consideration whether the ethics of social consequences itself could become a partner for the development of evolutionary ontology. It appears that the mutual interaction of these two original concepts, charged with potential could represent another step on the road to finding ways out of the crisis that, in the global and local form, affects the world in which we live. And we can add yet another inspiring comment. S. Lesňák in fact also found enough arguments for his proposal to search for ways to connect evolutionary ontology with M. Hrubec's theory of social criticism.[33] S. Lesňák highlights the significant mutual compatibility:

"Both concepts have the potential to significantly enrich each other. Recognition of the disregard for individuals and groups is not possible without a total reorientation of culture, and vice versa: the concept of evolutionary ontology could be a helpful approach, in terms of recognition as a precaution against the absolutization of the whole, or universalization at the expense of individuals or groups, as a precaution against falling into totalitarianism".[34]

Each of the three concepts expresses concern over present and future prospects in its own way. Their potential synergistic linking does not threaten the totalizing reduction of one omniscient interpretation, but it could be a new stage in the search for philosophical statements, going from being to life, values, man and society, and back again – to preserve being, a preservation of the world as a place to live.

In this chapter, we attempted, on the basis of a critically elaborated balance sheet analysis of the existing form of the ethic of social consequences, to elaborate incentives for the further development of this important progressive ethical concept. The greatest potential is the further development of environmental ethics (in the context of bioethics). Our analysis concludes the concept of ethics of social consequences should focus on new deeper (ontologically based) thinking of the axiological roots of the environmental issue (e.g. philosophical category "value of life"). Against the ethics of social consequences, other possibilities of theoretical development are being opened here. It could play an important role of an inspiration with the other contemporary philosophical concepts (e.g. evolutionary ontology).

# Appendices

# A Lease with Planet Earth[35]

### Josef Šmajs

Preamble: Human beings appeared on a planet, Earth, teeming with life at the end of the Tertiary Period. They weren't able to understand philosophically the living nature that they had evolutionally adapted to. The human psyche controlling the process of conquering Nature was pre-set to indifference for general consequences and the distant future. Today we have conquered and occupied the Earth, disturbed her body with cultivated land, shackled her with motorways and cities, pushed her back with buildings, concrete and asphalt paving. In spite of all this, it will be Nature that makes the final decision about the continued existence of our species. To prevent our premature extinction we will have to put a brake on cultural expansion and a sign a lease with the Planet Earth.

1. *The Earth* is probably the only living planet in our galaxy, the Milky Way. This planet, which is the natural home to all of the mutually interdependent, living creatures on it, cannot belong to any one of them; it cannot belong to any single population or biological species. It cannot belong to human beings, who as a species have created culture. We are only temporary occupants of the Earth.

2. *Life* is the great experiment of cosmic evolution on our planet. Living systems contain fantastic amounts of natural information inscribed in the language of nucleic acid. The culturally-caused extinction of biological species is therefore not only an unnecessary biological loss but also an irretrievable loss of information.

3. *Culture* is the global creation of humankind as a species. It is the means by which natural evolution not only tests the relevance of the human performance in relation to the host environment of the Earth but also tests the success of the human biological structure. It tests the human constitution: the bravery of human creativity and human submission to older and greater creative forces of the universe.

4. *The conflict between Culture and Nature* resulting in the depletion of the Earth's natural environment cannot destroy Nature, but it can destroy Culture. If we want to survive this existential crisis we must willingly give way to Nature; we have to naturalize our anti-natural spiritual and material cultures. This will require a change in the structure, range and strategy of cultural systems, not a change in human beings as an organism.

5. *Globalized Culture* also impairs the traditional structure and contents of education and schooling. Even though schools continue to present a great deal of knowledge that is useful for every-day living, schools fail to develop respectful attitudes towards Nature during the sensitive period of human ontogenesis when knowledge is so easily connected with values. Schools don't tell us what Nature and natural evolution are, we aren't taught that man, after his origination as a species, has also initiated an evolutionary process – Cultural Evolution, which is both potentially threatening to humanity and anti-Nature.

6. *Technical progress,* which has been a synonym for human progress, has become a threat to humanity itself. It depreciates amongst other things the self-preservation role of traditional human humility. We can no longer rely on the natural submissiveness of an inconsequential human being towards the tremendous powers of Nature; there can only be a philosophically-justified humility based on an analysis of the destructive effects of our civilization's unscrupulous forces upon the delicate fabric of terrestrial life.

7. *For the first time humanity is responsible for the survival of its own species.* An understanding and acceptance of this responsibility requires abandoning narrow-minded moral, physical and technological approaches; it requires biological and medical approaches and an evolutionarily ontological view of the world. It is only this type of perspective that can possibly persuade the general public that the existence of the human species is critically dependent on the diversity, integrity and evolutionarily-achieved maturity of the biosphere. In a disrupted biosphere, mankind will not even have the status of a Nature-protected species.

*An ever increasing number of our problems are caused by the fact that individuals and institutions operate and make decisions based on an obsolete view of the world and that these decisions stand in opposition to the principles of a mutually-advantageous lease with their natural home. That's why we ask not only of scholars, philosophers, politicians and lawyers, but of all responsible citizens: demand the creation and observance of a long-term and sustainable lease with the Earth. Unless Culture reserves a certain part of our planet for natural evolution, people will not be able to enjoy the biologically-determined lifespan of their own species.*

# Declaration of Dependence[36]

## Josef Šmajs et al.[*]

Fearful for the preservation of an evolutionary future for mankind, we wish to express our concern about the way the current globalizing culture (civilization) is, by means of its expansion, destroying the Earth and any prospects for the lives of future generations. It is demonstrably the case that the Earth is not the property of the human race and that humans are in no way superior to nature. Despite this, our culture is irreversibly destroying the majestic creation that has been shaped by territorial evolution over billions of years; it is exhausting the Earth's non-renewable natural capital, exterminating living organisms and vast ecosystems that are millions of years old, as well as disrupting the global life system. It is eliminating the natural conditions which witnessed the origin of the human species and to which we are still biologically related. It is high time that the short-sighted and self-satisfied admiration for everything human and cultural was brought to an end and that instead we start to preach both admiration and humility in the face of the fascinating evolutionary complexity of the Earth, which is the only possible host system for our culture. In the age of globalized culture we must abandon the predatory approach to nature that was once so useful for the rapid expansion of local cultures in a healthy biosphere. *No biological species, not even our own, which was instrumental in creating culture, is able to conquer nature. The genomes of biological species represent only a fraction of the evolutionary wisdom of life and our theoretical knowledge is incapable of grasping its complexity. The biosphere is the cradle, home and grave of mankind, and human culture has to subordinate itself to it.*

Nevertheless, unless we end the conflict between an anti-natural culture and the Earth, the habitability of our planet will deteriorate and the whole human species could be subject, through its own fault, to premature extinction. General intellectual contemplation, which in ancient times focused on wonder, in the Middle Ages on humility and in the modern period on doubt , will now be centred on a fear for our survival. The new, evolutionary-ontological understanding of the world therefore challenges

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[*] The following people participated in the shaping of this text: Antonín Bajaja; Bohuslav Binka; Petr Blahut; Etela Farkašová; Milena Fucimanová; František Houdek; Vladimír Choluj; Petr Jemelka; Ivan Klíma; Aleš Máchal; Vratislav Moudr; Gustav Rosa; Jiří Sedlák; Zuzana Škorpíková; Jan Šmarda; Gerlinda Šmausová; Pavel Trpák; Marek Timko; Emil Višňovský.

us to acknowledge the imperative value of nature and the nature-dependent, merely instrumental value of culture.

In line with the foregoing considerations,, we would like to emphasize the following:

1. The biosphere in its totality is the smallest relatively autonomous system capable of long-term development over time. All of its subsystems, individuals, populations, biocenoses and culture are temporary and conditional, and are existentially dependent on the creativeness and prosperity of the biotic whole. Even the harmonious upbringing of our children presupposes the presence of an impersonal mother nature alongside their biological mother.

2. Nature is contained not only in our external environment but also in every one of us. We are one of many species of the planet Earth which are of evolutionary origin and which are in harmony with the biosphere. However, we also know that we are an exceptional species, the only one that has ever created a culture, because, in harmony with our genome, we have ignited another evolution, the oppositional cultural evolution.

3. The once inconspicuous cultural evolution now threatens the future of mankind due to its predatory orientation, masked behind affluence and the expansion of consumer technology. This is because culture is neither a cultivation of nature nor a continuation of its evolution by other means. It is an artificial physical system with its own internal information; this information is not, however, genetic information, but a human intellectual culture.

4. This spiritual culture, the imagined genome of the cultural system, is not as wonderful and exalted as it once seemed. Since it is rooted in the human genome and since its partial components are still liable to the predatory philosophical foundations of ancient cultures, it is species-selfish, limited and short-sighted. It helps to expand a cultural system that ravages the planet irreparably.

5. In the last three hundred years in particular we have succumbed to the temptation to give preference to developing those human abilities and powers – cool symbolic communication, partial scientific rationality and economic calculation – that result in a growth of material riches and secular power over both humans and nature. The end result of this is a global technosphere unadjusted to natural reproduction.

6. In a comparatively short period of time we have ravaged easily accessible natural assets, such as forests, ores and liquid fossil fuels. The planetary expansion of a technically developed culture has been achieved only at the cost of occupying the Earth ourselves and damaging it for other living systems. Through our contemporary culture we are the only cause of

the mass extinction of biological species that is now underway. And we, too, are a species endangered by our own culture.

7. Since the laws of conservation of mass and energy apply to the whole universe, cultural existence can originate only by destroying the older natural existence. The expansion of an artificial cultural existence brings about a dangerous retreat of natural existence and the disappearance of the Earth's original natural order .It is with this natural order that evolution has also harmonized the human organism. Cultural existence does not originate through positive destruction of nature but through negative technical destruction, and is dependent and transient; it is not harmonized in evolutionary terms with mankind. Nature can neither integrate it nor support its evolution without mankind.

8. The predatory spiritual foundation of culture (the predatory paradigm) disseminated by contemporary science, education and politics must be replaced by respect and reverence for nature, by a biophile spiritual paradigm. The never-ending political arguments about the correctness of either right or leftwing orientation hide the seriousness of the conflict between culture and the Earth, human biological invariability and dependence on nature. It prevents a change in direction of culture to the benefit of cooperation with nature from gaining ground.

9. Natural evolution also evidently pilots the success of the human biological evolutionary construction. This test is, however, an indirect one; it is performed by means of human creations, i.e. the compatibility of the functions and body of culture with the biosphere. A cultural system that exceeds a notional limit of stress exerted on the Earth, and which is over-extensive and anti-natural, will inevitably cease to exist, and mankind along with it, irrespectively of its technical and informational level.

10. The Earth's host system may tolerate and feed the allochtonous cultural system in the long term only if the inanimate culture system achieves maturity over time – if it grows, like the biosphere, in qualitative terms only. And this means intentionally bringing contemporary culture's metabolism, which is un-adapted to nature, nearer to that of living systems. Otherwise we will exhaust natural raw materials and fuels unnecessarily rapidly and infest the planet with waste and products of culture that are incompatible with nature.

11. In a situation where it is impossible to demonstrate either somatic or mental improvement of humans through culture, the purpose of culture cannot consist merely of growth of manufacturing and consumption, in a notional utility that we cannot even define. It cannot consist of dubious profit which we cannot equitably distribute. It must comprise the health and welfare of humans inside a healthy biosphere. Even though we have a

natural right to live and realize our potential as appropriate, i.e. to create and develop culture, we must abandon its current aggressive strategy. For the near and remote future alike we need a healthy and habitable Earth.

*We therefore invite the public to reconsider the relationship between nature and culture, and to be cautious about the wider and more remote consequences of mankind's creations. Anti-natural culture is nowadays expanding at an ever faster rate. It brings previously unknown affluence to the technically developed part of mankind, but it doesn't remove poverty, war, violence and inequality. As a whole it functions as the largest destructive power on Earth. The more we cooperate globally, the greater the harm we do to nature. Since culture destroys things which are not of our creation, it can also destroy everything we have created ourselves. Contemporary culture can be adapted to the Earth and to the human biological essence only if we approach it as an artificial, non-biological structure with inadequate internal information. The biophile reconstruction of culture which awaits us therefore represents a challenge to all responsible people on this planet – scientists, politicians and laypersons alike. They will need to think, act and make decisions while bearing in mind that the Earth is the only inhabited planet in the universe as we know it today, and that it is a precious, original piece of this universe, which transcends both us and culture and which we have no right to devastate. It is high time we return the Earth to its sanctity, its long-overlooked evolutionary and informational value, its subjectivity that is superior to humans. We may have created huge technical systems and developed information networks, but the natural order of both inanimate and animate forms which we have lost cannot be re-created, even by natural evolution. If we want to survive on the Earth, we have to be wise and give way to nature. The age of the symbiosis of culture and nature still lies ahead of us.*

*With every breath, every sip of water, and every bite of food we take, we depend on the healthy, unpolluted Earth.*

# Notes

1.  The key text is of course Gluchman's work the *Etika sociálnych dosledkov a jej kontexty* [*Ethics of social consequences and its context*] (Prešov: PVT, 1996).
2.  The stages of development are especially documented by these two works by Vasil Gluchman: a) *Etika sociálnych dosledkov v kontextoch jej kritiky* [*The ethics of social consequences in the context of its criticism*] (Prešov: LIM, 1999) and b) *Etika a reflexie morálky* [*Ethics and moral reflection*] (Prešov: FF PU, 2008).
3.  The status of this discipline, despite its common name, is open-ended; it rather takes the form of a mosaic of partial theories in combination with public discourse. This openness and plurality are a considerable advantage, because they provide the assurance of developmental potential. To a certain extent, they are also a safeguard against the universalism of any single supporting theory and against the totalizing potential of some solutions (including the application sphere) Thus, bioethics has a very specific position in the framework of ethics – as its massive contemporary presence and pluralistic character. Therefore it cannot (without a brutal reduction) be considered only as a casuistry.
4.  The period atmosphere and appropriate problem areas (research on humans, medical practice and its innovation etc.) approximate very well the somewhat romanticized view found in literature (Shelley, Stevenson, Wells etc.). The continuation of these inspirations in the present is, then, *steampunk* (or *dieselpunk*).
5.  Not only in terms of the recognition of *humanity* in the case of other "races" or ethnicities, but also a recognition of the value of life of living nonhuman entities.
6.  In this context, we also briefly highlight the need for a more accurate differentiation between the content of the term "animal" and "living creature". Vertebrates and invertebrates need to be accounted for in the category of living creatures, while only vertebrates are called animals. It is obvious that this differentiation is of considerable importance e.g. for the sphere of conservation practice. If this was limited just to animals, a significant portion of terrestrial wildlife would be absent, which indisputably require protection (molluscs, insects, etc.), for theoretical (preserving rare and vanishing species), as well as systemic ecological reasons. All levels of the spectrum of wildlife are important for maintaining the functional form of communities and ecosystems.
7.  Gluchman, *Etika sociálnych dosledkov v kontextoch jej kritiky*, p. 56.
8.  Petr Jemelka, "Etika sociálních důsledků a environmentální etika" ["The ethics of social consequences and environental ethics"] in *Reflexie o humánnosti a etike* [*Reflection on humaneness and ethics*], ed. V. Gluchman (Prešov: LIM,1999), pp. 113−115.
9.  In the 1990s, environmental ethics was the most intensively developing area of ethical thinking. Further development, however, entailed the relocation of more interest to biomedical topics. The fact is also supported by a work which, a decade later, expresses bioethics issues in the ethics of social consequences

for reflection – see Adela Lešková Blahová, *Bioetika v kontextoch etiky sociálnych dosledkov* [*Bioethics in the context of the ethics of social consequences (Application of the chosen paradigm on selected ethical issues*)] (Prešov: FF PU, 2010).

10. Jemelka, "Etika sociálních důsledků a environmentální etika", p. 114.
11. Here it can be said say that the development of the Prešov "school" of the ethics of social consequences has indeed recorded significant successes in this area.
12. Gluchman, *Etika sociálnych dosledkov v kontextoch jej kritiky*, pp. 13−14.
13. *Ibid.*, pp. 66−67.
14. *Ibid.*
15. However, at the same time, I am not as sure as V. Gluchman that metaphysical questions are not important in moral judgment (the moral subject still needs to have an opinion about the world and themselves).
16. In this context it is appropriate to refer to the pressure of specific social conditions, realized through ideology to the specific practice of the assigning of grants.
17. Anybody without scruples is willing to engage in discourse on these issues, "agora" drowning out expertise (see e.g. the issue of the death penalty).
18. Such typically recurring themes are for example so-called animal rights, the issue of meat consumption, the abuse of animals in research, the problem of factory farming).
19. The point is to draw attention to the currently looming risk of a kind of "ostracism", where a concept intentionally chooses not to be philosophical and simultaneously cannot be identified by the expertise of practice, because authors from this practice do not necessarily do it. It threatens to deliver a kind of vague "middle position" that will not be philosophically stimulating, nor acceptable for experts from practice.
20. The inspiration to use this designation, is the already traditional notion of "human chauvinism" as a manifestation of speciesism (R.D. Ryder, P. Singer etc.).
21. For example, Petr Singer, *Osvobození zvířat* [*Animal liberation*] (Prague: Práh, 2001), p. 35 or p. 189.
22. So-called painism (R. D. Ryder).
23. The now fashionable nutritional use of insects is not considered here.
24. Another problem is the question of the consequences of the global establishment of these dietary changes – environmental and other impacts of overpopulation are not taken into account here, likewise the impacts on human health are usually minimized. However, if, for example, a vegetarian cannot be a blood donor (which is not an exceptional situation), a number of other moral issues are generated here.
25. In the human case, such an approach is largely avoided.
26. Gluchman, *Etika a reflexie morálky*, p. 100. In this example, it is interesting that the author speaks of an *imaginary* evolutionary scale. That mathematical formulation then induces a certain not very happy association with the texts of Ján Maliarik.

27. *Ibid*., p. 102. Adela Lešková Blahová also argues similarly later – see *Bioetika v kontextoch etiky sociálnych dosledkov,* p. 90; however, her text is also characterized by an effort to confront different approaches to these basic questions of bioethics.
28. Gluchman, *Etika a reflexie morálky*, p. 233.
29. Here it is possible to state a fundamental difference in the approach of evolutionary ontology and traditional cultural studies. The essence of this difference is challenging the idea of the greater value of reality reshaped by humans in comparison with the original nature.
30. Mostly extensively.
31. Josef Šmajs, "Proč etika nestačí" ["Why ethics is not enough"], *Philosophical magazine*, 61:6 (2013), pp. 803−826.
32. Both texts are included as attachments.
33. Marek Hrubec, *Od zneuznání ke spravedlnosti: Kritická teorie globální společnosti a politiky* [*From disregard to justice: Critical theory of global society and politics*] (Praha: Filosofia, 2011).
34. Slavomír Lesňák, "Etické prístupy a riziká aplikácie evolučnej ontológie J. Šmajsa" ["Ethical approaches and risks of the applications of J. Šmajs evolutionary ontology"], in *Evoluční ontologie a společenské vědy* [*Evolutionary ontology and the social sciences*], eds. M. Timko, V. Moudr, and B. Binka (Brno: Masaryk University, 2014), pp. 112−113.
35. Josef Šmajs, *Evolutionary ontology* (Amsterdam – New York: Rodopi, 2008), pp. 198−199.
36. http://plukrijp.be/p/990?lang=en

# PART III:

# PROFESSIONAL ETHICS AS A CHALLENGE FOR THE ETHICS OF SOCIAL CONSEQUENCES

# ETHICS OF SOCIAL CONSEQUENCES AS A CONSEQUENTIALIST MODEL OF PROFESSIONAL ETHICS

## VASIL GLUCHMAN

## 1. Introduction

As is said of professional ethics, codes of ethics are often discussed and considered, which, in general, are regarded as part of deontological ethics. Lately, contemplations on the application of virtue ethics have been emerging more and more frequently; however, consequentialist ethics is mentioned rather rarely in the context of professional ethics, and if so, it has rather negative connotations. Does it mean that consequentialist ethics cannot be used in professional ethics, or that consequentialists gave up the possibility to enforce their values and principles within professional ethics?

In the context of professional ethics, Leonard J. Brooks and Paul Dunn mention a focus on benefit as a downside of consequentialism (and utilitarianism), which, in their opinion, could lead to conclusions and actions that ignore justice or honesty, or, do not respect the rights of the persons concerned with the actions in questions.[1] Similarly, Joel Kupperman came to the conclusion that act-consequentialism is unacceptable with regard to its possible application within professional ethics, as it enables one to accept decisions or judgments independently from the moral agent's attitude of mind. In his opinion, act-consequentialism could be useful in special contexts such as life decisions; however, in its essence, does not work as a systematic method of decision making, it does not correspond with the functioning of human morality. At best, this approach could be applied by Hare's Archangel who, however, unlike people, does not need to design structures of morality or professional ethics.[2] Another reason for the refusal of consequentialism, according to Kupperman, is allegedly his inability to take individual ways of thinking into account, the requirements

of family life, relationships of friendship or love, and, equally, the requirements of professional ethics.[3]

A dismissive approach towards consequentialism as a methodological basis for professional ethics was markedly expressed in the work *The Making of Nurse Professionals*, whose authors Nancy Crigger and Nelda Godfrey wrote that the main problem of this methodology was a lack of limits to apply methods in the effort to achieve beneficial outcomes. According to them, consequentialism considers lies, theft or even murder as morally acceptable, provided the resulting consequences are sufficiently beneficial.[4] Eileen Morrison also points out that consequentialism could lead to actions whose ends justify the means. One of the most serious reservations regarding consequentialism is its ignoring essential rights and such main principles of health care ethics as autonomy or beneficence. She can see another problem in the context of consequentialism in the infinite number of analyses that must be carried out for the moral agent to reach a decision on the right actions, which could, in her opinion, lead as far as a paralysed ability to act.[5] As for the gravest reservation towards consequentialism she states a missing respect to others, which, in her view, could lead to egoism. She holds the opinion that respect for the needs, interests, preferences, hopes and choices of others must be directly included in the given ethical theory and must be inviolable. The absence of such respect means that the ends justify the means and, thus, she does not consider it an acceptable basis for health care ethics.[6] Peter Lucas, in his contribution *Humanising Professional Ethics*, even claims that consequentialism, and especially utilitarianism, is an example of decadence of ethical thought, as it reduces the entire ethical thought, including the moral views of the public to an costs-profit analysis.[7] In his opinion, professional ethics and its education is only meaningful provided it takes the human existence into regard. In his view, consequentialism does not consider the interests and needs of human beings, which is why it leads to dehumanisation of professions and demoralisation of professionals in an effort to maximise the benefits.[8]

In opposition to the above authors, George DeMartino claims that consequentialist ethics has its place in, for instance, professional ethics of economists, as they are better prepared for consequentialist reasoning than philosophers, ethicists and other professionals in social sciences. According to him, reservations regarding the applicability of consequentialist ethics within professional ethics of economists are related to consequentialist doubts of the need for a code for economists' behaviour and the dismissive approach to its inviolable ethical rules that must be respected and kept despite the advantages resulting from consequentialist

views.[9] Elspeth Tilley presents a similar standpoint with regard to media ethics. According to her, consequentialism is a much more complex system than virtue ethics or deontological ethics, as it does not provide clear answers and expects a certain degree of confrontation with the existing approaches and deconstruction of the existing paradigms regarding fulfilling the professionals' duties toward all involved agents. She claims that consequentialism, in contrast to former ethical theories, requires a proactive approach in the search for appropriate alternatives of actions from the viewpoint of long-term outcomes. She considers this an advantage in comparison to other ethical theories.[10]

In comparing consequentialist (or, rather utilitarian) and non-consequentialist (especially deontological) ethical theories for the needs of their application in ethics of teaching, Kenneth A. Strike and Jonas F. Soltis came to the conclusion that neither of the presented theories provides a sufficiently sound basis for assessing the area of morality in the teaching profession. According to them, the possibility that, in an effort to achieve positive consequences, immoral behaviour is excused is a downside of consequentialism. On the other hand, they stated that non-consequent opinions can only be fully acceptable provided that consequences are taken into consideration.[11] In their view, the true solution lies in the emphasis on consequences combined with respecting students' dignity and in their forming as free, rational and perceptive moral agents.[12]

## 2. Ethics of Social Consequences as the Basis for Professional Ethics

Based on a brief overview of opinions on the possible application of consequentialism within professional ethics, especially Strike and Soltis's suggestion about the need for searching for a combination of consequentialist and non-consequentialist theories, in the following paragraphs I am going to deal with the possible involvement of consequentialist ethics in solving issues and problems of professional ethics. As a starting point for my reasoning, I will use ethics of social consequences (ESC) which is a version of non-utilitarian consequentialism[13] and an effort to search for intersections between consequentialist and non-consequentialist ethical theories with an emphasis on the values of humanity, human dignity and moral right of man, taking also values of justice, responsibility, tolerance and obligation (all this in the effort to achieve a prevalence of positive over negative social consequences) into consideration.[14] The main aim of the ideas that follow is defining professional ethics based on the above

version of non-utilitarian consequentialism (i.e. developing the ESC model of professional ethics).

If one starts with the requirement of every professional ethics for a definition of the relationship between a profession, business or institution towards society, or reporting to fulfilling social needs and interests; then, there is a need to first define the idea of public good, or common good, that the given profession is to fulfil and pursue. In the context of ethics of social consequences, one must consider its values and to what extent these contribute to achieving public good or common welfare.

Basing her views in the ethics of social consequences, Gabriela Platková Olejárová stated that the moral right of an agent results from the idea that human life is the highest value, which is why it needs to be protected. She does not tolerate any agent's action that endangers the right to life. She considers discriminatory conduct, sexual harassment, bossing, mobbing and various other forms of psychological violence that degrades the value of human life as immoral and inacceptable actions in the workplace. She claims it is immoral and condemnable to consciously use or misuse another agent in order to achieve one's own goals. It is equally immoral to judge the actions of an agent based on race, religion, age, gender, nationality, ethnic, or political affiliation, etc., as, in general, discrimination is immoral.[15] Undoubtedly, support and pursuit of the moral right to life can be considered a value fulfilling the requirement for defining a contribution to the public good of society. However, it needs to be more precisely defined, in what way the moral right to life contributes to the development and cultivation of life, or how the profession in question contributes to fulfilling and pursuing the moral right to life, be it on a biological, social, cultural or moral level. From among the values of ethics of social consequences, the moral right to life has the greatest potential to express, or represent, public good or common welfare. Other values, including the values of humanity, human dignity, justice and responsibility are, in this case, rather instrumental, or extrinsic. The primary question for any profession, business or institution should be in what way it contributes to fulfilling the moral right to life, and what it does for the moral right to be protected, respected and pursued in the broadest possible way of understanding. In this context, I do then agree with the author's opinion that a moral agent must not be perceived as a role, function or means bearer. The above understanding of an agent is, according to her, immoral, as the agent is reduced to a mere pursuer of an action, and that is without his own needs, goals, interests, experiences, etc.[16]

It must be stated that professional ethics, including codes of ethics, is in many cases mainly focused on fulfilling tasks, or duties, of a professional in relation to others. In a way, it is similar to the Levinas' approach, where the Other is important. It is as if a thinking, decision-making and acting moral agent melted within the Other. There are a great number of similar sounding contemplations on the role and obligations of a professional who as if ceased to be a moral agent with his own interests and needs and merely became a servant to Others, a pursuer of his responsibilities towards society, his employer, superiors, clients and colleagues. He himself is lost in a plethora of tasks and responsibilities placed upon him. It is as if he ceased to be interesting from viewpoint of professional ethics, which does not pay him sufficient attention as an autonomous moral agent.

Truly, attention should be paid to professionals as autonomous moral agents in order for professional ethics not to merely concern professional duties toward others, but also the professionals' needs, interests and rights. However, the principle of justice should equally be applied in relation to the employee (professional) towards the employer, superiors, colleagues and clients. The principle of justice must inevitably be applied on the inside of the profession, business or institution, as well as on the outside, i.e. equally in internal and external relationships. Applying the principle of justice must be consistent and balanced. It is unthinkable for the principle to only be applied in the interaction with the company's clients or interests, or merely within internal relationships of the profession, business or institution. Applying the principle of justice can, however, bring about a conflict: the company or the clients on the one hand, and the profession, business or institution and professionals on the other. In such cases, it is important to consider consequences resulting from possible solutions to the conflict.

First of all, one must realise that no conflict should arise between public good and its fulfilment, be it on the part of the profession, business or institution. Should a conflict still arise, it means that the fundamental goals of the functioning are set incorrectly on the part of the company or profession, business or institution. An ideal situation presupposes for the profession or business to participate in realisation of the company's goals, or achieving public good, i.e. satisfying the needs and interests of society. In the case of a conflict between the profession or business and society, it must be identified on which part an imbalance occurred, i.e. where complementary nature was violated. In most cases, the fault is on the part of the profession, business or institution, which might misappropriate their duties towards society and its needs, or the needs of the public they are

supposed to fulfil. Fault on the part of society, or public, cannot be excluded either, when the fulfilment of such tasks is required that are out of the scope of their professional, or specialist competences, or in a direct conflict with these. As an example Nazi Germany can be used where society defined for the profession of medical doctors to prepare and realise a eugenics medical programme, on the one hand leading to elimination of the mentally and physically disabled and, on the other, to "breeding" of new members of the Aryan race.

According to Platková Olejárová, the responsibility of a moral agent is fully required, especially in the application of moral right to life, which is in ethics of social consequences expressed through the value of human dignity and humanity. In her view, should economy serve life and support, or develop, it, then the management of a business is directly and indirectly responsible for the support, development and protection of life, as the activities of the business contribute to an increase in the quality and standards of human life.[17] I hold the opinion that responsibility in professional ethics has two levels: external responsibility towards society, or the public, which stands for the extent to which members of the given profession manage to fulfil its purpose, contribute to public good, or common welfare, which could be named macro-social responsibility, and external responsibility towards the client. In dependence on whether an individual is concerned or a social or age group or business, responsibility can be further divided into a micro-, mezzo- and macro-level of responsibility.

Another level responsibility, i.e. internal responsibility, is directed towards the profession (or its members), business, institution (or their employees). I am convinced that in both, justice and responsibility, the external and internal form of responsibility complement each other, which means they should be balanced. In the case of a potential conflict between the above levels, or the forms of responsibility, methodological techniques provided by ethics of social consequences can be used and a solution to the conflict can be based on its structure of moral reasoning, decision making, or evaluating and acting. It means to consider individual alternatives and their consequences in the context of the main values of ethics of social consequences, in which the first place is taken by the value of humanity, followed by human dignity and moral right of man. The value of justice, responsibility, tolerance and obligation are secondary. The aim is to achieve a prevalence of positive over negative social consequences. This, however, does not mean that mere maximisation of positive consequences is considered a right action. Any prevalence of positive over negative consequences (depending on the circumstances) can be considered

right. In certain circumstances, even a prevalence of negative over positive consequences can be a right decision and action (the so-called theory of lesser evil).

The manner of defining requirements itself, or the application of the above values, significantly differs from a deontological approach based on such commands as "You must" or "You mustn't". In ethics of social consequences, the imperativeness of deontological ethics that categorically commands or prohibits is missing. Ethics of social consequences, as well as the entire consequentialist ethics, expects the moral agent to actively reason, evaluate and make decisions regarding problems, or ethical dilemmas, he comes across in his daily private or professional life. This concerns a demanding intellectual-cognitive process that requires substantial abilities and, later, experience, so that the time necessary for reaching answers regarding optimum actions that meet requirements resulting from the decision-making structure of ethics of social consequences can be shortened.

As far as the moral right to life is concerned, in ethics of social consequences it primarily relates to the definition of public good or common welfare, as an expression of the purpose of fulfilling the needs and interests of society on the part of a profession or business. Secondary consequences resulting from the application of moral right to life can prove social responsibility of a profession, business or institution and can have an internal as well as external form. The internal form relates to members of a profession, or employees of a business or institution and concerns the creation of a healthy living environment and support for their leisure time activities, which can also be considered a contribution to work energy revitalisation, the support for working mothers by granting them the possibility of flexi- or part-time, the creation and provision of such benefits to the employees that are out of the scope of the duties resulting from law, etc. The external form of applying secondary consequences resulting from the moral right to life is the protection and support of the environment in the workplace, the support of the social and cultural life of the community where the employees live, the support of health care, education in the region, etc. This is where a vital interconnection is created between the value of the moral right to life, responsibility and consequences resulting from their application.

In relation to consequences as a principle and criterion of evaluation in ethics of social consequences (and equally in professional ethics based on ethics of social consequences) it can be stated that it is, first of all, concerned with the respect and pursuit of the moral right to life (its development and cultivation), humanity, human dignity, justice,

responsibility, tolerance and obligation in order to produce positive consequences. Every action which protects, respects or pursues the above values brings about positive consequences (albeit in various extents), or, at least, a significant prevalence of positive over negative consequences. On the other hand, in situations or moral dilemmas which are ambiguous from the viewpoint of the outcome and production of consequences, an alternative solution, or action, should be searched for which would bring about a prevalence of positive over negative consequences, or, at least, minimise negative consequences, i.e. apply the choice in the context of so-called lesser evil. In all these cases, consequences are a significant complementary criterion in reasoning, decision making, acting and action evaluating. It means that, on the one hand, in such actions which protect, respect or pursue the above principles and values, one intuitively presumes the production of positive consequences; thus, it is not necessary to, in every single case, use the model of reasoning and decision making based on ethics of social consequences (non-utilitarian-consequentialist model) for individual action types.

In such a case when the assessment can be realised in several possible ways, the mentioned ESC model of reasoning and decision making should be used that regards primary values and principles of ethics of social consequences (the moral right to life, humanity, human dignity) in the context of consequences resulting from pursuing individual alternatives of the decision, or action, in question. Consequently, individual alternatives can also be assessed from the viewpoint of secondary values and principles including the consequences resulting from these. An equal ESC model of reasoning and decision making should be used if there is a conflict between, for instance, the interests of society and the client, the profession and the client, business, or institution, and the client or between several clients. In the first case, i.e. in actions that protect, respect and pursue the values and principles of ethics of social consequences, the role of consequences is not as significant as it is in the second and third case, although, even in the first case, one can consider whether an alternative of action in question brings about a maximisation of positive consequences.

Nevertheless, ethics of social consequences holds a moderate (satisficing) position, which means that maximisation might not be inevitable and a fairly good action (good enough) can be considered the right action. That means that, the ESC model of reasoning and decision making may or may not be used to make sure that the decision and action in question is right. Thus, in the second and third case, the ESC model of reasoning and decision making is inevitable in order to, to the largest extent possible, ensure protection, respect or pursuit of primary values and

principles of ethics of social consequences when solving dilemmas within professional ethics. This equally applies in the third case (as far as the application of the ESC model of reasoning and decision making is concerned), in the effort to minimise negative consequences resulting from the solution to this existing moral dilemma regarding a member of a profession or an employee of a business or institution.

Therefore, the aim of professional ethics, on the basis of ethics of social consequences, is protection, respect and support of the moral right to life, its development and cultivation in all its forms related to the protection, respect and pursuit of other primary values of ethics of social consequences, i.e. humanity and human dignity. This concerns primary values which are to determine the main character of any professional ethics in all its areas, external relationships, i.e. towards society and the clients, as well as internal relationships regarding the profession, employer, superiors, colleagues and inferiors. Thus, it relates to a macro-social, as well as mezzo-social and micro-social level of relationships; it equally concerns the socio-professional as well as professional-interpersonal level of relationships within the profession, business or institution. Then, the aim of professional ethics lies in the context of ethics of social consequences, so that members of a given profession, business or institution, by their reasoning, decision making and acting, contribute to the protection, respect and pursuit of the moral right to life (of man), its development and cultivation, and equally contribute to the protection, respect and pursuit of humanity and human dignity in all their forms and on all above mentioned levels of relationships operating in a given profession, business or institution.

Meeting a given requirement resulting from professional ethics will give rise to positive consequences that will benefit all concerned subjects: society, the clients, the profession, business or institution as well as the professionals themselves. This similarly applies in relation to other values and principles resulting from ethics of social consequences towards professional ethics, when the protection, respect and pursuit of justice, responsibility, tolerance and obligation are concerned. The case of aforementioned values and principles as well as this case concern the protection, respect and pursuit on all levels of relationships. Their fulfilment will bring positive consequences, just as it did in the case of the aforementioned values and principles. In the case of a possible conflict between primary and secondary values or principles, within the ESC model of reasoning and decision making, priority is given to primary values and principles; naturally, though, taking the criterion regarding consequences into consideration.

Therefore, in his reasoning, decision making and acting, a professional, employee of a business of institution should strive to contribute to the protection, respect and pursuit of the above values and principles. Should there be a conflict between the values and principles in question, or one regarding external or internal relationships of the profession, business or institution, the ESC model of reasoning and decision making should be used and, based on it, find an optimum alternative for such an action that will, within the given circumstances, bring about either a prevalence of positive over negative consequences or, at least, minimise negative consequences. This suggests that the ESC model of professional ethics is appropriate especially for a reflective type (pro-active) of moral agent, i.e. an agent with a higher level of cognitive and intellectual abilities. That means it is especially applicable in professions of an intellectually demanding nature. On the other hand, based on this, one could also consider the possibility of a certain simpler form of the ESC model of professional ethics, which means to transform it into a form of a code of ethics mainly applicable in routine everyday situations of a given profession, business or institution.

In this context, it is questionable whether the given code of ethics should have a deontological form, i.e. a form of commands and prohibitions, or be of a mere recommendatory character. On the one hand, commands can take the following form: Be humane. On the other hand, this value could also take the form of a requirement: Encourage humanity. Equally, a relationship to justice can be concerned: Be fair. Or: Encourage justice. Or: Be responsible. Or: By your reasoning, decision making and acting, Encourage responsibility. This could similarly be applied in the case of tolerance. However, the question arises how to define it in relation to obligation as a value and principle within the ESC model of professional ethics. A command cannot read: Be obligatory. It would be better if it reads: Fulfil your obligations. On the other hand, it could also read: Encourage the fulfilment of obligations. It could be stated that the ESC model of professional ethics is applicable for both types of moral agents (reflective and intuitive moral agent) and, thus, could have a different form for the purposes of intellectually demanding professions such as business managers, university professors, medical doctors, lawyers, etc. On the other hand, it could also be applied for the purposes of professions with a prevalence of manual work. In such a case, it could take the form of direct commands or recommendations for certain actions, which are required in a certain profession or business.

The professional ethics is a primary field of professional interest of members of the given profession. On the other hand, it should also be of

interest to experts dealing with applied and professional ethics. The reason predominantly lies in the theoretical difficulty and the abstract nature of issues in the scope of professional ethics, which is why it should also be, to a significant extent, a domain of professionals within the profession in question and ethicists. The only way, in my opinion, to develop professional ethics at an expert level is to base it on a symbiosis between the awareness of issues of a given profession and intense cooperation of theoreticians, or ethicists (using their knowledge of ethical theory, ethical analysis, etc.). Others could show interest especially from their viewpoint of clients to whom it matters that professionals approach them not only through a vision of profit, but also by the effort to provide them with a high quality service for which they would like to be paid appropriately, i.e. in order, for all involved parties, to experience the win/win strategy.

Since the aim of a profession, according to ethics of social consequence, is to provide services aimed at the protection, respect and pursuit of the moral right to life, its development and cultivation, professionals should truly be concerned with the service they provide meets this requirement and for that, they, naturally, demand an adequate reward. The reward for the service provided should not be based on supply and demand, but, primarily, on the quality of the service, i.e. to what extent it meets the client's primary demands, his specific idea about the service, which protects, respects, and pursues the moral right to life in all its various forms corresponding with the client's interests, needs and demands. The requirement regarding the reward for the service provided directly evokes an emphasis on justice in rewarding, and that is on both parts. The provision of a high quality service equally implies respecting the client's person, his dignity, and his responsibility for the service provided, or its quality, not only in relationship towards a specific client, but also in a broader sense, as responsibility towards the profession in question.

A philosophical approach to professional ethics based on the ESC model differs from professional approaches of individual professions which, in most cases, reduce the whole area of professional ethics to a manual, i.e. a guidebook of right and wrong actions. This corresponds with deontological perception of the given area, which truly strives to prepare the simplest possible guidebook for anyone in order for moral agents to always know what is right and wrong, what one must and must not do. Human life is, however, a lot more complex, it cannot be squeezed into several rules and this is equally true about professional activities. The complexity of the contemporary world, including globalisation of problems, makes an approach based on several simple rules which anyone

can unmistakably follow anytime and anyplace and be sure that his actions are right provided he acts in accordance with these rules really problematic.

Naturally, such a simple manual is also justified in everyday, including professional, activities, as, in a great number of routine cases, there is no need for a detailed analysis of all possible alternative solutions in order to find the optimum tactics, as decades of everyday experience have already confirmed what must or must not be done. Nevertheless, the complex contemporary problems of medical, health care, nursing, management, teaching, academic, etc. professions require from all moral agents something much more substantial than mere utilisation of decades-long experience of our ancestors when solving contemporary complex issues and problems, where a sufficient level of intellectual and cognitive abilities is vital for the required analysis of the problem, possible alternative solutions and making a decision about an optimum action and its realisation. It does not have to be Hare's Archangel, as suggested by Kupperman, as a reflective type of moral agent should manage this task. After all, it is in his interest that the decision is optimal and brings about as many positive consequences as possible. One cannot disagree with Elspeth Tilley in that consequentialist ethics, in its cognitive requirements, is more demanding than deontological ethics or virtue ethics. Demanding ethical and moral problems cannot be solved according to the simplest scheme possible, as it makes the quality of accepted and realised decisions suffer.

It is a serious question regarding a number of professions to what extent a professional role can be identified with a person, or thinking, decision-making and acting moral agent. Does the manager have to be a manager, the teacher a teacher, the doctor a doctor and the lawyer a lawyer, etc. in any life situation? In my opinion, it is impossible, as, in life, one plays a great number of other roles from his professional role. One is also a husband or a wife, a parent, a child of his/her parents, a friend, an acquaintance, etc. It is impossible to be tied to one's professional role in all the other roles one plays in the course of his/her life. It is natural and inevitable to change roles in one's life, also, among other things, for the sake of one's mental health. It would be hard to imagine that one would only think, make decisions and act from the viewpoint of the profession he/she does. It would probably be on the verge of a mental condition. On the other hand, it does not mean that one is allowed to, outside his/her profession, do anything, such as steal, rob, kill, etc., as it is something that is not directly connected to one's professional role. Universal moral values and norms still apply in one's private life and other roles one performs outside his/her profession. That is why one should never (not even in

his/her private life) act in contradiction with universal moral values, principles and norms. One should not, however, act in a way which has a direct negative impact on one's professional role and credibility as an expert in a given profession. For instance, a drunken surgeon will hardly gain someone's trust in his abilities to perform high quality surgery on the day following a major drinking binge. Equally, a judge who, in private, meets an accused mafia member is not the best example of impartiality and pursuing justice. A similar situation arises in the case of a manager accused of fraud, etc.

It, therefore, means that one's professional and private lives are not closely interconnected; however, on the other hand, are not strictly separated either. In one's professional life, universal values, principles and norms should apply, with added professional values, principles and norms. Alternatively, professional values, principles and norms should be a modification or refining and specification of universal values, principles and norms corresponding with the requirements of a given profession. Professional values, principles and norms should, in their seriousness, exceed requirements resulting from universal values, principles and norms. It is questionable whether the requirements of professional ethics could contradict universal ethical values, principles and norms. It is probably not difficult to define what universal ethical values, principles and norms are, as it could more or less be agreed that these are, for instance, the right to life, justice, freedom, humanity, respecting human dignity, etc.

It is, however, a lot more complicated to judge in a particular situation what the right to life, justice, freedom, humanity, etc. is and, thus, whether a certain action in a given profession is or is not in accordance with universal ethical values, principles and norms. In ordinary circumstances, the requirements of professional ethics should not contradict widely known universal ethical values, principles and norms. In extraordinary circumstances, in the process of reasoning, decision making, acting and, possibly, evaluating, a situation-based approach should be taken, and use it as the basis for making a decision and pursuing an action which strives, to the largest extent possible, to accept universal ethical values, principles and norms, or minimises negative consequences resulting from not keeping these. In such a situation, the ESC model of reasoning, decision making, acting, and possibly also evaluating, is appropriate, as it creates space for taking essential ethical and moral values, or principles, into account which, in regular circumstances, produce, to various extents, a prevalence of positive over negative consequences, or, in extraordinary situations, creates space for minimisation of negative consequences (so-called theory of lesser evil).

Marta Gluchmanová, in connection to ethics of social consequences, claims that all professional ethics should lead professionals to demand adequate respect towards their person and human dignity, as well as respect regarding their professional status.[18] Undoubtedly, it is a highly important area of professional ethics, i.e. the formation of a professional status of members of a certain profession, especially by emphasising values and abilities offered to companies and clients by the experts of a given profession. In my opinion, this is one of the most important tasks of professional ethics towards a profession and its members to arouse pride and a feeling of importance in its experts regarding what they offer to society on behalf of the public good or common welfare. This is what, in many cases, members of certain professions often lack, such as teachers in many countries (from elementary schools to universities). They cannot understand why society does not realise their importance for life and its wellbeing. Nevertheless, a primary problem is that teachers themselves often do not realise their importance, or they do not manifest it in an adequate way in order to make the public and society, or the government and state institutions to not only verbally but actually materially reward the teaching profession and its importance for public good or common welfare.

Among primary virtues of ethics of teaching, Elizabeth Campbell considers honesty, justice, consistency, impartiality, credibility, sincerity, integrity, courage, involvement, diligence, respect, responsibility, empathy, kindness, care, compassion, nobility, patience, understanding, friendliness, humbleness, politeness, open-mindedness and tolerance. From among the above virtues, she considers the most significant ones for the teaching profession the will to be honest, kind and sincere and, for this will, to show respect for others, while being courageous to commit oneself to these and other virtues of responsibility and integrity.[19] I am of the opinion that such requirements are too demanding, be it for a teacher or a member of any other profession. Consequentialism is blamed for being too demanding towards a reasoning, decision-making and acting moral agent for expecting maximisation of benefits, niceness or pleasure as well as impartiality in assessing the interests of all involved parties regardless the relationships towards the nearest and dearest.

Moreover, it is blamed for the demandingness of the analyses required in order to achieve an alternative solution to a situation in order to correspond consequentialist criteria. In this context I do not find the requirements resulting from virtue ethics to teacher defined by Elizabeth Campbell any less demanding than consequentialist expectation. If one takes into regard the fact that, while in ethics of social consequences, the

case-oriented approach is dominant, where an evaluation of one case can differ from an evaluation of a different case, considering the given conditions in which the involved moral agent reasons and makes decisions on his actions, virtue ethics is, then, a lot more demanding, as the set of requirements, or virtues, expected from a virtuous teacher will apply at all times independently of the situation. The ESC model of reasoning, within the case-oriented approach, makes it possible to prefer the value of the moral right to life in one case, in a different case, prefers humanity or human dignity, depending on which of them guarantee a greater prevalence of positive consequences resulting from individual alternative solutions.

Nevertheless, the approach of virtue ethics does not create conditions for a case-oriented approach. Instead, it expects from a teacher, or any other member of a profession, virtuous actions that are the result of a set of aforementioned virtues. This does not mean he has to, in any given moment, act in accordance with all the above virtues to the same extent. On the other hand, it does mean he can never act in contradiction with any requirement resulting from the above virtues. I hold the opinion that, in many cases, the requirements resulting from the given virtues can be mutually exclusive. Should a teacher be compassionate, he can often find himself at odds with justice. On the contrary, should he be fair, he cannot always act in accordance with compassion, empathy, kindness, care, tolerance, etc. The same could be said about responsibility, or consistency and many others of the above virtues. It seems to me that virtue ethics defines an ideal of a perfect expert, or even an Archangel in the concept of moral thought of Richard Mervyn Hare who knows it all at any time and is always able to fulfil all such requirements. Hare himself, however, admitted it is an unachievable ideal for humans who can merely strive to partially meet these requirements.[20]

## 3. Conclusion

Nevertheless, in the context of professional ethics, I believe that one does not have to mention virtues and the attention does not have to be merely paid to virtue ethics; one can talk of moral, or ethical, values and, by this, create conditions for accepting a broader basis for professional ethics than just deontological ethics or virtue ethics. Based on the above, I believe there is space to apply values of ethics of social consequences to professional ethics and the ESC model of professional ethics can serve as an appropriate starting point for professional ethics, combining advantages of several other approaches, as required by Strike and Soltis. Equally, it

can be stated that the ESC model of professional ethics proves the ability of consequentialism (at least in its non-utilitarian form) to productively solve the issues and problems of professional ethics, albeit it is a lot more demanding on its application in practice in comparison to deontological ethics or virtue ethics.

# Acknowledgement

# Notes

1. Leonard J. Brooks and Paul Dunn, *Business & Professional Ethics for Directors, Executives & Accountants* (Mason, OH: Cengage Learning, 2009), p. 185.
2  Joel Kupperman, *Ethics and Qualities of Life* (Oxford: Oxford University Press, 2007), p. 135.
3. *Ibid.*, p. 137.
4. Nancy Crigger and Nelda Godfrey, *The Making of Nurse Professionals: A Transformational, Ethical Approach* (Sudbury, MA – London: Jones – Barlett Learning, 2011), p. 7.
5. Eileen E. Morrison, *Health Care Ethics: Critical Issues for the 21st Century* (Sudbury, MA – London: Jones – Barlett Learning, 2009), p. 27.
6. *Ibid.*, p. 29.
7. Peter Lucas, "Humanising Professional Ethics", in *The Teaching and Practice of Professional Ethics*, eds. J. Strain and S. Robinson (Leicester: Troubador, 2005), p. 41.
8. *Ibid.*, p. 44.
9. George DeMartino, *The Economist's Oath: On the Need for and Content of Professional Economic Ethics* (Oxford: Oxford University Press, 2011), pp. 98–99.
10. Elspeth Tilley, "New Culture/Old Ethics: What Technological Determinism can teach us about New Media and Public Relations Ethics", in *The Ethics of Emerging Media: Information, Social Norms, and New Media Technology*, eds. B. E. Drushel and K. German (New York – London: Continuum, 2011), p. 209.
11. Kenneth A. Strike and Jonas F. Soltis, *The Ethics of Teaching* (New York: Columbia University, 2004), pp. 29–30.
12. *Ibid.*, p. 119.
13. Non-utilitarian consequentialism includes concepts based on assessing actions following consequences of actions (taking adequate regard to consequences related to motives and intentions of the pursuing moral agent) and its value structure is pluralistic, i.e. not merely restricted to pursuing utilitarian values.

In contrast to utilitarianism, non-utilitarian consequentialism considers as right any behaviour that brings about a prevalence of positive over negative consequences. Non-utilitarian consequentialism refuses maximising tendency of utilitarian ethics and its principle of impartiality. *Virtual consequentialism* (Philip Pettit), *evaluator relative theory* (Amartya Sen)*, satisficing consequentialism* (Michael Slote)*, probabilistic consequentialism* (Frank Jackson) and many other viewpoints are among versions of non-utilitarian consequentialism.

14. Vasil Gluchman, *Human Being and Morality in Ethics of Social Consequences* (Lewiston, NY: Edwin Mellen Press, 2003); Vasil Gluchman, "Human Dignity and Non-Utilitarian Consequentialist Ethics of Social Consequences", in *The Proceedings of the Twenty-First World Congress of Philosophy, vol. 1, Ethics*, eds. H. Tepe and S. Voss (Ankara: Philosophical Society of Turkey, 2007), pp. 159–165; Gabriela Platková Olejárová, *Aplikácie etiky sociálnych dôsledkov v ekonomike* [*Application of Ethics of Social Consequences in Economics*] (Prešov: FF PU, 2009); Marta Gluchmanová, *Uplatnenie princípov a hodnôt etiky sociálnych dôsledkov v učiteľskej etike* [*Enforcing Principles and Values of Ethics of Social Consequences in Teaching Ethics*] (Prešov: FF PU, 2009); Corneliu C. Simut, *Essentials of Catholic Radicalism* (Frankfurt am Main: Peter Lang, 2011), p. 104; Paulina Dubiel-Zielińska, "Consequentialist and Non-consequentialist Overtones of the Code of Ethics of an Academic Staff Member in Light of Ethics of Social Consequences", *Ethics & Bioethics (in Central Europe)*, 5:1–2 (2015), pp. 105–113; Ján Kalajtzidis, "Ethics of Social Consequences as a Contemporary Consequentialist Theory", *Ethics & Bioethics (in Central Europe)*, 3:3–4 (2013), pp. 159–171; Martin Gluchman, *Problém ľudskej dôstojnosti a humánnosti v bioetike* [*The problem of human dignity and humanity in bioethics*] (Prešov: Grafotlač, 2014); Júlia Klembarová, *Etické a morálne aspekty mentálneho postihnutia v kontexte etiky sociálnych dôsledkov* [*Ethical and moral aspects of mental disability in the context of ethics of social consequences*] (Prešov: FF PU, 2015); Lukáš Švaňa, *"Etika" vojny a terorizmu* ["Ethics" of war and terrorism] (Bratislava: Veda, 2016).

15. Platková Olejárová, *Aplikácie etiky sociálnych dôsledkov v ekonomike*, p. 137.

16. *Ibid*.

17. *Ibid*., p. 140.

18. Gluchmanová, *Uplatnenie princípov a hodnôt etiky sociálnych dôsledkov v učiteľskej etike*, p. 45.

19. Elizabeth Campbell, *The Ethical Teacher* (Berkshire, England: Open University Press, 2003), p. 29.

20. Richard Mervyn Hare, *Moral Thinking: Its Levels, Method, Point* (Oxford: Oxford University Press, 1981), pp. 44–47.

# Chapter Thirteen

## Ethics of Social Consequences: Applied Theory in Forming Social Ethos

### Grzegorz Grzybek and Jacek Domagała

## 1. Introduction

The aim of this article is to show the possibilities of creating the social ethos relying on the theory of 'ethics of social consequences' Firstly, principles of the rightness of actions in this ethical idea will be introduced. Then, I will take a look at the basic values of 'ethics of social consequences.' Next, the application of this ethical theory in forming certain professional ethics or evaluating certain social actions will be analysed. This kind of treatment is supposed to prove the applicable character of 'ethics of social consequences' as the ethical theory.

The ethical dimension of performance in' ethics of social consequences' Vasil Gluchman is the author of the theory of 'ethics of social consequences'. 'Etika a reflexie morálky'[1] should be perceived as one of the most important publication that presents this theory. The amended version of this publication has also appeared in Poland.[2]

'Ethics of social consequences' belongs to the mainstream of consequentialist ethics, where right and good are achieved because of a prevalence positive consequences. It also means that proper attention is paid to the social dimension of human actions.

The positive consequences of actions constitute the basic criteria in this consequentialist ethical theory.[3] The criteria of positive social consequences create the basic requirements which allow us to reconcile the theory of good and right and the theory of right actions. The theory of right actions also means defining those actions that are prim and proper. Forming the theory of proper action in 'the ethics of social consequences' constitutes an attempt at forming a complex idea of consequentialist ethics. However,

it should be mentioned that in this theory emphasis is put on the theory of values.[4]

The terms applied by Vasil Gluchman are worth mentioning: proper and improper actions, useful and useless ones, very positive actions and those that are wicked (shameful) that constitute a list of moral appraisal of human actions. However, negative consequences can dominate over positive ones within a proper action and positive consequences can subsequently dominate over negative ones within an improper action. Therefore, the most basic moral problem is how to predict the consequences of one's actions. Hence the question arises as to the recognition and prediction of the proper quality of one's actions in the context of consequences.[5]

When trying to show the classification mechanism of human actions alongside their evaluation, one needs to distinguish the following evaluation characteristics:

- actions based on positive intentions depending on their consequences can be moral, proper or improper ,
- actions based on negative intentions depending on their consequences can be immoral, improper or proper.[6]

Can this differentiation be a reason for relativising this evaluation? It seems that asking this question is hasty because very often undesirable consequences are side effects of intended actions. In many theories this element is marginalised.

## 2. Basic Values in 'Ethics of Social Consequences' in Forming the Social Ethos

The essential element of this theory is emphasising those values which constitute the consequentialist character of the ethical concept. In 'ethics of social consequences', humanistic ideas, moral laws and human dignity play a key role. They constitute the axiological basics of this ethical system, which is considered by the author to be non-utilitarian consequentialism.

Axiological orientation in 'ethics of social consequences' has a special dimension. In the scope of the theory of the good and right it is assumed that moral good is always dependent on the base and the action of the moral subject.[7] Human dignity is perceived as the recognition of another person regardless their background, race, religious beliefs or world views, it also means treating another person equally. The ontological assumption

which has its root in human existence and an individual's reasoning is the base of this perception of dignity. Because of that a human being cannot become the means but the aim in oneself.[8] Although in Vasil Gluchman's works human dignity generally relies on the value of life, one cannot speak about purely anthropocentric concepts here, because the biological aspect constitutes an important point of reference. Social and moral personality abilities are an essential aspect of understanding human dignity.[9]

A concurrence of ideas of 'positive social consequences', constitutes the basic criteria of evaluation, which is done in accordance with the human dignity. This concurrence is achieved on the ground of social good. Two elements have a decisive meaning: recognition of life, also giving respect for a human being as well as the positive and creative role in protecting human dignity in achieving a prevalence of positive consequences.[10]

The issue of moral law is an essential element of the axiological basics within the theory of 'ethics of social consequences.' For its source, Vasil Gluchman recognises the right to be alive, but he extends this law to beings that are both aware and unaware of this right. The idea of humanism and human dignity are based on the right to be alive. Then moral law derives its binding power from the recognition of life, as the fundamental social value. The social principles and the obligation to support human beings in their development also result from this law.[11]

Vasil Gluchman recognises two basic understandings of moral law: 1) utilitarian law— as a kind of social agreement, which assumes the advantage of the participants of this agreement; 2) ontological — the concept of moral laws, where the dignity of a person or human existence are the starting point.[12]

Vasil Gluchman starts the search for answers regarding moral law by defining the beginning of it and, at the same time, this is connected with morality. As he acknowledges that morality derives from the biological status of a human, he still relies on social and cultural factors — then it should be reflected in the concept of moral law. Next, he follows through two basic perspectives; however neither the utilitarian concept nor ontological one in his opinion can solve the basic problems.[13]

In the monograph 'Human being and morality' he defined moral law as based on the idea of moral value, where humanism and human dignity play a key role. It means that moral laws clarify human dignity and they become an informal expression of moral values whilst statutory law is the institutionalised expression of these rights. However, moral laws are not the aim in themselves, but moral values are.[14]

The moral laws of Vasil Gluchman have, at a basic level, been defined as having been made to focus on the positive, not the negative aspect of

their expression. Here he acknowledged the right to be alive as the basic point of reference, because according to the definition of the background of morality, life is the source of the moral means of action.[15]

Taking into consideration the right to be alive, the fact to possess life is considered to be the basis of this law. However, he determines the scope of living beings' moral law to be alive from their degree of quality of life. The awareness to possess the right to be alive is a crucial element, which is proper for moral subjects. He admits that the moral law to maintain life has developed in a natural way, as a consequence of the social, historical and moral development of humanity. The biological premise of this development has been care for protection of existence. Nevertheless the right to be alive achieves social and ontological status from the moment of birth. The ontological status is dominant because the right to be alive relies, mostly in the biological dimension, on the protection of existence. Its common dimension is included within.[16]

It is worth mentioning that the right to be alive is not provided equally to everybody. It cannot be the same for decent people and criminals. The equality of the moral law to be alive relies on that fact that it is connected with being born.[17]

Another important aspect of moral law is the reference to the right to be happy and free. Analysing the means and conditions of revealing these rights, he claims that they are not as fundamental as the right to be alive. Then the universality of moral law can be maintained when it relies on the law of life, its protection, but also on human dignity and humanising interpersonal relationships.[18]

It is also necessary to refer to his perception of human dignity and humanitarianism. He tries to draw attention to the fact that human dignity should be recognised regardless of background, race, the colour of our skin, religious beliefs or world views. Human dignity has an onticolgical base; this means that it relies on the fact of existence, the human way of being. In this, he notices the universality of the perception of human dignity.[19] Humanism is a close idea, because it relies on the recognition of the dignity of another person. However, particular dignity and its appreciation refers to moral subjects, i.e. such human beings that have internalised moral values and ethical norms— it means that they give respect towards others. Dignity and humanitarianism are the key values in his ethical concept.[20] Humanism and dignity on the social ground help to protect the moral law of a person in the extent of decent conditions, which are also the base of justice and responsibility.[21]

Considering the possibility of implementing moral law, Vasil Gluchman takes into consideration the aspects of restitution and

protection. In this dimension, he assumes that one can talk about moral law when considering support and protection of life, protection against all possible threats. A human being is owed this law once he or she is born.[22]

Trying to characterize moral law in Vasil Gluchman's approach one should pay attention to the following aspects:

- because morality is based on existence, then human life constitutes the basic value; so one can define one moral law of life that manifests in different forms;
- human dignity and the humanisation of relationships constitute the clarification of moral law;
- in the general scheme of things, one needs to say that moral law is the law to support and protect life.[23]

One should take a closer look at the idea of humanism in the ethical theory of Vasil Gluchman. Examining this concept he takes into consideration all the forms of behaviour and conduct that approach protection and support, that is the development of the human life. He reognises that humanism can be considered in its natural, biological and natural aspects. However the essence of humanism relies on protection and development of one's own life, the lives of our closest people as well as those who are worthy of protection. From the idea of humanism, he takes the basic laws and obligations that consider the support and protection of human life. The protection and support for other people constitute freeing oneself from moral duty and contributing to the new quality of social life. Because of that one can talk about universal humanism that expresses itself in the respect towards life and taking care of its quality. The universality of respect towards another person proves the fact of human qualities. Then the humanistic attitude is something specifically human that confirms one's dignity. Humanistic respect towards another person proves that a human being can at least, to a certain extent, overcome the natural and biological determinants of one's own conditioning.[24]

Humanistic engagement for the affirmation of humanity, human dignity and the moral laws of a human are supposed to serve the accomplishing of positive social consequences. The theory of 'ethics of social consequences' requires personal development because proper behaviour depends on the maturity of the moral subject, 'the type of moral subject' as Vasil Gluchman specifies it.[25]

# 3. Examples of the Application of Ethics of the Social Consequences

The theory of 'ethics of social consequences' has served not only to show professional problems but also to analyse the ethical code. An understanding suggested by Marta Gluchmanová shows a good example of it. She has used the theory of 'ethics of social consequences' to show the ethos of an academic teacher.[26] Based on the consequentialist scope of the theory she has accepted several principles that specify the ethos of a teacher. She has included: the theory of humanism, the principle of human dignity, moral law, the principle of moral responsibility, justice, tolerance and the principle of duty.[27]

One can also indicate that the theory of 'social consequences' has served not only to show professional problems but also to analyse the ethical code. A good example is the understanding that Gabriela Platková Olejárová has suggested. She has used the theory of 'ethics of the social consequences' to show the ethos of an academic teacher.[28]

Other applications show, among others, the use of the theory to analyse bio-medical problems.[29] Applications of the theory in the economic and financial spheres are also interesting.[30] One can also consider applications that involve the ethos of uniformed services, namely a policeman.[31]

Nevertheless, one needs to point out the more general understandings, which underline the versatility of the theory,[32] connections with other theories[33] or methodological possibilities of its application, most of all the creation of applied ethics.[34]

One can say that the understandings that underline the place of this theory among others contribute to reveal the applicable scope of 'ethics of social consequences'.[35]

The author himself points out the applicable possibilities of his own theory, underlines that fact that the model of the concept of 'ethics of social consequences' can constitute an initial methodological assumption for professional ethics or it can be a component whilst using other theories. This cooperation theory derives from its consequentialist understanding.[36]

Trying to sum up the applicable possibilities of the theory of 'ethics of social consequences' one needs to point out two important key factors that allow for such character of a particular concept:

1. Creating a coherent system of meanings, terms and functional references that allow, by means of the theory, to picture the

surrounding reality, to in it show ethos for particular a professional or social group;

2. The possibilities to make conclusions, based on the theory, that have a more general character and which allow for intersubjective perception for a particular problem, illustrated by this theory.

It seems that the theory of 'ethics of social consequences' has these applicable abilities. This conviction derives not only from the calculation (albeit a selective calculation) of application of this theory, but most of all from having ordered meanings, terms, and reference systems for this theory. The analysis of the rules for the critical evaluation of a particular behaviour as well as the basic values distinguished in the 'ethics of the social consequences' (moral law, humanism, human dignity) allow for the confirmation of the applicable character of 'ethics of social consequences'.

The above conclusions also confirm the possibilities of the theory in the scope of shaping the social ethos. The social ethos can be understood as patterns of behaviour and valuation, so as a characteristic way of being, on which morality and ethics have an influence.[37] The patterns of behaviour and valuation have a justification in the theory of 'ethics of social consequences' whereas the rule of examining the positive dominance of the consequences allow for creating a proper relationship between morality pressure, which constitutes the socialisation dimension, and ethics as the art of life and the creation of one's own ethical standards. It seems that the theory of 'ethics of social consequences' meets all the requirements in order to be perceived through the prism of its applicable opportunities.

# Notes

1. Vasil Gluchman, *Etika a reflexie morálky* [*Ethics and reflection of morality*] (Prešov: FF PU, 2008).
2. Vasil Gluchman, *Etyka społecznych konsekwencji [Ethics of social consequences*] (Warszawa: Humanum, 2012).
3. Gluchman, *Etika a reflexie morálky*, pp. 31–32; Katarína Komenská, "*The reflection of ethical principles of medical ethics in the professional code of health care administrators*", in *Ethical challanges in Professional Praxis (Experiences from Slovakia and Norway)*, eds. I. Kovalčíková, L. W. Sorbye (Prešov: Vydavateľstvo Prešovskej university, 2011), pp. 51–60.
4. Gluchman, *Etika a reflexie morálky*, p. 32.
5. *Ibid*., pp. 11–32.
6. Gluchman, *Etyka społecznych konsekwencji*, p. 29.
7. Katarína Komenská, "Etika sociálnych dôslekov ako filozoficko – metodologické východisko pre vytvorenie konceptu života aplikovateľného na

problémy environmentálnej a medicínskej etiky [Ethics of social consequences as a philosophical-metodological starting point to create the concept of life focused on problems environmental and medical ethics]", in *Aplikovaná etika a profesionálna prax* [*Applied ethics and professional practice*], ed. D. Fobelová (Banská Bystrica FHV UMB, 2011), p. 266.

8. Vasil Gluchman, *Úvod do etiky* [*Introduction to ethics*] (Prešov: LIM, 2000), pp. 153–154.

9. Adela Lešková Blahová: Etika sociálnych dôsledkov ako možné metodologiké východisko riešenia bioetických problémov [Ethics of social consequences as a possible methodological approach in solving bio-ethical problems], in *Metodologické a metodické otázky bioetiky súčasnosti* [*Methodological and methodical problems of modern bio-ethics*], ed. V. Gluchman (Prešov: FF PU, 2009), pp. 139, 142.

10. Gluchman, *Etika a reflexie morálky*, pp. 86–87, 88–102.

11. *Ibid*., pp. 143–144.

12. *Ibid*., pp. 125–130.

13. *Ibid*., p. 130.

14. Vasil Gluchman, *Človek a morálka* [*Human being and morality*] (Prešov: LIM, 2005), p. 170; Gluchman, *Etika a reflexie morálky*, pp. 133–134.

15. Gluchman, *Etika a reflexie morálky*, p. 134.

16. *Ibid*., pp. 135–140.

17. *Ibid*., pp. 139–140.

18. *Ibid*., pp. 143–144.

19. Gluchman, *Úvod do etiky,* pp. 153–154

20. *Ibid*., pp. 151–152.

21. Ján Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor)* [*Ethics of social consequences business ethics (focused on financial sector)*] (Brno: Tribun EU, 2012), p. 30.

22. Gluchman, *Etika a reflexie morálky*, p. 144.

23. Grzegorz Grzybek, *Etyka rozwoju a pedagogika opiekuńcza* [*The ethics of development and custodial pedagogy*] (Rzeszów: Wyd. UR, 2013), pp. 19–20.

24. Gluchman, *Etika a reflexie morálky*, pp. 77–87.

25. Gluchman, *Človek a morálka,* p. 27.

26. Marta Gluchmanová, Vasil Gluchman, *Učiteľská etika* [*Ethics of Teaching*] (Prešov: FF PU, 2008).

27. *Ibid*., pp. 136–169.

28. Gabriela Platková Olejárová, "(Etická) analýza akademickej etiky ako profesijnej etiky v kontexte slovenského vysokého školstva [Ethical analysis of academic ethics as professional ethics in the context of higher education in Slovakia]", in *Profesijná etika analỳza stavu profesijnej etiky na Slovensku* [*Professional ethics – analyses of situation professional ethics in Slovakia*], ed. V. Gluchman (Prešov: FF PU, 2012), pp. 215–265; Gabriela Platková Olejárová, "Profesijný etickỳ kódex – otázka motivácie [Professional Codex of ethics – motivation issue]", in *Perspektívy profesijnej etiky* [*Perspectives of professional ethics*], ed. V. Gluchman (Prešov: FF PU, 2014), pp. 33–40.

29. Lešková Blahová, *Etika sociálnych dôsledkov ako možné metodologiké východisko riešenia bioetických problémov,* pp. 135–148; Adela Lešková Blahová, "Analýza vybraných etických kódexov lekárskej etiky na Slovensku (s dôrazom na humánnu medicínu) [Analysis of the chosen ethical codex of the medical ethics in Slovakia (focused on humanitarian medicine)]", in *Profesijná etika – minulosť a prítomnosť* [*Professional ethics – past and present*], ed. V. Gluchman (Prešov: FF PU, 2012), pp. 122–135.

30. Kalajtzidis, *Etika sociálnych dôsledkov a hospodárska etika (so zameraním na finančný sektor).*

31. Jacek Domagała, "Etos policjanta a koncepcja „etyki sociálnych dôsledkov" Vasila Gluchmana [Ethos of a policeman versus ethics of social consequences Vasila Gluchmana]", in *Perspektívy profesijnej etiky* [*Perspectives of professional ethics*], ed. V. Gluchman (Prešov: FF PU, 2014), pp. 363–367.

32. V. Gluchman et al., *Hodnoty v etike sociálnych dôsledkov* [*Values in ethics of social consequences*] (Prešov: Grafotlač, 2011).

33. Grzegorz Grzybek, "Etika sociálnych dôsledkov a etika vývoja [Ethics of social consequences versus development ethics]", in V. Gluchman et al., *Hodnoty v etike sociálnych dôsledkov* [*Values in ethics of social consequences*] (Prešov: Grafotlač, 2011), pp. 186–190; Paulina Dubiel-Zielińska, "Etika sociálnych dôsledkov i etyka rozwoju jako teorie należące do nurtu etyki czynu [Ethics of social consequences and development ethics as theories belonging to the action ethics trend]", in *Etika v profesiách* [*Ethics in professions*], ed. V. Gluchman (Prešov: FF PU, 2013), pp. 358–376.

34. Vasil Gluchman, "Profesijná etika v kontexte konzekvencialistického uvažovania (ESD model profesijnej etiky) [Professional ethics in consequentialism context from the perspective of ESC, model of professional ethics]", in *Profesijná etika – minulosť a prítomnosť* [*Professional ethics – past and present*], ed. V. Gluchman (Prešov: FF PU, 2012), pp. 42–65.

35. Ján Kalajtzidis, "Etika sociálnych dôsledkov ako forma neutilitaristického konzekvencializmu [Ethics of social consequences as a form of non-utilitarian consequentialism]", in *Etika na Slovensku v súčastnosti (od 2. polovice 20 storočia)* [*Ethics in Slovakia in present times – the second half of the 20th century*] ed. V. Gluchman (Prešov: FF PU, 2013), pp. 135–149; Paulina Dubiel, "Etyka społecznych konsekwencji na tle współczesnych teorii [Ethics of social consequences and contemporary theories], in *Etika na Slovensku v súčastnosti (od 2. polovice 20. storočia)* [*Ethics in Slovakia, in present times*], ed. V. Gluchman (Prešov: FF PU, 2013), pp. 151–166.

36. Gluchman, *Profesijná etika v kontexte konzekvencialistického uvažovania (ESD model profesijnej etiky)*, p. 63.

37. Grzegorz Grzybek, *Etos życia. Wychowanie do małżeństwa w założeniach etyki rozwoju* [*Life ethos. The development ethics assumptions in a marriage education*] (Rzeszów: Wyd. UR, 2014), pp. 71–72.

MORAL RIGHT AND JUSTICE
IN THE TEACHING PROFESSION

MARTA GLUCHMANOVÁ

## 1. Introduction

The methodological starting point of my approach to the issue of ethical and moral aspects of the ethics of teaching is the ethics of social consequences as a form of non-utilitarian consequentialism. Applying a consequentialist approach to the ethics of teaching is directed at an outlined focus on the values of moral right and justice and leads to the achievement of, respectively, implementing positive social consequences and a prevalence over the negative ones. This ethical theory differs from deontological ethics in that assessing the costs primarily does not take into account the consequences of the proceedings of moral agents. I present moral right and justice as well as the ethics of social consequences (both as a theoretical basis for studying and teaching ethics) as a tool for solving the practical moral problems of the teaching profession). I apply this theory, mainly the values and principles of moral right and justice as a tool for a teacher's ethical or moral reasoning in fulfilling its basic responsibilities, which include helping students to teach them to distinguish between good and evil, right and wrong, as well as to point out the moral responsibility of their actions.

## 2. The Ethics of Teaching as a Tool for a Teacher's Professional and Moral Practice

School policy in Slovakia undergoes various changes in improving the education system and placing itself in the context of the newest worldwide educations trends.[1] I'm sure that legal reforms are not enough for teachers to be fully aware of the ethical and moral aspects of the problems in their

occupation. It's the same with insufficient reliance on the intuitive capacity of particular teachers to reveal ethical and moral problems relating to their performance and to find the right solutions, mainly in the case of more complex moral problems appearing within the educational process. The ethics of teaching, consisting of an interdisciplinary approach to philosophy, ethics, pedagogy and psychology, can be a space to investigate and search for the answers or solutions to contemporary ethical and moral problems relating to a teacher's performance. Part of the search for solutions should be to include the ethics of teaching into the preparation of future teachers as well as their further education.

For instance, Marta Černotová states that during university studies, students learn just a small part or nothing about the problems of the development of the personality of the teacher, what roles they will fill and occupy in their professional life and performance, what moral and ethical criteria they will fulfill, what can happen if they violate them etc. How to deal with this dilemma at university? Formation of conditions during teachers' pre-graduate preparation should develop the capacity of the future teacher to take responsibility for their own performance, for the results of their acting.[2] She further states that the subject of teaching ethics is only rarely taught in Slovakia, and even then it depends on each faculty's ability.[3] Teaching ethics should primarily pay attention to the ethical and moral problems of a teacher's performance, their rights and duties that enable their fulfilment in relation of the teacher to students, colleagues, superiors (eventually subordinates) and the wider society. We cannot reduce the problem of the ethics of teaching just to some of these relationships, although the most important of them is the teacher-student relationship.[4] However, unless teachers are able to realize the necessity of and the need for a unified theoretical and practical solution to the problems (including ethical and moral problems) related to a teacher's performance, it's difficult to presume that the social and economic status of the teacher will radically change in our society.

There's no unique or only right view of what is moral, immoral, right or wrong in ethics. It reflects a differentiation in world view, the distinctiveness of the orientation of our values, our life experience and it's even logically manifested in our views on the criteria needed to morally evaluate the behavior and acting of an individual regarding its final outcome. It's reflected in the plurality of ethical theories showing the differences of the world of morality, including the values and criteria of the evaluation. It's even fully applied to the relationship of applied ethics, professional ethics, including the ethics of teaching. There are two fundamental approaches to the problems within teaching ethics;

consequentialist and non-consequentialist (the deontological approach is mentioned the most often). Non-consequentialist or deontological approaches are very often preferred in professional ethics mainly when considering problems found in ethical codes in general.[5] Consequentialist ethical theories as a possible solution to moral professional problems (including those of a teacher) are usually underestimated within professional and teaching ethics, deontological ethics, based on the teacher's moral obligations when performing their profession, is preferred subjectively. Regarding this, I'll try to investigate the possibilities to apply ethics of social consequences, as one of the versions of non-utilitarian consequentialism, to the area teaching ethics.

## 3. Ethics of Social Consequences as Theoretical Scope of Teaching Ethics

Pettit's virtual consequentialism, Slote's satisficing consequentialism, Jackson's probabilistic consequentialism and Sen's evaluator relative theory[6] are the best-known conceptions of non-utilitarian consequentialism. We can also assign the ethics of social consequences, developed by Vasil Gluchman, to these ethical theories and is based on the principle and the value of consequences resulting from the decision making and acting or the opinions of a moral agent.[7]

The fundamental criterion when considering the moral development, or moral standards, of man in ethics of social consequences are the principles and the values of humanity, human dignity and moral rights of man. Ethics of social consequences is a guide to the reflection, decision-making, behavior and acting of a moral agent in relation to particular situations of everyday life, individual application of particular principles in such situations. Gluchman holds the view that we don't need to act consciously to achieve maximalist goals in order to consider human life as moral. An unachievable moral ideal cannot serve as long-term motivation for acting for the majority of people. On the contrary, it can often demotivate or demobilize them in an effort to improve morally. The moral goal of the life of a human is not even tension, stress, life frustration or many other negative statements.[8] In this article, I'll point out the possibilities of the application of the ethics of social consequences, particular principles and values within the area of the teaching profession.

# 4. The Principle of Moral Right

I understand the term of right as general obligatory norms or rules of conduct or application of certain demands. I can state the right for life, right not to be subjected to non-human or degrading treatment or punishment and the right to education in relation to the teaching profession. We understand *right* as a demand or a need for protection within teaching ethics. It can be expressed either as a demand for protection against something (we use to say that *right* has the function of protection) or as a demand for the satisfaction of something (in this case it's a demandable feature of *right*). Thus, *right* is not abstract, because it's still related to the need for protection of the demand or to its satisfaction. If I reflect on moral rights, I think of Gluchman's statement claiming claims that they are fundament of legal rights, however, on the other hand, legal rights conform to only in a certain manner moral rights. Recently, the author held the view that the fundamental moral right of all humans results from the fact of human existence, thus the right to primary moral equality derived from their being human, from their human existence. In relation to moral right, he stated that humanity and dignity are generalized expressions of laws that express an effort to protect or satisfy the fundamental moral values of the life of an individual and humanity as an entity, while moral rights specify the humanity of man.[9] Currently, however, he inclines rather to the view that we can talk about only one moral right, about the moral right to life.

    "Any moral right…is related to the biological and social (or cultural) rudiment of morality, i.e. to life. In connection to the demanding and protecting function of *right*, we can talk about the moral right for support and development of life, for its protection against all forms of conduct and acting that are denial, or tend to denial of the life."[10] It has caused the clarification, or the reduction of the understanding of moral rights, eventually of moral right in the ethics of social consequences. The author followed a new formulation, or classification of his previous delimitation of the principles and values of humanity and human dignity. Such a formulation of the moral right to life makes the presumption for the inclusion of many other rights into a fundamental one, where we can think, for instance, of the right to education, to cultural and social development in relation to the demanding function of moral right for life. In the case of the protective function of the moral right to life, we can include here even the right to security, health care, the right to protection from abuse etc. What we are left with is a broad range of rights that can be related to children and the youth, and of course, to others.

The principle of moral right to life is well-founded and even applied in school practice and especially within the profession of teachers, where we find many conflicts among legal and moral demands for the provision of the right. I'll take a look at a solution to the conflict that can be made among legal and moral demands to provide particular rights. Gluchman mentions an example of an English school, where one of the students endangers, by his conduct and acting, the lives of his schoolmates. Teachers petitioned of his expulsion from the school. However, the school board decided to isolate him from the other pupils and the teachers had to teach him individually. After a certain period of time, the school's supervisory body took steps to integrate him into the general school population in order to "re-socialize" him. The teachers refused to accept this resolution reasoning that they would not be able to guarantee the health and the security of other students. The school board's argument school board rested on the fact that "the student has the right to be at school". That's an example of the conflict of the legal right of an individual and the moral right of the group of students. What is more important in this; to guarantee the legal right of an individual who violates the rights of other students, or on the other hand, to guarantee the legal, but mainly moral right of other students?[11]

It's clear to me that, from the point of view of the fact that an individual endangers the lives of other students by his behavior and acting, the moral right to life, or the protection against the risk to life or health damage of other students of the school is more important than legal right of an individual to an education that threatens the safeguarding of the moral rights of others. I suppose that there is something wrong in understanding the rights in this case when the right of an individual violating the rights of others is equaled to the rights of innocent people or even the safeguarding of his rights is superior to the safeguarding of the rights of innocent people because we threaten the rights of other individuals or the whole group by providing his rights. The above presented understanding of the relationship between legal and moral rights can be considered as insufficient.

We would find even sufficient similar examples in Slovak schools these days. I suggest that following or respecting rights is our moral duty; they are enforceable if taking the form of legal rights. However, I can't agree with the fact that rights as well as deontological principles are non-violable, especially if an individual, be they a moral agent or potential moral agent (as in the case of the student at the aforementioned school) intentionally interferes with the protected sphere of others in the safeguarding of his own rights, or, eventually, he violates the legitimate

interests and the rights of others. In such cases we need to restrict his rights upon the values representing those rights, for instance life, justice, etc.[12] Therefore, I rather incline to the opinion of non-utilitarian consequentialism, or the ethics of social consequences, when we can break the rules in exceptional circumstances, if, however, it brings about a prevalence of positive social consequences over negative ones, but I emphasize the assumption that such a violation is not in conflict with humanity, human dignity and moral rights, because the violation of the rules can even lead to the suppression of the rights, values and legitimate interests of others on the behalf of the benefit of the majority in some cases.

From the formal point of view, it seems that moral rights or a moral right has a very important role in the life and the operation of a school. In a dynamically developing society and wildly changing environment (including that of the school, too), almost all rights and duties are limited concerning their impletion or application, if their moral agent has to adhere to them strictly with no possibilities of free thinking about already existing problems and their solutions (this is also related to moral right). Moral rules or legal regulations do not consist of any guide and do not provide the solution to all morally controversial situations.

Changing activities in the school environment creates the space for the formation of new situations and problems that the moral agent needs to approach situationally, specifically and look for possible solutions in a unique way. I suppose that it's not possible to provide the same generalizing guide (as deontological ethics does) to all problems. It's impossible because of the diversity and variableness of the school reality, high differentness in participating moral agents (including potential ones) within the course of school events and activities. Many objective and subjective factors mutually influence the adoption of a decision at the time of decision-making and consideration of possible alternatives. The current moral values and principles of an individual are shown in their acting, or eventually moral values can motivate the acting of an individual, thus they can influence their decision to some extent.

The basic form of reflections on the application of the moral right to life in connection with teaching ethics is primarily related to the efforts of teachers, but even other pedagogic workers, including other employees of the school, and should gravitate towards the creation of a secure environment at school for all students and, on the other hand, to create conditions for their cognitive, intellectual, moral and physical growth. Applying this to the teacher-student relationship, it's about the creation of all the conditions and the assumptions for the protection of the

development of the life of a child attending a particular school. I consider the profession of a teacher to be a fundamentally moral profession for several reasons. One of the reasons is that the teacher works with children who are sometimes easily influenced and not as able (mainly at a younger school age) to protect their rights as elder students, or adults. In such a case, the teacher should be aware of children's vulnerability, should be the one who helps them grow and protects their rights, including their moral right to life and their development. Currently, discrimination practices, various forms of emotional and physical violence that should be classified by every teacher as unacceptable and immoral acting and conduct in and out of the school environment can restrict the already mentioned development of a human life.

Teachers and all professionals, mainly those who are in contact with children relatively often (for instance, pedagogues, social workers, etc.), and individuals (mainly parents) are socially responsible for the wellbeing of children. There are many unexpected and accidental situations in and out of the school environment (regarding the diversity of situations and moral agents, either during class or even during breaks or out-of-school activities). Those are cases and the incidents for which teachers are not very well prepared, because as I stated earlier, a university won't prepare them well in terms of their knowledge and professionalism, but real life situations bring many unpredictable situations that need to be solved and it's quite challenging and demanding. Therefore, I hold the view that there's space teaching ethics within the debate concerning moral right. It would emphasize and point out many situations at school or could provide certain guidelines for their solution regarding a prevalence of positive social consequences of participating moral agents. These moral agents (including potential ones) have, primarily, a moral right to protection of their life, health and safety and consequently for the conditions creating and supporting the possibilities of their development.

A very important field in the school environment, where the moral right to life has its significance and application and the teaching ethics should have an important role in its safeguarding and fulfillment, is the physical violence, bullying, fights, etc., that occur more and more often in our schools. Teachers, but also other pedagogic employees of a school should do everything in order to provide protection for all the students against threats to their safety, physical and psychical integrity, which, in the final outcome, means protection against breaking their moral right to life. Primarily, it refers to the teachers who shouldn't practice physical cruelty and use physical punishment towards students, as well as bullying and similar conduct and actions that are in conflict with humanity or

degrade the human dignity of the students, and, ultimately, even the teachers who behaved or acted in a such a way. However, this applies conversely, too, because teachers have the same moral right to life, including the right safety, health and protection against all other forms of physical violence and the obstruction of their physical, or even, emotional integrity. The school management, governing school bodies, including the Ministry of Education and other responsible institutions have to do their best to guarantee respect for the moral right to life (in all its forms) of those individuals participating in the educational process (of current and potential moral agents) as well as handling all instances where it is violated handled properly.

The application of the requirements of the principle of the moral right to life of a child even concerning the child's relationship to their parents is equally important. Currently, situations are arising much more often than in the past when many parents are overloaded at work and consequently they don't have any time to focus on the upbringing of their own children. They neglect to take care of them; they are careless and not too critical towards their children.[13] Therefore we can say that parents are violating the moral right to life of their child, or the right to the fully-fledged development of their cognitive, intellectual, mental, moral competencies and attributes. The focus of teachers' and parents' efforts should be to search for common viewpoints regarding the upbringing and education of children and the youth, application of the same criteria and requirements, resulting in the cognitive, intellectual, mental, personal and moral development of a child, thus the production of positive social consequences in the final outcome.

The application of the moral right to life related to in and out of school activity could continue in such a way that parents will apply it in a form that helps to satisfy their life needs (a demanding function of rights), which could evolve into a form of the right to a dignified life, to create the presumptions for a child to lead or live a dignified life when at school. I state that the duty of all parents as moral agents is not to harm others with their actions; therefore I emphasize the protective function of rights, to act, make decisions, or choose alternatives and use available resources to achieve success that won't negate, violate, or limit the right to a dignified life for others.

Everything in the teaching or school environment that tends towards the protection and the support of human life of all involved individuals contributes to the production of positive social consequences resulting from the moral right to life. Good human relations within teacher's collectives, mutual help, cooperation, empathy, respectable relations not

only among teachers themselves, but even within their mutual relationships towards their superiors are inconsiderable in the effort for a dignified life (in this case, the dignified life of teachers). An indirect positive consequence might be a higher educational level in the future, which is related to an increase in living standard, or a decrease in immoral and illegal statements, which, I suppose, would express the core of the principle of moral right, i.e. it would protect and develop human life, fulfill the protecting and demanding functions of moral right. However, it still refers more to the relationship between the moral right of the teachers to make suitable secure conditions for their work and performance of their teaching occupation on the part of a school's management, other school governing bodies, including the Ministry of Education as well as society in general. I emphasize the right to legal and other conditions that make presumptions for a secure and dignified existence within a particular in or out of school environment regarding the moral right of teachers to a dignified life.

I will conclude my reflection on moral right with Gluchman's statement that a human being achieves moral right by being born and it is the same for all human beings starting with newborns. However, a moral agent can lose the same moral right to life as other human beings have because of their conduct and acting during their future life.[14] I emphasize within the context of work that all moral agents joining a school/the teaching profession should care about protecting individuals from negative effects and anything that would produce a prevalence of negative consequences over positive ones through their conduct and acting. Moral right determines that human life is the highest value and therefore we need to protect it.

The moral dimension of the teaching profession requires more than a one-dimensional technical transformation of moral principles and values from the field of normative ethics into applied ethics. It is my view that the function of deontological principles in the school environment (for instance, expressed in ethical codes) is limited which decreases its trustworthiness. The strict claim to keep applied rules and make decisions based upon verified norms restrains the moral agent to think and the agent acts rather upon learnt conduct that can be a serious problem directly for the work of the teacher (and even other pedagogic and non-pedagogic workers). There are many specific situations within the school environment when it's not enough to conform routinely to the rules that were made by agreements between the school management and the school board (and are listed in the school regulations).

Every action of moral agents brings different consequences that cannot be predicted correctly upon any regulations or codes. In spite of negative deontological ethical codes, we use such practices quite often in school and in out-of-school activities nowadays. The argument for their frequent application is mainly their simplicity, easy understanding and the fact that they don't require too demanding intellectual activity, or demanding process of moral consideration and decision making from the moral agents they refer to.[15] The point is that the moral agent needs to avoid static and inflexible consideration of controversial matters based upon pre-determined regulations of our conduct and acting that don't need to comply with the current situation or current state of knowledge. I hold the view that ethics of social consequences provides the model for the solution to ethical and moral problems resulting in greater freedom of thinking, decision making and acting of moral agents, along with their greater responsibility, though, that would be determined by the effort to achieve positive social consequences resulting from our conduct and acting, or at least a prevalence of positive social consequences over negative ones.

Even though, an ethical code (consisting of rights and even duties) is missing within the Slovak education system, I suppose that almost every school or educational institution has more or less formulated not only the rights, but also the duties of their employees, pupils and students, to which everyone should adhere (for instance, in school regulations or work rules). The question is whether it's not just a formal matter or the employer really cares about their strict observance, or whether there are any consequences drawn in case of violation of those rules. Long-term teaching experience assures me that it's more or less just a formality. The school management appeals more to the duties of employees, pupils and students than to their rights. However, an internal approach by moral agents is not enough (to appreciate everybody with no exceptions and respect their right to the protection of their life, health and safety) to keep democratic principles even in the school and out-of-school environment, but what is important is an active committed approach of individuals consisting of their everyday instilling respect for rights (including moral and human rights) in situations of ordinary school and out-of-school activity (mainly all cases considering the life, health and security of every individual participating in the execution of the education process, but also of the operation of the school as an entity).

# 5. The Principle of Justice

Justice is the harmony of the acting of a moral agent with effective and accepted moral values within human society or a particular social community.[16] Even though, the principle and the value of justice is not developed in the ethics of social consequences in detail, I will try to consider the content and the application of justice in the context of the abovementioned conception in the relation to the ethical and moral problems of the teaching profession at present.

Ethics of social consequences considers right acting as respecting and confirming fundamental moral values effective in human society. The basic condition of justice is the one that cannot deny any of the fundamental moral values, cannot be in conflict with them. In Gluchman's opinion, justice is a determining factor of the good that can be achieved and based solely upon justice, otherwise, the good is not possible. Even actions that are not just, can be considered as so, if it brings about a prevalence of positive social consequences over negative ones. Regarding this, it's better to use the term non-just acting, because it responds better to the context and spirit of the criteria of moral evaluation within the ethics of social consequences, i.e. the consequences themselves. We need to use the term unjust acting for wrong and mainly immoral acting because it brings mainly negative consequences regardless the motives. We must differentiate if the unjust acting was conscious or unconscious.[17]

The teacher, as a moral agent, but even other moral agents (including potential ones) participating in the education process, should try to achieve a prevalence of positive social consequences over negative ones in their conduct and acting when applying the principle of justice in both school and out-of-school activities. Regarding the variety and diversity of the situations in which I focus on just acting, sometimes a prevalence of negative social consequences can occur. In such cases, we even need to consider the motive of a moral agent within the evaluation of the conduct and the acting. Basically, we can experience a situation when a moral agent is harming another one on purpose, thus consciously, with the aim of harming somebody wittingly (violating or restricting rights), then I assess their acting as unjust, wrong (or immoral upon the occurrence of only negative social consequences) and condemnable. Though, the following situation can happen - the moral agent doesn't harm consciously or purposely, meaning that the agent doesn't know about their harmful conduct towards others and doesn't have a direct motive to threaten the rights of others. Their acting can be assessed as non-unjust (the acting of an agent is wrong, but not condemnable).

Later, I will try to apply the principle and the value of justice as a part of ethics of social consequences to the ethics of teaching. I state that it is one of the most frequent principles that are often used within the education process. Basically, it's about the training of students to respect justice and work within democratic society. We often encounter injustice and the wrongdoings not only at school, but also in society as a whole. Nor is it easy for teachers to teach about good, truth, and justice, to differentiate right from wrong, shallow from deep, to see truth, beauty and humanity, to confess these qualities and values and to act as a model for their students in such an environment.

Nowadays, it's incredibly exhausting and very difficult for teachers to emphasize and require (e.g. from students) the application of the principle value of justice in the school and out-of-school environment mainly because students are receptive and know about the situation in our society from the media, where examples how injustice wins over justice are very often presented. The main educational role of the teacher is to lead the children and the youth as potentially moral agents to respect for humanistic-democratic society and show the advantages of such a society in comparison to non-democratic society. The teacher should also explain to them why such a society has to be just and what are the advantages (and even disadvantages) in comparison to unjust society. Although it's difficult to explain and require justice when students are often witnesses to situations through the media, where representatives of state and political power, elected representatives of the citizens do not perform their jobs, or mandate in accordance with the principle and value of justice. The teacher tries to lead children and the youth to moral principles at school and immediately after leaving school, we are witnesses of their exemplary breaking by a part of society, including the political and cultural elites that should be a model for the whole society.

The problem of justice in and out of school most often appears most in the mutual teacher-student relationship. In a strict sense, we can mainly encounter the principle of justice in and out of school in relation to justice in oral or written assessment of students. In this context, I have to state that these students are especially sensitive to a teacher's justice. Bad, unjust assessment of a student's effort in the learning process negatively influences the development of willing attributes and the character of the student. Underestimation of their performance can lead to passivity, loss of self-confidence and demobilization of willing effort. Many teachers think that they are infallible and their decisions and acting are just, however, their decisions and subsequent acting shouldn't be right at all under the influence of external circumstances. It degrades particular individuals,

students, causes emotional trauma and they only barely face the
consequences brought about, for example, by a teacher acting unjustly.
Sometimes we can hardly imagine how much evil can be caused by a
teacher's injustice. If a teacher performs injustice, many students handle it
with some difficulty; it also negatively influences the further work of the
teacher, the mental state of the effected students, relationships within the
student body, etc. The emotional state of the students suffers the most, but
it negatively affects their moral development, because they find in their
young age that adults, who should be role-models for them, especially
teachers, can be unjust as well as others in close or deeper relationships
with the student. Especially in the period of adolescence, they can feel
conflict between the words and the actions of teachers. For instance in
cases when the teacher enforces and commands the students not to smoke,
because "smoking is harmful", but smokes himself/herself. Therefore,
other moral agents (including potential ones, i.e., the students)
participating in the education process often evaluate the reasoning,
decision-making, acting and conduct of teachers as just or unjust upon
their conduct and acting, their personal model.[18]

One of the possible negative consequences of a teacher's actions is
unjust and inconsistent decisions when students work in a team. It happens
when the teacher won't set clear rules and won't distribute the right tasks
for the solutions. In such a case it can easily happen that more skillful
students get results even at the expense of weaker students who can feel
degraded and frustrated because they are becoming "the outsiders" in a
team. They can feel underestimated, unhappy during presentations and
therefore, they prefer direct teaching to group work. Such actions should
serve as a warning to many teachers with respect to justice in their actions
or their approach to students.

The principle and value of justice can be applied not only positively,
but also in negatively, i.e. in the analysis and the assessment of situations
that don't completely fulfill the requirements of just acting or are directly
contrary to them. Those are cases when teachers do not pay attention to the
solution of some questions because of time or other reasons and therefore
they act wrongly or unjustly towards students. A situation then arises
when teachers cause negative consequences by their thoughtless and
unjust decision-making and actions that result in the lack of students'
interest in what is happening at school. It's even a matter of the decision-
making not in favor of the students themselves. For example, in the case of
handicapped students, the teacher doesn't act in term of justice if they
have the same criteria for this student as a healthy one, if we are talking
about common task performance, exam writing, their assessment etc.

Now, we encounter such situations in relation to the integration of these students into the work collective of healthy children. Often, the teacher is not even prepared enough to identify the difficultness of the tasks among these students. Similar situations can happen in classrooms where various age groups are joined; this requires great effort of the part of the teacher to act and make decisions fairly and in accordance with the principle of humanity and human dignity.

We need to consider all the circumstances within the teacher-student relationship in order to make the decisions of teachers as moral agents right and in accordance with particular principles. Real moral problems are mainly characterized by greater emotional interest and usually a basic question dominates them – if it is just or not. I suppose that most of students try to behave and act in accordance with the principle of justice, thus accepting fundamental moral values relevant in society that produces a prevalence of positive over negative social consequences. Mostly, if all moral agents (including potential ones) participating in the education process try to consider, make decisions, behave and act fairly, they produce positive social consequences that should significantly dominate over negative ones. Then we can apply the principle of justice to teaching ethics as one of the secondary principles of the ethics of social consequences.

That's how it should be even in the case of interpersonal relationships, in teachers' collectives, in the mutual relationship of teachers and their superiors, or to parents. We need to consider all the circumstances regarding a student or a child fairly when applying the principle of justice in teacher-parent relationships. Primarily, a teacher should fairly inform parents about their child's pedagogic-educational results. In cases of objective assessment, indicative of impartiality/disinterestedness, the teacher needs to respect the right of the parents as equivalent partners of the teacher; if necessary, the teacher needs to objectively provide a critical viewpoint. It's expected from parents to clearly, reasonably and rationally formulate their potential requirements towards the teacher.

Justice shouldn't be dominant only in professional teachers' relationships, in mutual relationships of superiors to other moral agents, in accepting their interests and goals. Actions and conduct based on fairness, mutual courtesy, respect for the rights of others, mutual trust and confidentiality are important in just collegial relationships. Even the reputation of the school is based on the abovementioned values. The application of the principle of justice enables the appreciation of dignity, humane treatment, elimination of discrimination, as well as quality communication in mutual collegial relations. The school management

should act fairly towards the other moral agents taking part in the pedagogical-educational process. The principle of justice should be applied by management personnel even, for example, in assessing the conduct and actions of a teacher, in rewarding and taking care of their health and safety when working.[19] However, school managements don't always treat their employees fairly, for example in cases of the distribution of financial resources, wages, allowances, etc. They often don't distribute wages according to work performance or other measurable criteria, but they distribute it equally in order to get along well with everybody and to not be blamed by those who don't deserve it. Basically they stint and harm harder working individuals by their decision-making and acting. The presented reasoning, decision-making and acting won't ever bring a prevalence of positive over negative consequences; therefore I think it's unjust.

In cases of unjust acting, we have to distinguish, whether the moral agent did it consciously or unconsciously. We know some practical cases when someone acted unconsciously unjustly, but there were also some cases of conscious harming that is unjustifiable from the point of view of teaching ethics, because such acting purposely leads to unjustified harming of somebody, or on the other hand, towards undeservedly favoring somebody else. Such practices appearing in our educational system at every level of education from primary, through to secondary schools to higher educational institutions, and are the reasons why well-qualified teachers find other professions, which is a pity for the whole education system. On the contrary, each consciously just action by a moral agent is a right (moral) and commendable action.

I suppose that the application of the principle of justice in the teaching profession brings about a significant prevalence of positive over negative social consequences in terms of the support of moral agents' freedom to conduct and act (including potential ones) and any resulting responsibility. Respect for the principle of justice supports mutual relationships of all moral agents participating in the pedagogical-educational process and therefore produces positive social consequences. But as I suggested earlier, teachers and other pedagogical workers shouldn't be the only ones who care about the application of the principle and value of justice. Of course, they play an important role in this context, but parents, political and cultural members and the society as an entity should care about it more, but it seems that their relationship to the education of the future generation is often irresponsible.

# 6. Conclusion

In conclusion, I state that the ethics of social consequences, through the abovementioned principles and values of moral right and justice, has a potential that can contribute to the development of theoretical research of the area of teaching ethics, but also to the search for solutions to moral problems related to the teaching profession. Ethics of social consequences is about acting towards the achievement of positive social consequences in respecting the values of humanity, human dignity[20] and moral right as well as justice, responsibility, tolerance and duty. On the other hand, actions which respect and apply these values brings about positive social consequences that are source of our reflection on our conduct and acting, but also a goal to which we should aim, thus that our acting and behavior should bring dominance prevalence of positive over negative social consequences.

Ethics of social consequences, as well as teaching ethics, is aimed at positive social consequences that have to be in accordance with the abovementioned principles and values of the moral right of man and justice, as well as with other values and principles of particular ethical conceptions. Therefore I think that all teachers (and other pedagogical employees of a school, including its superiors) should always seek to choose such behavior and actions that would respect and apply the stated moral principles and values, but also would produce positive social consequences or at least would minimize negative ones, if it's possible to avoid them. The opposite is also true; all moral agents directly or indirectly participating in the pedagogical-educational process should seek to achieve positive social consequences by their behavior and acting, but, as a priority, provide respect for and application of the principles and the values (within the ethics of social consequences), if it's impossible to respect and apply all the principles and the values.[21]

I believe that the teaching profession is not only subjective in preferring the duties of teachers and the rights of students at the same time, but mainly the complementarity of those rights and duties (including moral ones) of all moral agents participating in the education process. According to presented ethical conception, every moral agent should consider the competent needs and interests of students, colleagues, parents in solving moral questions. I also suppose that they will consider the competent needs and interests of the teacher. Thereby, the wellbeing of students wouldn't be overestimated subjectively, which very often happens in the case of some ethical theories.

# Acknowledgment

# Notes

1. The most known theory teaching ethics is Kenneth A. Strike and Jonas F. Soltis' conception (or moral dilemma) of David Carr's morality of the teaching profession in the concept of the philosophy of education , as well as Elizabeth Campbell's virtue ethics of teaching (David Carr, *Professionalism & Ethics in Teaching* (London and New York: Routledge, 2000), p. 8; Kenneth A. Strike and Jonas F. Soltis, *The Ethics of Teaching* (New York: Columbia University, 2004), p. 42; Elizabeth Campbell, "The Ethics of Teaching as a Moral Profession", *Curriculum Inquiry*, 38:4 (2008), p. 358.)
2. Marta Černotová, "Potrebujú budúci učitelia pedeutológiu?" [Do future teachers need pedeutology?], in *Uplatnenie absolventov učiteľstva v praxi a ich reflexia pregraduálnej prípravy, [Application teaching graduates during teaching practice and their reflections on pre-graduate preparation],* ed. M. Černotová (Prešov: FF PU, 2006), pp. 180–190.
3. Other authors also speak about the necessity of ethics in the job preparation and the educational program of students, future teachers. In their opinion we, primarily, need to help students to understand what ethics is, why it is important and what's required from them in their communication, influence on the students, future teachers, because if we make ethical decisions and ethical acts, other students, colleagues will probably follow us. Thus, the education of ethics and teaching practice should be an integral part of the curriculum of future teachers. Classes of ethics should consist of real activities in which students test their skills in ethical consideration with real, non-trivial case studies (L. Pratt – K. J. Weiss, "Students Teachers, Teacher Research, and Ethics", in *The Ethical Educator: Integrating Ethics within the Context of Teaching and Teacher Research*, eds. S. E. Israel – C. A. Lassonde (New York: Peter Lang, 2007), pp. 151–158.)
4. Elizabeth Campbell even mentions it in her work "Connecting the Ethics of Teaching and Moral Education", *Journal of Teacher Education*, 48:4 (1997), pp. 255–263.
5. Wanda Gordon and Thomas J. Sork, "Ethical Issues and Codes of Ethics: Views of Adult Education Practitioners in Canada and the United States", *Adult Education Quarterly*, 51:3 (2001), p. 203.
6. Vasil Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of Social Consequences in Contexts of Its Critique*] (Prešov: LIM, 1999), pp. 101–131.
7. Gluchman, *Etika sociálnych dôsledkov v kontextoch jej kritiky*, pp. 38–40.
8. For further reference and characteristics of this ethical concept, I recommend the most distinguished works of Vasil Gluchman (Vasil Gluchman, *Etika*

*sociálnych dôsledkov a jej kontexty* [*Ethics of Social Consequences and Its Contexts*] (Prešov: PVT, 1996), *Človek a morálka* [*Man and Morality*] (Brno: Doplněk, 1997; Prešov: LIM, 2005), *Etika sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of Social Consequences in Contexts of Its Critique*] (Prešov: LIM, 1999); *Human Being and Morality in Ethics of Social Consequences* (Lewiston, NY: Edwin Mellen Press, 2003), pp. 29–30); *Etika a reflexie morálky* [*Ethics and Reflection of Morality*] (Prešov: FF PU), and "Humanity: Biological and Moral Issues", in *Morality: Reasoning on Different Approaches*, ed. V. Gluchman (Amsterdam: Rodopi, 2013), pp. 111–130.

9.  Vasil Gluchman, *Človek a morálka* [*Man and Morality*] (Prešov: LIM, 2005), p. 132.

10. Gluchman, *Etika a reflexie morálky*, p. 144.

11. Gluchman, *Človek a morálka*, pp. 116–117.

12. For instance, John Rawls in his work A Theory of Justice states that justice, rights and freedoms can be limited when an even greater injustice, or even greater threat to our rights and freedoms is possible (John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1971), pp.205–251).

13. Jaroslaw Michalski describes a similar situation in the Polish education system, when he states that parents blame all problems and failures on the school and teachers. However, they only rarely communicate with their children, children are inactive and insolent at school, disruptive and, instead of thinking about their behavior and actions, they demand their rights while disregarding the performance of their duties and violating the rights of others. Parents transfer the responsibility for the upbringing of their own children to the school and make teachers responsible for everything regarding their child. (Jaroslaw Michalski, "Nauczyciel skrzywdzony – rodzic nieuprzejmy" [Teachers Wronged – an Angry Parent], *Nowa szkola*, 62:5 (2006), p. 38).

14. Gluchman, *Etika a reflexie morálky*, p. 96.

15. Jiří Kánský, "Význam a úloha principů a norem v etice a morálce" [The Importance and Role of the Principles and Standards of Ethics and Morality], in *Teoretické otázky etiky* [*Theoretical Issues of Ethics*], eds. V. Gluchman – M. Dokulil, (Prešov: PVT, 1998), pp. 85–105.

16. In the opinion of Fitzmaurice, justice means respect in relation to the independence of individuals and obligates the teachers to be responsible for special needs and requirements of students who are individually so different. (Marian Fitzmaurice, "Considering Teaching in Higher Education as a Practice", *Teaching in Higher Education*, 15:1 (2010), p. 46).

17. Gluchman, *Etika sociálnych dôsledkov a jej kontexty*, p. 41.

18. For example, David Hardy, warns because of the unjust conduct and actions by teachers when students complain that some teachers prefer those students who bring them gifts, or complain about the teacher who prepares some plans for the evening with his/her student. Students carefully perceive their unethical (in this case, unjust) acting and practices. Therefore, the author emphasizes the need to pay attention even to such ethical issues that are increasing these days and deal with them even in the professional ethics of teachers and in the

preparation of our future teachers very carefully (D. E. Hardy, "Ethical Considerations Affecting Teaching in Community Colleges: An Abundance of Feelings and Limited Facts", *Community College Journal of Research and Practice*, 26:5, (2002), pp. 383–399).

19. Researches prove that there is a reduction in difficulties and support of well-being when we have the support of the school director or our colleagues (B. Galand – C. Lecocq – P. Philippot, "School Violence and Teacher Professional Disengagement", *British Journal of Educational Psychology*, 77:2, (2007), pp. 465–477.

20. Marta Gluchmanová, *The Teacher as a Moral Agent: Humanity and Human Dignity in the Teaching Profession,* in *Morality: Reasoning on Different Approaches*, ed. V. Gluchman (Amsterdam: Rodopi, 2013), pp. 141–160.

21. Vasil Gluchman, *Profesijná etika ako etika práce a etika vzťahov* [*Professional Ethics as Work Ethic and Ethics of Relations*] (Prešov: FF PU, 2014).

# Chapter Fifteen

## Application of Ethics of Social Consequences in the Context of the Relevance and the Creation of Ethical Codes

## Gabriela Platková Olejárová

Professional ethical code expresses a set of ethical and moral values and norms in individual organizations, institutions and firms. Codes are common and the only instruments of institutionalised ethics. They have been promoted because their establishment shall help reduce unethical actions. Codes are understood as a set of permanent ethical values, norms and rules, which are prescribed and it is necessary for a professional to act in accordance with them, without having regard for concrete situation/problem and its consequences (deontological approach). However, presence of an ethical code does not guarantee ethical actions in any concrete profession. The idea of an ethical code – as a deontological document – as a provider of answers to all professional ethical problems decreases its efficiency and meaning. Ethical knowledge (understanding) of ethical values and norms is important for any professional because it enhances their professional performance and brings about positive consequences, though rigid adherence to values and norms of ethical codes promotes customary morals. I am of an opinion that ethical values and norms of ethical codes shall only be seen as starting points that open up and create space for individual moral reasoning and decisions of a professional about a problem (taking into account consequences of an action), acknowledging its ethical dimension. The main aim of this paper is to point out the relevance and role of ethical codes from the consequentialist (not deontological) ethics point of view on two levels - understanding the importance of ethical code's function and its application

as well as a formation of an ethical code and its implementation in relation to the achievement of positive consequences.

In this article, I focus on the application of ethics of social consequences in the context of the creation and the relevance of ethical codes in the professional field. I point to the difference between applied deontological approaches to ethical codes within the opposition to the innovative consequentialist view of ethical codes, or the view of non-utilitarian consequentialism presented by the ethics of social consequences. Theoretical presumptions of the application of ethics of social consequences result from the relevance of ethical codes and emphasizing the relevance of the process of its creation in the context of positive consequences that are brought by effective ethical codes. That's the reason why I deal with the questions of the relevance of ethical codes in the introductory part of my article, which I continuously return to and analyze in the text. I also consider the factors influencing the process and effective implementation of ethical codes. Based on available resources, I emphasize the consequentialist approach to a professional ethical code through the ethics of social consequences optics, with a view to verify a feasibility of application of this ethical theory for the formation of the essence of the professional ethical code that is different from the traditional and often deontological understanding of a code.

One of the potential risks to initial unacceptance, or suspiciousness towards ethical codes is found in the fears among professionals of interferences to autonomy and freedom of work.[1] Professionals can suppose that the creation of ethical codes as a set of prescribed and eligible norms of behavior and actions reduces or almost eliminates the possibility of making decisions and acting freely. Such an approach is close to the deontological understanding of the function of ethical codes, according to which it's necessary to act as the ethical norm is set, regardless the consequences. A negative found in ethical codes regards the limits of the ethical code that, of course, cannot incorporate a great number of ethical values, principles and norms in an effort to point out more ethical dilemmas and problems within the profession. Such a conception of ethical codes – as a document – offering an answer to all problems – decreases its effectiveness, and even the overall justification of the code. In some cases, the ethical code is considered as a document endangering good interpersonal relationships, because morality is an individual's business, as "to punish" somebody for a deviation in the values, principles and norms of the code caused by their behavior is inadequate. Sanctions for a violation of the code are perceived negatively. The concern of professionals creates the impression that the code becomes an instrument

of power or a tool destroying creativity and freedom (individualistic approaches decrease, on the other hand, while approaches of schematization and standardization of the behavior increase).Skepticism and disbelief in the relevance of ethical codes are located within the opinion that the code, nevertheless, doesn't change the character of an individual.

Some indicated negative reasons point to wrong understanding of the relevance and the functions of ethical codes that naturally lead to mistrust in the relevance of ethical codes in the professional experience of moral agents, i.e. experts in their profession. Thus, we can define the question: do professionals need an ethical code?[2] Do professionals need to follow the ethical values and principles of the code, if their professional actions are primarily regulated by law and labor regulations and acts? Do they have the time to think about and reflect on the existence of any rule and norm found within the code regulating professional actions when performing their professions (often tense, under stress and time pressure)?

Zygmunt Bauman reflects on ethically unfunded morality – based on force of habit, routine, intuition and thinks that most of people can even help themselves without any ethical codes. However, if they are still cautioned because of some mistakes, insufficient acting, needing a special vision, they will finally start to seek out ethicists (because they feel they've failed). It results in a need for reports of ethical expertise becoming a habit and the need for expertise seems to be something natural. We are in a situation where right action is not possible without specialized services.[3] The question is then natural – are ethicists themselves the ones who need ethical codes? If we consider this fact – pressure on a professional's morality from above (from ethicists who make the codes) – the relevance of the ethical code can be perceived as a result of special analysis and discussion on the contemporary state and development of professional ethics, when the facts refer to the need for and necessity of regulation of profession actions through special professional values, norms and principles in ethical codes. However, it reveals another dimension to profession morality, otherwise, the sense of moral professional responsibility for their judgments as well as accepting the consequences resulting from their actions. If we act according to the norms accepted outwardly, our inner voice is dampened; the sense of responsibility is mild – because "they" told me to do that.[4] However, if the professional is forced to act according to the ethical values, principles and norms of the code, the sense of personal moral responsibility for the consequences resulting from profession decisions and actions decreases. The weakening of responsibility is equal to forced adaptation to ethical codes that results in a decrease in the ability of a professional to think

independently in solving problems, or dilemmas, which is, on the other hand, very important if we realize that professional experience brings many daily ethical conflicts, problems and dilemmas that require a high level of autonomous thinking, reasoning, decision-making and acting of part of the professional in order to be solved. Can a professional find all the answers within the ethical code? Is this the core of ethical codes?

The presented area consists of a preferred deontological approach to the relevance of ethical codes. A strict deontological understanding of the values and principles in ethical codes is based on the strictly specified and unchanging content of ethical codes that is necessary to respect at all times. A negative consequence of such an approach is the automatic adaptation of a moral agent's behavior and actions to the code's values that decreases the level of reflection and thinking itself, a consequence of which is that the moral agent responds to disputable situations more difficultly, or is not able to take a stand, because they think that the answer can be found in the ethical code. Another negative consequence is a decrease in personal responsibility for decision-making and any consequences resulting from it.[5] In this context, it's necessary to realize that many emerging problems and dilemmas in the profession field require the activity of a moral agent and the process of moral consideration as a limited ethical code doesn't provide the right solution to every ethical problem and dilemma. I respect the importance and the significance of ethical values and principles in the solution to various complicated professional dilemmas and problems, because they stabilize relationships and according to them, actions generate good, but on the other hand, their overestimation (and following them in every single situation) can lead to a moral agent's mechanical decision-making, acting and behaving even in those situations that would necessitate another solution. Values and principles can predetermine our actions, but situational contexts can cause reversal, or completely affect it in another way to what we expected. Knowledge of values and principles is important, but an excessive adherence to them supports practical morality leading to the rigidity and passivity of a moral agent.[6] The directive and deontological normative way of expressing ethical values, principles and norms in ethical codes is also a reason of their low efficiency.[7]

This indicates that I consider the role of the deontological approach to ethical codes as important, however, there's a threat of risk in the case of overestimation. They lose their justness in a dynamic, diversified, variable and fast changing profession environment, as long as the moral agent/professional will adhere to them without being able to reflect on the problems of moral dimension independently and suggest their own

solution. The need for their violation or breaking is made as well, and that's the reason why they are doubted as an entity. Ethical values and principles do not represent a guide and do not provide a solution to all controversial situations. Multivariable and flexible professional activities create space for the creation of new situations and problems that need to be accessed specifically by following the situation and solving them uniquely. We cannot provide the same generalizing guide (as deontological ethics does) for all problems. It's not possible because of the diversification and the variability of profession reality, high differentiability of profession activities, special conditions determining professional activity. Within the process of decision-making and consideration of possible alternatives, there are some objective and subjective factors acting mutually and influencing the acceptance of the decision by the professional. Values and rules are general, too abstract and they often miss their target as such, which I consider as their main shortness. In spite of such negatives, the deontological approach is relatively often used for ethical codes, while the argument is based on simplicity, easy understanding, or directedness in moral thinking; therefore the regulation of actions signifies undemanding activity and simple decision-making of a moral agent according to his approach.

I don't intend to deny the standard function of the values and principles of ethical codes, but I see it as a source at the same time, which shouldn't confine the moral consideration and decision making of a moral agent at all. In comparison to the deontological approach, the consequentialist approach doesn't strictly follow the ethical values and principles of ethical codes, but enables their interpretation and situational approach much more. And I also suggest a moral agent consciously votes for the type of action that results in positive social consequences. In accordance with the ethics of social consequences, the moral agent achieves positive social consequences upon respecting the ethical values and principles codified within ethical codes and supports, protects and develops human life.[8] It consists of a distinguishable consequentialist approach in applying the values of ethics of social consequences and formulating the ethical code and its realization upon these values.[9] Vasil Gluchman reminds us that in the case of consequentialist ethics, it's not necessary to determine the requirements for the values of individual members of a profession precisely, but rather present desirable forms of behavior and actions upon the formation of requirements focused on the achievement of a dominance of positive over negative social consequences.[10]

We also need to emphasize within the context of ethical codes that the role of the profession consists mainly in the completion of its social goals

with an emphasis on the positive development of society. Therefore I
agree with the opinion that the main topic within the ethics of professions
should be the relationship of the profession to the common, or public,
good.[11] Then the significance of the codification of ethics in the form of
ethical codes develops as a necessary need to regulate the behavior and the
actions of professionals exactly in this way. It's expected that ethical
values and principles of ethical codes will serve professionals in
performing their professional actions, for instance within decision-making
in cases of ethical dilemmas or problems, namely, their support and
realization will help to perform the social obligations of the profession
towards society, thus they will contribute for the common, or public, good
in their actions and behavior. Ethical codes will be conductive and
significant not only for professionals, but also for society (or the clients).
The ethical values and principles of ethical codes of a profession cannot be
perceived as the final models of professional action, they should be rather
understood as a critical mirror set by professionals who should be able to
reflect professional actions ethically by the reason of searching for the
right approach to the problems and tasks of their profession considering
the tasks that their profession performs within society – however, this
option shouldn't be taken away from them by professionals when creating
ethical codes.[12]

    As it was indicated, the creation and the acceptance itself of ethical
codes signalizes that the members of a profession intend to render and
present particular professional values to society, including ethical and
moral values, the realization of which leads to a dominance of positive
over negative consequences in the context of achieving the public good.
This requirement results in the necessity to actively realize ethical values
and principles in professional decision-making, actions and behavior of
moral agents. The understanding of ethical codes only at a formal level of
marketing a product and appropriate element for gaining the confidence of
the public decreases the functionality and the significance of ethical codes.
A determining factor in creating ethical codes and following it effectively
is responsible consciousness on the part of experts in the profession of its
significance and importance for the profession, as well as society. The
goal of ethical codes is clearly related to the fulfillment of the obligations
of the profession in relation to society and starts from the setting and
knowledge of the consequences that the profession wants to achieve by
creating and the using the code. Before accepting the ethical code, it's
necessary to identify the possible problems appearing at the time of its
creation. There are not only set methods when creating a code, but we
have to think of the consequences that can possibly be the result of certain

steps. The consequences don't have to be only positive, but even negative and are made immediately or after some time (indirect, mediate).

Ethics of social consequences, as one of the methodological sources in the creation and implementation of ethical codes, has potential application in several ways: primarily, it warns of and pays attention to the (negative and positive) consequences of moral agents resulting from their relationship to the process of the goals' assessment of the code and gradual steps of its implementation while we consider, make decisions and act. It follows, therefore, that the consequences of agents' regulating their professional morals and actions based on the scope of ethical values and principles within ethical codes. Therefore their action is evaluated as right (if an agent adapts their actions to the code's requirements by which their actions will bring a prevalence of positive over negative consequences ones) and moral (if the competence to make decisions and act leads to a disappearance of negative consequences or to their minimum level). The evaluation of the action can also be wrong (the agent is not obeyed by the code values, the possible dominance of negative over positive consequences can be the result, negative consequences can even occur in the case when the ethical code follows, but the result of their actions brings a prevalence of positive over negative consequences, at that time we cannot consider such an action as condemnable) and amoral (the agent willingly ignores the moral requirements stated in the code and their actions cause only negative consequences and that's condemnable acting). However, the consequentialist approach is characterized by the fact that the agent should consciously choose such an action which results in positive social consequences. As suggested above, in accordance with the ethics of social consequences, the moral agent achieves positive social consequences upon respecting the values codified within the ethical code and supports, protects and develops human life. The consequentialist approach to ethical codes emphasizes the active approach of moral agents to the values and principles of ethical codes, as well as the active process of consideration of ethical values. The understanding of ethical codes as some moral guide book providing the answers to all ethical issues is not quite right. But the contrary is the case. Ethical codes shall stimulate the process of consideration of moral agents on the values, shall teach them to evaluate their behavior, or formulate new values.

Beyerstein states that ethical codes are worth respect because they form and modify ethical values, principles and rules for the members of the profession, that are the demonstration of the morality of the majority of moral agents, i.e. professional experts who determine the moral obligations of their profession by their agreement. Ethical codes formulated using

values and principles informs clients, possible business partners and the
public, what they can expect from cooperation with them, because the
values of the code that are in-process in particular scopes determine the
sort of action and its limits.[13] Therefore, ethical codes can be perceived in
two ways – as an emphasis and a layout of ethical values of a given
profession (as their set), or also as a step in the process of setting
(creating) those values. The second way is more effective, because the
code is not only a set of those values, but is, especially, an instrument in
the process of discussing and considering what is good and bad and is used
to compare the personal moral obligations and beliefs of a moral agent
with the recommended rules stated in the code.[14]

The second approach to ethical codes reinforces the activity of the
reflexive type of moral agent[15] within the ethics of social consequences
that determines the moral values and principles within moral freedom or at
least thinks about them and confronts them with reality and their
expectations in practical or conventional morality. Such an understood
approach to ethical codes is more than useful, because it supports the
moral consideration and the activity of the moral agent, but on the other
hand, it suppresses passivity and adaptation to the rules based upon a
deeper sense and understanding. There's even some space for situational
contexts and situational review of ethical dilemma (problem, situation,
conflict) individually in contrast to a generalization of ethical values and
principles of ethical codes for each different situation in such a relative
understanding of the values and principles of ethical codes. Achieving
such a significance of the code is the consequence of a proper understanding
of the code's function, or the approach to it that consequentialism
assumes.

Finally, the way of implementing the code is definitive. A good quality
and properly implemented ethical code can be a very good instrument for
achieving desired results while positive consequences should appear when
the goal and the content of the code combine with adequate and
responsible implementation of the code into practice, and when the ways
of its use, control mechanisms and sanctions are defined.

Based on our resources regarding the significance and creation of
ethical codes in the context of consequentialist ethics, we can assume that
if ethical codes are to be helpful in the ethical decision-making of a moral
agent/professional (because they can never provide a guide for right
behavior in every situation), then ethical values and principles recommend
a desired form of acting (and they are initial in the case of consideration
and decision-making) with a tendency to teach professional morality in
terms of the development of moral reflections on ethical problems[16] in a

given profession in the context of the development of the levels of moral development. Moral agents are competent to make decisions and act independently (which is one of the conditions of the profession), however, there's still the possibility to improve moral consideration. The question is whether the achievement of a certain stage of the moral development of a moral agent is a guarantee of adequate actions.[17] Although moral reasoning is formed in every mentally healthy individual, though, people achieve various levels of moral development. Many factors influence progressive development, such as permanent education in the field of ethics and morality, just social environment and making the conditions to solve conflicts using discourse.[18] If such an environment is not created in the profession, the possibility to achieve a higher level of a professional's moral development can be limited. Consequently, the motivational effect of an ethical code decreases (and ultimately loses its significance). We can also theoretically outline another scope of the merit of ethical codes in the abovementioned factor of permanent education in the field of ethics and morality: It does not hold true that right and the wrong actions are set. Ethical values, principles and norms of the code are not a definitive imperative that's necessary to follow. The assumption that the code has to be helpful in a given professional's ethical decision-making counts for the fact that ethical values, principles and norms recommend a required action with the tendency to teach professional morality in terms of the development of moral consideration of ethical problems in a given profession in the context of levels of moral development.[19] Ethical codes have both a pedagogic (ethical education – learning of ethics) and an educational function (forming ethical views and approaches), while it develops moral consideration, evaluation, analysis.[20]

Indicating some aspects of the functionality of ethical codes mainly through the process of its creation (because it influences the quality and consequences of the code the most), I tend to accept the idea that professional ethical codes bring about positive social consequences both within and without within profession. However, an approach to codes based on ethics of social consequences is more complex, or more demanding. Gluchman warns that not all professional ethics are suitable for the use of the consequentialist model, but we can rather think of its use in the case of professional ethics where there are more likely to be reflective types of moral agents than, for instance, in business ethics, academic ethics, ethics of law etc.[21] We should keep the deontological approach to ethical codes in the case of other professions (possibly for the majority of the professions).The problem is relevant mainly with regard to reflective and conformity types of moral agent and possible different

forms, or contents of ethical codes suitable for these different types of moral agents. The consequentialist approach to ethical codes prefers the active type of moral agent and the deontological approach prefers the passive one. Practically, there's no need to create an "elitist" code for the active type of an agent or a code for "the others". It can, moreover, contribute to the weakening of the deontological approach to ethical codes. Not everybody can be an active type of moral agent. It's, moreover, possible to create ethical codes consciously in order to support the moral consideration and activity of moral agents by being emphatic in setting ethical values and principles that will be preferred all the time and requested in particular situations in connection to the actions of an agent (leaning to a prevalence of positive over negative consequences ), but dependent on the situational contexts and responsible moral reflection of a given moral agent, it is possible to show his/her moral freedom consisting in the freedom of moral decision making, acting and behavior in a particular situation, but always supposing that his/her actions won't endanger the rights of others.

Based on the above presented points, I will signify some functions of ethical codes providing orientation points of the significance of ethical codes in the context of reflections on the possibilities of applying the values of ethics of social consequences to a particular area (especially related to the consequences).

I suppose the profession defines the values publically (consequence – public declaration of the viewpoint of the profession to the role of moral values and setting what we can, are allowed and are not allowed to do, thus what behavior is allowed within the profession) by accepting the ethical code. The profession enforces the behavior according to the set values by means of the values of the ethical code (consequence – the profession requires a certain type of behavior and protects such behavior at the same time, because behavior is beneficial and profitable within defined values). Linking to the stated consequence, the utility consists in achieving acceptable behavior that supports the improvement of the image of the profession, the acquirement of inward and even outward trust (consequence – differentiation from other professions, emphasizing the uniqueness and the particularity of the profession, building the good image of the profession). We can support behavior in accordance with the values of the profession (consequence – forming the habit of evaluation of my own performance and behavior in relationship to others through moral values, reinforcing moral approaches, learning to create moral relationships, focusing the attention on the fact that labor relations acts are insufficient) by regulating the behavior through demarked values.

Ethical codes of a given profession should become a moral agent's source of moral consideration and moral activity.. Their significance should rest upon an exchange of fundamental informative ethical values and principles confirming the moral principality of a particular profession and supporting, protecting and developing human life. On the other hand, as a code cannot cover all relevant moral situations, it leaves space even for the moral agent and his/her moral freedom. It's mainly important from the point of view of the situationality when each situation requires different progression, different consideration of the action and different application of ethical values. As a consequence, ethical codes should be more general in formulating ethical values and principles, but not in the sense of their abstractness, rather in terms of keeping enough space to allow a moral agent independent consideration, decision making, acting and behavior. Ethical codes have to help in making decisions, however not provide an absolute solution (even the code doesn't do that many times, this "misunderstanding" is rather the result of improper understanding of the goal of the code).

The deontological approach is based on strict and rigorous understanding of the validity of the values and principles involved in the code, the consequentialist approach enables their freer interpretation and review, tends to be more relative and situational, including placing emphasis on the purpose and goal that is being followed within these codes. Ethical codes within the consequentialist model, are more or less just an instrument for the realization of values, or their application in particular professions, whereas the code, in deontological ethics, becomes the purpose in itself and what is not included within the code theoretically wouldn't exist, or would be wrong. The limitations of the deontological approach to ethical codes is the fact that, although ethical values and principles should lead to positive social consequences, this is not always like that the case, because in the case of extraordinary and specific professional situations in the form of ethical problems, even dilemmas, a simple submission to the values, principles or rules stated in the ethical code is often not enough.

I think that ethical codes are interconnected with the consequentialist approach through the purpose, or goal, for which they have been created and even the relationship is shown through the consequences resulting from respecting the ethical values, eventually in the support for the action that directly brings about such positive social consequences or a prevalence over negative ones. I suppose that respect for the ethical values and principles of ethical codes should lead to positive social consequences, while besides acting in accordance with the values and principles, the

moral agent needs to develop the initiative of individual moral consideration on the selected values and principles, to solve ethical problems and dilemmas independently. We expect the moral agent to think independently, to recognize moral dilemmas actively, to be a morally sensitive agent competent to perceive moral problems, to identify them and solve them even when the ethical code doesn't provide a perfect guide. Then one of the positive consequences of the implementation of the code is not only the creation of the habit of the evaluating actions according to specified values, but also the competence to take a stand to those ethical problems not stated by the code and the competence (to learn) to solve the problems independently, or perspectively reflect on the consequences resulting from the solution of such problems, or more alternatives of the solution that can appear in this context. From the point of view of ethics of social consequences, ethical codes should support right and moral action (regarding the consequences) and motivate agents to such action.

I tried to contextualize the process of the creation and significance of professional ethical codes within consequentialist ethics, or the applications of ethics of social consequences in the professional field for the implementation of a professional ethical code, especially with expected consequences during its creation, designation and clarification of ethical values of the code, as well as with its actual consequences after its effective implementation. Advantages of the chosen ethical theory are the acknowledgement of the pluralism of values, strict non-differentiation between deontological and consequentialist moral values, support of the moral activity of an agent and situational approach to problem solving, emphasizing the consequences of actions and behavior, while not being about maximization of positive social consequences, but about their dominance over negative social consequences. This innovative approach is based on an attempt to formulate an approach to the significance of ethical codes from the viewpoint of non-utilitarian consequentialism, or ethics of social consequences which presents another, alternative view.

Verification of ethics of social consequences as a potential methodology for the creation of an ethical code as well as for formation of its essence/meaning, is the main contribution of this text. Consequentialist approach has several advantages over deontological approach, namely: it enables more open interpretation and assessment of ethical values and norms with regard to a concrete situation and it has a tendency to be more relational and situational. Problems emerging during professional performance require complex assessment with respect of a situation; it is not sufficient to rely on an ethical code. The code does not always give us

a solution because it does have its limits. Application of ethical values by professionals themselves is therefore not purposeless (because it is written in the ethical code), learned or customary. Consequentialist approach promotes autonomous moral thinking, decisions and actions of a professional and it is linked with an active ability to assess ethical aspects of a situation. This approach enables a professional to make better decisions regarding contextual character of an ethically disputable situation or problem. Such active moral decision-making and actions of a professional shall result in the prevalence of positive social consequences over the negative ones. These can be achieved by a professional's conscious actions which are in line with the values of ethics of social consequences – humanity, human dignity, moral right, justice, responsibility and tolerance.

Application of ethics of social consequences in professional field for formation, functions and essence of an ethical code suggest that the chosen ethical theory may be plausible for the institutionalism of professional ethics. Even though there is a tendency towards deontological ethical codes, consequentialist approach is a much greater challenge for the professional who decides to establish an ethical code of the profession and both actively and responsibly fulfil responsibilities of their profession with regard to society. Consequentialist model is applicable mainly in professions with reflective moral subjects (managers, lawyers, doctors, teachers, etc.), where seriousness and high contextuality of professional situations demand individual assessment of problems and specific approaches in seemingly repetitive situations. Consequentialist approach to professional ethical codes in the form of ethics of social consequences thus weakens deontological model and becomes a possible alternative for implementation of and ethical code.

## Acknowledgement

## Notes

1. Anna Remišová and Anna Lašáková, "On the Risks of Implementation of Codes of Ethics in Academic Environment", *Societal Studies*, 4:1 (2012), pp. 61–74.
2. Celie B. Fischer states three objectives (or reasons) of the code: creation (institutionalization) of the occupation – in her opinion, professionals are shaped as members of a particular profession with a specific goal and interests

(which makes them different to other groups of professionals) by the creation of the code with essential moral values. The second purpose of the code is its professional socialization function – the document reflects on the profession values and standards providing a guide how to act or also determine mutual expectations within the profession. The code serves as a guide book for the solution to dilemmas and also determines the range of the values and the principles which professionals consider important. Last but not least, the formulation of the values of the code is used for discouraging immoral actions (or avoiding immoral actions). The third purpose consists in creating public confidence – the code proves (declares) to the public that members of a profession have very high moral standards. The code is then perceived as a contract with society and provides society with standards, according to which the public can evaluate and consider them as responsible – provides the instrument of evaluation of profession services (Celia B. Fischer, "Developing a Code of Ethics for Academics Commentary on 'Ethics for All: Differences Across Scientific Society Codes' (Bullock and Panicker)", *Science & Engineering Ethics*, 9:2 (2003), pp. 171–179). Jay Black also describes the functions of the code mainly in relation to public relations – a good code justifies and rationalizes the activities of professionals with regard ti society, the government included (mostly during the modified trustworthiness of the public). In his opinion, the second function is educational – a good code supports ethical thinking and behaviour within the profession. It's mainly important for new members of the profession, but also those who face pressure from superiors to break the moral norms and the values of the profession (Jay Black, "Now that we have the ethics code, how do we use it"? *Quill*, 84:9 (1996), p. 24).

3. Zygmunt Bauman, "*Úvahy o postmoderní době* [*Reflections on the postmodern period*]" (Prague: Sociologické nakladatelství Slon, 2006), pp. 115–118.

4. *Ibid*., pp. 126–127.

5. Considering the consequences and their anticipation (if not real and actual, then expected consequences) can minimize some potential ethical problems, however, on the other hand, the problem lies in the fact that it's not possible to know which solution seems to be the best and what consequences it will bring (regarding again only the expected consequences) in every situation (in every process of decision-making). We need to think about what results would be brought by a particular solution. An apparent moment of unachievable moral ideal could imply such a delimitation of the understanding of the consequences with interconnection to necessarily emphasized aspects of responsibility for its actions, reflection and calculation with possible consequences. The moral ideal is still apparent, because an effort to achieve positive social over negative consequences is a relatively real goal, although it has certain restrictions. It's quite difficult to reflect on the possible consequences of actions, but despite this we don't need to categorically refuse consequences, because they are a direct continuation of our every decision. Within ethics of social consequences, as a form of non-utilitarian consequentialism, we refuse maximizing and achievement of the best possible consequences, because we don't always know

which solution is the best one. It's rather about a dominance of positive over negative social consequences.

6. However, habitual or intuitive behaviour is not enough, in many cases, or is not able to help solve more complex ethical problems. But decision-making based on habit and stabilized social conventions don't have to be execrated, but moral agents are often in situations where the right or respectable solution demands more than habitual behaviour, or short consideration of the situation. Ethical values become a source principle for moral consideration and their application should be the justification of professional decision-making at the same time, as well as a critical scope and evaluation of professional approaches (Gabriela Platková Olejárová, "Profesijný etický kódex – otázka motivácie [Professional Ethical Code – the Question of Motivation]", in *Perspektívy profesijnej etiky* [*Prospects of Professional Ethics*]*,* ed. V. Gluchman (Prešov: FF PU, 2014), p. 33).

7. Eva Smolková states that even though deontological ethics is a theoretical scope for the creation of ethical codes and the majority of normative criteria take the form of categorical imperatives, nevertheless, there should not be any norms of a directive form in ethical codes. Their creation shall be built on human principles and the principles of democracy, while we need extensive consensus and collective discussion of those to whom are referred by the code (Eva Smolková, "Etický kódex vedeckej inšitúcie [Ethical Code of Scientific Institution]", in *Etika v profesiách* [*Ethics in Professions*], ed. V. Gluchman (Prešov: FF PU, 2013), p. 339).

8. Generally – the choice of ethical values and principles of ethical codes is a relevant step interconnected with consequences (therefore by the consequentialist approach to ethical codes). We need to consider their utility, adequacy, applicability, topicality, effectiveness, realism, comprehensibility, etc. in the selection of values.

9. Ethics of social consequences has been gradually developed and outlines its fundamental principles and values related to the criticism of utilitarian theories, or rather their development by the correction of the content or fulfilling some values, principles and criteria of evaluation within the range of good and bad, moral and immoral, right and wrong. The core of these values is made by humanity, human dignity, the moral rights of the man – their common criterion is to achieve positive social consequences. The second set of the values (so-called secondary values) are made of justice, legitimacy, tolerance, moral duty and responsibility (Vasil Gluchman, *Človek a morálka* [*The man and morality*] (Prešov: LIM, 2005), pp. 82–83).

10. Vasil Gluchman, "Sociálna relevantnosť profesijnej etiky [Social Relevancy of Professional Ethics]", in *Etika v profesiách* [*Ethics in Professions*], ed. V. Gluchman (Prešov: FF PU, 2013), p. 20).

11. *Ibid*., pp.12–23.

12. The code plays an important and significant role but with the participation of the professional who will be competent to independently reflect on the ethical dimension of the profession. Thus, the problem is to find the right standard for regulation between autonomous actions of the professional and the values and

norms of ethical codes. Realization of the values and principles of ethical codes has to support the development of society (and to be in its interest) through the actions of professionals. Ethical codes (and commissions) have to provide an ethical minimum of the operation of individual spheres of social life (Viera Bilasová, *Výzvy pre etiku v súčasnosti* [*Challenges of contemporary ethics*] (Prešov: FF PU, 2008), p. 109).

13. Dale Beyerstein, "The Functions and Limitations of Professional Codes of Ethics" in *Applied Ethics*, eds. E. A. Winkler – J. R. Coombs (Oxford: Blackwell, 1993), pp. 418–420).

14. Paul Griseri, *Managing values: Ethical change in organisation* (London: Macmillan, 1998), p. 166.

15. On the other hand, a deontological understanding of the values and principles of ethical codes is often preferred mainly because of their simplicity, easy understanding and that they don't ask moral agents for too serious intellectual activity, or serious process of moral consideration and decision making. It's typical and set especially to conformal type of moral agents.

16. Mária Nemčeková states the ignorance of the moral requirements and the incompetence to identify moral problems as a reason of insufficient application of ethical code or ethics of profession generally. She thinks that we should pay more attention to the moral sensitivity and the competence to identify moral problem within it, to find the energy in order to solve the problem and take the moral responsibility for the selection of the acting (Mária Nemčeková, "K aktuálnym problémom etiky profesií [On Contemporary Problems of Professional Ethics]", in *Etika v profesiách* [*Ethics in Professions*], ed. V. Gluchman (Prešov: FF PU, 2013), p. 30).

17. Anna Remišová and Elena Trenčianská, *Etika a morálka. Teória a realita* [*Ethics and morality. Theory and reality*] (Bratislava: Sprint 2, 2012), p. 76.

18. *Ibid.*, pp.76–77.

19. According to the Russian author, ethical education of professionals based on implementing detailed (normative) ethical codes into their lives doesn't help their moral growth, but, on the contrary, deforms and slows it down. In his opinion, there are some mutually supported reflections on behalf of this thesis. Detailed codes mostly express the basic disbelief (or even disrespect) towards ethical evaluation of the worker; they lead to the atrophy of some key competences necessary for the effective solution of ethically significant situations within professional practice. Moreover, detailed codes help to conserve temporary stages and levels of man's moral development. Ethical education concentrated in the rules of behaviour present the training of competences related to the conventional level of moral development. Support for rigid codes related to particular cases forms the habit to behave directly and thoughtlessly in those cases when comparison of various normative orientation points of professional activity and specific consideration of the consequences of a particular action is required. Eventually, the presence of the code prevents the possibility to consider the burning problems of the profession community as it creates the impression that the problems are still under control (Prokofiev A.V., "Dobrodeteli i normy akademičeskoj etiki", in *Etičeskoje regulirovanije*

    *v akademičeskoj srede: Materialy meždunarodnoj naučno-praktičeskoj konferencii,* ed. D. S. Akimova (Moskva: MAX Press, 2009), pp. 40–41.

20. The education of a good professional.
21. Vasil Gluchman, "Profesijná etika v kontexte konzekvencialistického uvažovania (ESD model profesijnej etiky) [Professional ethics in the context of consequentialist reasoning (ESD model of professional ethics)]", in *Profesijná etika – minulosť a prítomnosť* [*Professional Ethics - Past and Present*], ed. V. Gluchman (Prešov: FF PU, 2012), pp. 42–65.

# CHAPTER SIXTEEN

# ETHICS OF SOCIAL CONSEQUENCES AND REPUTATION CAPITAL IN CYBERSPACE

## LUCAS E. MISSERI

## 1. Introduction

The manifold new concepts of the virtual world are changing our general view of ethics. Classical ethical theories must be adjusted to the virtual environment in order to give an answer to the new challenges emerging from the information age. However, through analysis of one particular concept –reputation capital— this paper will show how Vasil Gluchman's "ethics of social consequences"[1] can provide answers to the problems and perspectives of the information age without the need for any modification to the central principles of the theory. These principles are the criterion of positive social consequences; the concept of humanity; and respect for the law.

Reputation capital is one of the new cyber-concepts growing its influence daily. It is based on the idea that reputation, within networks like the Internet, holds a new economic and ethical value. In this framework, ethics of social consequences has the resources to explain this phenomenon as a new example of the human search for positive social consequences: this time in the framework of cyberspace. This position is grounded in the rejection of the idea that there is a gap between the so-called «real» world and its counter-part the «virtual» world. Actually there is no such ontological dualism of worlds; instead we are facing an increase in the complexity of human interactions. This complexity is a consequence of the gradual digitalization of human life. For this reason, it will be argued in the next pages that the versatile and anti-maximalist ethical theory of social consequences is a suitable guide for cyber-ethical challenges.

Accordingly, this chapter is structured in order to show how Gluchman's ethical theory of social consequences can be applied to issues in cyberspace, often associated with the area of ethical behaviour; its double standards; and the controversy of state (de)regulation of the Internet. The work is divided into in three parts: the first is focused on the elucidation of the main problematic concepts: cyberspace (2.1), cyber-ethics (2.2), and reputation capital (2.3). The second part is centred on explaining the core elements (3.2, 3.3.) of Gluchman's ethical proposal and his philosophical, theological and biological influences (3.1). And the third part gives examples of possible applications of ethics of social consequences to problems in cyberspace like file-sharing (4.1), social network controversies (4.2.), and cryptography as an ethico-political tool (4.3).

Similarly to other works, the ethics of social consequences has been applied in many other fields: for example in the frame of pedagogical ethics, business ethics, bioethics, and non-human animals' moral studies.[2] This chapter is a further contribution to the application of Gluchman's theory to a new and increasing field: cyberspace ethics.

## 2. Cyberspace, Ethics, and Reputation

Cyberspace is a complex concept which inspires the virtual/ real environment dichotomy, or a digital world as the opposite to an analogic world. This dualism is a core problem when one tries to analyse this concept and its ethical consequences. It is possible to make an ontological distinction in those who claim that cyberspace is a different environment than our traditional environments –the «ontological dualists» of cyberspace— and those who claims that cyberspace is only a new extension of the only one real environment enabled by the technologies of communication and information, the «ontological monists» of cyberspace—. These two ontological distinctions are helpful in understanding the arguments of different supporters of the many ethical theories in cyberspace. It is claimed that ontological dualism is an unnecessary duplication of beings, however is present in many of the communications of users, especially while performing an activity in cyberspace that is not accepted in the «real» environment. This gap is based not on ontological grounds but in the old ethical problem of mediation and distance. Actions in cyberspace are computer-mediated and that blurs one's knowledge of their consequences. For this reason there are two concepts helping to solve this blurring, one from theory and the other from praxis. The former is the new field of cyber-ethics as a branch of ethics dealing with this specific

problem of double standards, technological mediation, anonymity, etc. The latter, the practical concept, is reputation; a traditional ethical concept left aside in theories for being an external valuation on human deeds, many times inaccurate because it is based on opinions and not on intentions or consequences. In the following pages the three concepts of cyberspace, ethics and reputation are examined in order to understand better the cyberspatial challenges facing ethical reflection.

## 2.1. The Concept of Cyberspace

The concept of cyberspace appeared for the first time in 1980s science-fiction literature, defined as a "consensual hallucination" created by computers.[3] The spatial metaphor was kept in every subsequent analyses of the Internet, complicating the interpretation of human interactions in that «space». But what is that space? What kind of space is it? The most agreed definition is that is something produced by a new set of information and communication technologies: "Cyberspace is actually a set of different communications tools".[4] It "is the virtual communicative space created by digital technologies";[5] "...the conceptual space where words and human relationships, data and wealth and power are manifested by people using Computer-Mediated Communication technology...".[6] But what is a conceptual or a virtual space? Lessig says cyberspace is not one place but many places[7] and Ploug agrees with him when he explains virtuality as ubiquity.[8] A virtual space is something different from a geographical space. Cyberspace is independent of the geographical space but dependent on communication and information technologies. Many authors pay special attention to differentiate cyberspace from Internet.[9] They understand the Internet as one of the possible media for creating cyberspace. It is probably the ideal means for cyberspace however others exist.

Other examples include automatic telling machines, mobile phones, and credit cards As a result of the technological convergence there is an increasing homogenization of the digital technologies and some Internetization of all the technologies that then is referred to as "smart". So if cyberspace is something other than the Internet; what is it? It can be defined as a three-dimensional entity composed by: a material dimension, a syntactic dimension and a semantic dimension. The first dimension includes communication and information technologies, geographical places where they are deployed and the human bodies that employ them. The second dimension is mathematical, computer and natural languages which sustain the communication (from language grammar rules to

Internet protocols and mathematical algorithms). Finally, the third dimension is the meaning of the interaction that every individual and every community interpret is happening when they are engaged in computer-mediated interaction. So cyberspace is not the Internet, it is also the imaginative space our brains create. Cyberspace is something that happens when we interact and we cannot interact alone. We need others with whom to interact, thus for this reason cyberspace is also a "community of communities".[10]

## 2.2. The Concept of Cyber-Ethics

Every community has morals, even if they are not explicitly expressed. Equally, in the cyberspatial context they are sets of conventional norms, usually called 'netiquettes'. These are mere guidelines: codes of behaviour, thus they are not compulsory unless a moderator considers it so. At times, they are can be either too vague or too specific and they do not give specific guidelines on how to behave in any situation. For this reason some scholars describe the need of a cyber-ethics; not thought as new ethical theories but as an adaptation of normative ethical theories to cyberspatial situations. Ethical theories are usually classified in two different frameworks. On the one hand, 'teleological' or 'consequentialist' theories focus on the pursuit of the supreme good and the flourishing of ethical agents. On the other hand, the 'deontological' focuses on the correct action and correct procedures. Some scholars hold the view that the difficulty of evaluating and predicting consequences is enough argument to sustain the superiority of deontological theories over their consequentialist counterparts.[11] But other scholars – like Finnish philosopher Pekka Himanen – claim that there is a revolution in our way of behaviour in the Information age that changes the context for action through passionate work and remote collaboration.[12] We can interpret this as a framework for human flourishing, but Himanen suggests that this applies only to a certain kind of user, the hacker, who is not only a mere user but also a programmer. In the following pages it will be demonstrated that not only hackers can behave based on consequentialist ethics but other people as well.

In the 1970s Hans Jonas wrote that contemporary ethics should consider a pessimistic methodology because for the first time humanity can eradicate itself from the Earth through military technologies such as nuclear weapons.[13] This challenge to contemporary ethical theory can be considered different in the context of cyberspace from the traditional environment: the importance of computer codes as a constraint of human

behaviour. Lessig describes four constraints of human behaviour: social norms, the law, the market and architecture (not in the sense of the art of building but as the limitations of geographical space). Lessig has an ontological monist view of cyberspace so he says that these constraints are still present but in a slightly different form in cyberspace. Social norms have become netiquette; law is the same but harder to enforced because of the anonymity and the international feature of cyberspace; the market still presents using digital currencies (described in the next pages through reputation capital); and finally architecture understood as computer code.[14] Spinello concurs with this description but, however, adds a fifth constraint which should underpin the other four: ethics.[15] Ethics should be the fundamental of the constraints and the criterion for applying those constraints. Scholars usually agree that the maximum constraint of cyberspace is code, as one cannot have a code that allows something that is impossible in cyberspace. Code however is not enough by itself, it needs ethics[16] and operations.[17] It needs the human will that creates the code and ethics that enforce it and guide it.

Thomas Ploug in his analysis of human interaction in cyberspace has established a basic premise: people in cyberspace tend to behave differently from real space. Ploug claim that this is because of the absence of the face of the other person;[18] Lessig suggests this is because of the anonymity of the users;[19] and Spinello because the codes are not well-programmed enough in order to avoid those actions.[20] The fundamental cyber-ethical problem is integrating cyberspatial behaviour with traditional behaviour that ethical theories try to correct or guide. Sometimes there is a misunderstanding based implicitly on the ontological dualism of cyberspace. Scholars tend to believe that people behave differently because they feel they are in a different environment, something like a «temporary autonomous zone».[21] It however can be demonstrated that this Hobbesian state of nature of cyberspace was left behind with the creation of virtual communities which are enforcers of ethics in cyberspace. Gluchman's ethics of social consequences has many things to contribute to the ethical challenges emerging daily in cyberspace.

## 2.3. The Concept of Reputation Capital

Reputation is linked with honour, fame, celebrity, and a good name. It is an ancient value, well considered in order to define a person and his or her activities in a community. Virtue ethics was highly praised however, in Aristotle, there is a separation of reputation as a separate criterion, as a life of honour and fame depends on the others (e.g. Aristotle's *Nicomachean*

*Ethics*). Also Renaissance authors who had read Roman classical writers were conscious of the caprice of reputation as depending on unstable fortune. Yet virtue was understood as a way of imposing human will on the uncertainties of fortune, something that involved decision and a good sense of occasion (e.g. Machiavelli's *Prince*). Reputation was important because every scholar only thought of the ethical agent as involved in a community, and his or her place in that community was a result of his or her deeds and good name. Even etymologically the Latin word «*reputatio*» means how others reflect on our deeds. During the Modern Age the focus was on individuals and their autonomy, for this reason Kant discarded reputation as a heteronomous source of ethical agency, i.e. an inappropriate criterion. The source of ethics was reason in us and our respect of duty (e.g. Kantian ethics). Nevertheless, in the 20th century the interest in heteronomous sources of ethics and virtue ethics was slowly re-established and currently with the cyberspatial revolution, reputation was put on the social and ethical scene again. Especially if we consider not only an individual view but also a communitarian view of ethics. Reputation is how others recognize good or virtuous in any respect. Ethics cannot be based on reputation but on communities (both virtual and not virtual), and these communities use reputation as a standard for accepting, expelling or rewarding their members.

The most productive field for the concept of reputation is business ethics. Business ethicists and economists have started to speak about reputation management and reputation capital.[22] Their analyses are often focused only on the economic more than the ethical advantages of reputation building. Their point of view is not the individual but the company or the entrepreneur. This can be extended to virtual communities as clusters of prosumers[23] – i.e. producers-consumers. So reputation is a sub-topic of corporate responsibility policies and reputation capital is a marketable good. Authors such as Rachel Botsman point out that reputation is a kind of "new virtual currency",[24] an example of this is so-named "karma" scores. This is a system based on trust and on scores added by the members of a virtual community in order to help the other members of the same community in their decision-making process. Massum and Tovey insist on the idea of a' reputation society' online, which is changing the world offline specifically by helping users and communities to: buy wisely; achieve sustainability; upgrade politics; avoid «mobocracy»[25] online – i.e. ochlocracy; and defend one's good name.[26] From economics to politics and ethics, a new way of behaviour is being established in cyberspace, changing our general view on those areas. If we use the four constrains stated by Lessig, we can say that the market

established the need for identifying the trustworthiness of its users –who could have fake-identities or avatars—, and then social norms where imposed by members of virtual communities (such as giving a score after an interaction, recommendations, etc.) This was facilitated by a new architecture of the web using new reputation-based platforms created by computer codes and laws that are trying to regulate excesses (for example, through the right to be forgotten).

    As previously mentioned, there are many links between the concept of reputation and the economy, especially with the alternative economies of the Internet. Some authors claim that with the Internet there is a change from scarcity economy to abundance economy and at the same time, a return to primitive gift economies in new models.[27] One of these models is the 'freemium model' which establishes free basic goods and premium goods for an amount of money. Other authors speak about of the potlatch of virtual communities which gives givers scores of reputation or "karma" in return for their free contributions to the community. Sometimes programmers build architectural platforms that avoid awareness of the gift that Internet-users are giving; e. g. the «double captcha» system developed by Luis von Ahn.[28] However, aware collaboration is more recognized than unaware because there is payback for the users. This payback is the user's reputation that contributes to building a virtual identity and a feeling of respect, importance, community, and expertise. Trust-based models are crucial for some commercial platforms (such as eBay) as prosumers need to have trust through the whole process. The recommendations of other prosumers influence their buying or selling decision making and at the same time, they rank the transaction with and the behaviour of the other prosumer. The characteristic feature of the Web in the so-called «version 2.0» is that the users are not merely consumers but also producers and active agents in cyberspace. Safety is not guaranteed in cyberspatial interaction but reputation helps to reduce the risk. For this reason some scholars consider reputation as an evolutionary trait.[29]

    Thus, reputation appears as a means of regulating human behaviour in cyberspace even without the need of an Internet ID card as Lessig hopes. This means it is more consistent with the network governance concept held by Milton Mueller when he states that the Internet is regulated not only by codes but also by the operators and those are intermingled with different communities who exert political power on the Net. This author agrees with Mueller that trying to unify the power on the Internet under the aegis of the State is not a desirable policy. Cyberspace grows from the anonymous daily contributions of billions of people and those contributions could be conveyed in order to help to develop a better world.

However these contributions should not be coerced and decrease the liberties of people within these networks as this is not an effective way for the cyberspace to develop. These virtual communities develop effective governance frameworks for collaboration. Reputation is not only a new currency for this framework but a criterion from which to evaluate the ethical behaviour of the members of virtual communities, without narrowing the liberty of the community in its decision making. For this reason Gluchman's 'Ethics of social consequences' theory is a good framework for taking advantage of this governance structure of virtual communities and developing clearer criteria for ethical behaviour in cyberspace which allows one to overcome Ploug's basic premise of cyberspatial interaction, i.e. that people behave different –in a negative sense— from their analogue or «real» environment. In the near future there could be no difference between real and virtual communities as a result of the complete digitization of our daily lives.

## 3. Gluchman's Ethics of Social Consequences

The Slovak philosopher Vasil Gluchman has developed works in ethical theory for several decades, trying to offer a normative proposal with many practical fields of application. These expand from traditional normative ethics to business ethics and bioethics. Cyber-ethics should not be considered an exception, as Gluchman's theory can be also applied to cyberspatial issues without any change in the core theory, that is, by extracting the implications of positive social consequences understood as reputation capital of ethical agents in that framework. The following pages describe the manifold influences on Gluchman's thought and the two core elements of his theory –the criterion of positive social consequences and the concept of humanity as its limitation—. By comparing his influences and those core elements one can have the general understanding of the theory needed before applying it to the field of cyber-ethics.

### 3.1. Influences on Gluchman's Proposal

Gluchman acknowledges, three main influences, at the time of developing his ethical theory: (a) Slovak Lutheran theologians; (b) Philosophers specialising in ethics –both consequentialist and non-consequentialist— and (c) Biologists and ethologists. The first can be divided into modern Slovaks – such as Augustín Doležal and Martin Rázus, and contemporary Slovak – such as his friend Igor Kišš. From the three influences Gluchman takes the idea of the social involvement of Christianity, especially

Protestantism, at that time a strong presence in the region of Prešov, in Eastern Slovakia. One of Kišš's ideas that Gluchman explores is that of humans as collaborators of God in the world and the world as "the Kingdom of the left hand of God".[30] He suggests a kingdom that, although worldly and profane, must not be unattended by believers. Kišš stressed the idea of the Czech pedagogue, Comenius, from whom the search of Earthly Heaven was a direct preparation for Divine Heaven.[31] Even though Gluchman does not identify himself as a religious person he recognizes the commitment of Lutheran theologians in the search for positive social consequences and hence, he claims them as predecessors of his theory.[32]

The same balance between agreement and disagreement appears in his philosophical influences, for example although there is the genuine influence of Kant in the consideration of human dignity this is nuanced by the influence of consequentialist thought. There is an inherent tension, a conflict –in some cases a tragic one— between the search for positive social consequences and the concept of humanity which sustains the dignity of human beings. In light of these possible conflicts, Gluchman makes an exception by regarding the moral monsters. In his opinion, they have decreased their dignity and hence, in cases of conflict, the positive social consequences of violating their dignity would prevail over the concept of humanity. Then this implies that although Kantianism has influenced Gluchman via the works of philosophers such as Martin Rázus, the idea of consequentialism is stronger in his theory. Among Gluchman's contemporary influences are the neo-utilitarians R. M. Hare and Philip Pettit whose theories and commentaries were useful in improving the ethics of social consequences and avoiding falling into new utilitarianism.

Lastly, the third influence – biologists and ethologists comes to Gluchman from biology and the studies of animal behaviour, specifically in the cases in which there is a search for a moral foundation from natural or biological trends from superior primates and other mammals. The works of Richard Dawkins, Frans De Waal and other scientists in the same fields were useful for defining a minimum of dignity, which is also common to animals. Therefore, Gluchman distinguishes between animality – animal dignity and humanity – human dignity. This latter is characterized for going further, giving an aggregated value to intra-specific caring actions which is what Gluchman considers the true moral value of human dignity, i.e., our being able sympathize even with strangers. This notion of dignity as sympathy, together with the criteria of positive social consequences, is an excellent concept from which to understand some of the internal dynamics of ethical behaviour in cyberspace. The next section explores one practical scenario by applying Gluchman's theory.

### 3.2. The Criterion of Social Positive Consequences

The Ethics of Social Consequences is characterized by being a modest proposal and not endeavouring to become a complete theory. It accepts that moral reasoning is not entirely rational due to certain circumstances and factors which influence us at the moment of performing our actions.[33] Gluchman investigated the possible situations which could manifest among the rational, the good and the bad.[34] First, the good could be rational; second, the rational do not need necessarily to be good; third, the bad could be rational; fourth, the rational could not be bad; fifth, the rational could be indifferent between good and bad (by having an amoral nature). Therefore he remarks an implicit criticism of Socratic intellectualism and Hegelianism by denying that neither the good should be necessarily rational; nor the bad should not be irrational. This contemporaneity of Gluchman's position makes him closer to the position of those critics of the modern concept of reason.

Nevertheless, this idea that the good and the rational do not imply each other it is not a justification for giving up the ethical reflection, but it urges him to search for a new criteria of orientation. This is because for Gluchman "the essential problem of any ethical theory is the criterion of morality".[35] Through the history of ethics, many thinkers have offered different criteria. In Greco-Roman Antiquity the main criteria were pleasure and the human flourishing – *eudaimonia*. In the Middle Ages, in ascetics, the criteria were, austerity, and privation of bodily pleasures of the Earth in order to attain a pure spirit. In Kant's times, the criteria were rational obligation, behaving for respect of duty, although in an autonomous way. Last but not least, Gluchman mentioned the utilitarian criterion: the principle of utility.[36] He considers that this criterion has important limitations: for example, it is not always possible to maximise utility. However, at the moment of classifying his proposal he echoes the distinction between consequentialist and non-consequentialist ethics, realised by the philosopher Philip Pettit with whom he has maintained fruitful exchange of ideas. The same as utilitarianism and Aristotelian ethics his proposal is cited by himself among consequentialist ethics, but always specifying that it is not a utilitarian position.

Gluchman's ethical criteria are neither pleasure, human flourishing nor utility but the search for positive social consequences within the framework of respect for the concept of humanity, understood as respect for human dignity. These new criteria are what give the name to his theory as ethics of social consequences — *etika sociálnych dôsledkov* and it differs from utilitarianism in at least three facts:

a) It does not search to maximise positive social consequences. This criterion is that positive social consequences prevail over negative social consequences.[37]

b) The search for positive social consequences has a clear limit and it is given by the concept of humanity, i.e., by recognizing human dignity and respect for life and just needs.

c) The criteria are not rigorous. Gluchman recognizes that in some circumstances it is not possible to apply them, for example for questions of scarcity of time to make the right calculation of the consequences. In this case, he suggests the golden rule as complementary principle.[38]

Regarding the scope of an agent's responsibility in his or her moral action, Gluchman points out that "it must be judged by the moral agent for the immediate consequences of his or her actions, not by his or her direct responsibility to the consequences of his or her actions in the long run".[39] As to the idea of human dignity, this has been the centre of reflections within the ethics of social consequences in the more recent papers of the Slovak philosopher. In his 2014 book *Dignidad y consecuencias* [Dignity and Consequences] Gluchman tried to demonstrate a foundation of the same biologist and non-biologist views of the idea of dignity, starting from the respect for life but going further by claiming a natural dignity and a properly moral dignity based on the extension of the ethics of caring to an ethics of duty towards unknown people.[40] Lastly, as to the laxity of the criterion for searching for positive social consequences, it allows a way of escaping the tragic moral dilemmas in those which remain a moral residue, i.e. in those cases in which one faces two decisions from which both follow negative social consequences. The ethics of social consequences does not seek perfection but merely offer a guide for overcoming those situations in which, if we have been sought only one ideal solution, we would stay paralysed for eternity.

### 3.3. The Ethical Concept of Humanity

This is the most Kantian concept in the ethical theory of social consequences. It works as a constraint for the criteria of social positive consequences by preventing that its application could harm human dignity. As Kant describes, humanity must not be treated as means but as ends. In other words every human has dignity, not a price, and we are ourselves ends not means for others. In any calculation of the possible social consequences of the behaviour in order to be considered ethically good,

this concept must be considered. Humanity was defined by Gluchman is its most basic statement as human sympathy for or compassion to strangers. For Gluchman this is the distinctive feature of humanity and animality, that is, animals tend to sympathize only with the members of their groups, but the concept of humanity covers the whole humankind. It is interesting that this distinction can be useful to also constrain the consequences of reputation, as some authors judge reputation as a biological trait working as a means for trustworthiness in strangers and very important in an intra-community scope. With the addition of the concept of humanity to his theory, Gluchman offers a way for overcoming the relativism, sectarianism and provincialism that could follow from only reputation-based communities. It gives the necessary step from practical morality to ethical theory with the intention of being broader in its application than for only one community.

The only aspect of Gluchman's conception of dignity that this author could criticise is his establishment of levels of dignity. For Gluchman moral monsters would have negative dignity, animals would have animal dignity or animality but not human dignity – or humanity Then children and handicapped people would have +1 dignity and ethically good people would have +2 dignity. Arithmetic does not correspond with ethics as it is not possible to give fixed numbers, and every human has the potential to be a moral monster, a child, a handicapped person and a good person. It may be understood that Gluchman reasons maybe in order to create an explicative model of dignity however that model could not satisfy the complexity of human dignity.

## 4. Reputation Capital and Gluchman's Ethics of Social Consequences Applied on Cases

In the following sections cyberspatial problems are applied to the ethical model of Gluchman's theory with the addition of the notion of reputation capital. This notion is an intra-community measurement which allows understanding of the attribution of responsibility and trustworthiness in virtual communities. As reputation is only a collection of opinions based on actions and behaviours of the members of those communities, the ethics of social consequences could bring light to some moral challenges that they face. The model is simple: the criteria for ethically good actions are based on the positive social consequences that this action could bring; its legality and the consideration of the concept of humanity as a constraint for preserving human life and at the same time, its sympathy to strangers

in cyberspace. This basic model will analyse the cases of file-sharing, social networks and cryptography in cyberspace.

## 4.1. On File-sharing and the Intellectual Property Debate

Gluchman's ethics provides an excellent tool for analysing the ethical behaviour between virtual communities. Let us focus on the topic of file sharing, an interesting topic due to the cultural exchange and legal issues. Starting with the following question: Is it immoral to share files? We can apply the model of the Gluchman's ethics of social consequences and the idea of reputation capital commonly linked with virtual communities. One could specify: which files? It is not immoral to share one's own copyrighted files with others but what happens when one does not own those rights? Depending of the legislation one could reply in most countries the second case is an illegal activity, but again: is it immoral? If we apply the positive social consequences criterion it can be said that file sharing fits the standard of being moral. If someone shares a file containing a cultural product it could reduce the income of the author and jeopardize the market of that product. However, it is still only one author – and possibly a few companies— against thousands of possible receivers of the file. Some of the receivers may not otherwise enjoy the cultural product because of lack of money or poor or non-existent distribution in their countries. Now however, the product is shared and that may help many. It could be said that the outcome was socially positive.

Nevertheless, a rule-utilitarian or a deontologist could argue that in the long run the consequences will be negative for the whole humankind. They could say that the authors of the file would feel unmotivated for other work or the cultural productions would be of lesser quality because of the certitude that their work will be shared without permission or royalties. However, there appears to be no ultimate proof of this assumption until one considers Aristotle against Plato. Regardless of this, Gluchman considers that any just action must pay attention to the laws, the concept of humanity and the criterion of the search for social positive consequences, and that only just actions are good actions.[41] So in Gluchman's opinion, file-sharing should be immoral unless the laws are changed. So then why do so many people share files? One suggestion is in reputation and one in the consideration of that law forbidding it as unjust. In the frame of virtual communities, one who shares more is one who helps more by contributing to his or her community. Although this is only an intra-community conception of the good that many people hold, disregarding that the consequences of the action could harm other

communities. If Gluchman's model helps us to comprehend how a «netizen» must behave according to the legal background, it also permits us to understand the illegal dynamics and the legal lacunae.  We can interpret reputation as the amount of social positive consequences attributed to a member as a benefactor of that community. The system of reputation attribution allows a user to accumulate reputation capital, i.e., a collection of good opinions linked to his or her name – not necessary identified by his or her real name but maybe with a nickname or avatar. This reputation capital is marketable but beyond that is the key for virtual communities. If we rethink the idea of justice in cyberspace we could understand – if not justify the use of file-sharing in economically poor communities, based on both the ethics of social consequences' criterion and the concept of humanity.

## 4.2. On Social Networks and Web Controversies

There are many issues with social networks, including addiction, surveillance, and gift economy. With regards to the first, addiction is a psychological phenomenon that could be associated with our technological age and society and to the psychological features of that connection in cyberspace as mental flow or the feeling of presence.[42] This is not directly relevant when applied to ethical theories, as ethics requires the assumption that an individual is free to make their own decisions and that addicts lose their freedom of choice; hence their ethical agency. For this reason it can be inferred that cyberspatial addiction is more a psychological problem than an ethical one.

The second – the problem of surveillance is an ethical and political issue based on the idea that powerful states and big companies have an interest in observing the private data and behaviours of cyberspace users. The Internet and other digital technologies are seen as the perfect panopticon for controlling citizens. This means a technology as that imagined by Jeremy Bentham, based on a principle of non-reciprocity in visibility. One individual can see everyone but everyone cannot see that one individual. Is it immoral? Again, we can use the socio-consequentialist ethical model in order to evaluate this problem. Is this non-reciprocal technology a producer of negative social consequences? It depends on who is the panoptical observer and what he does this with the data of observed people. As this surveillance is conducted predominately in secret, there is no easy way for the observed members of different communities to see who the observers are and what they are doing with their private data. Thus, there is no intra-communitarian control, and there is no accountability

system. One may argue that governments can regulate this, but how can the accountability of that regulation be checked if most of the activities of those undertaking surveillance are hidden? It is not easy to establish the social consequences of surveillance, although if someone interested in causing harm could have access to it the social harm could be catastrophic. So, in the long run, the technology making surveillance possible is dangerous and should either be made transparent or balanced with other technologies because it can bring more negative than positive social consequences. Also, a «moral monster» could potentially adversely affect any person on Earth by exposing his or her privacy. Once something is revealed in cyberspace it is hard to constrain it. There is an effect called the «Barbra Streisand effect» that states that the more as one tries to hide something exposed on the Internet, the faster it spreads on it.[43] This gets worse if we imagine that the private data revealed and misused are not those of a regular person but those of a public figurehead/representative of many people and their interests. Although it does not need to be something as large as WikiLeaks but misusing it may be enough to generate more negative than positive social consequences. Reputation capital could also disappear rapidly, the same way economic capital can be stolen.

The third issue is linked with gift economy. The Internet, as the greatest cyberspace tool, is related to gift economy as it is a place of free transactions, especially as a forum for free information trade. Gift economies are not a new concept and much study was done in the 20th century by anthropologists in the Pacific Islands. They found that gift economy is not exactly «free» but it is a non-monetary economy; there are rewarding mechanisms associated to the act of giving. Gift economies were also common in American Indian tribes where the «potlatch events» characterized the giving as search of power. It is suggested that this is the origin of the term "Indian gift". In cyberspace, the main reward in the virtual potlatch is reputation. That reputation can be traded by money, services, privileges, recognition, prices, information, etc. The gift economy of cyberspace is an alternative to competitive capitalism and it brings collaboration as a by-product. It is not altruistic collaboration but interested collaboration. This is not immoral, as Gluchman believes "moral development of mankind is a result of human egoism or selfishness as well".[44] This idea is closed to Bernard Mandeville's extreme idea that private vices are public benefits. Gluchman however, is not thinking of vices but of the minimalist approach of doing good but not one's best. Gift economies work in cyberspace due to the «architectures of credibility», i.e., technology that supports the benefit of the collaboration. These architectures do not work without a community which makes them work,

and the members of these communities need criteria. Gluchman's ethics provides a way of giving a substantive but non-religious principle to guide their reputation dynamics. This does not mean that Gluchman adds something new to virtual community dynamics; rather it makes explicit that something that usually happens in those communities helps us to understand and guide the building of new communities.

## 4.3. On Cryptography as an Ethico-Political Tool

Cryptography is the means of encryption, i.e., hiding information from others. This is a sensitive issue in the political debates of cyberspace. Some hold that cryptography gives back basic freedoms to users in cyberspace against the advance of the state and corporate surveillance of their activities. This is the case of cypherpunks, crypto-anarchists and some hacktivists. The founder of WikiLeaks, Julian Assange, claims that cryptography is the new ahimsa for cyberspace. That means it is the only non-violent way of demonstrating against the powers which would like to dominate cyberspace and its users.[45] On the other hand, there are some scholars and users who claim that cryptography in cyberspace is an open road for all kind of evil. As a cypherpunk named it: "the four riders of the Info-pocalypse".[46] They are child pornography, money laundry, drug dealing and terrorism. This is because cryptography helps a user to hide activity and to avoid law. Cryptography stresses the anonymity of the users in cyberspace and makes transactions with digital money possible without showing a name. For this reason authors like Lawrence Lessig foresee the need for an identity layer to the Internet in order to avoid anonymity.

So if we apply the ethics of social consequences, we can hold that cryptography is not an illegal tool –except in some countries like China due to government regulations—, and in some contexts, cryptography could bring positive social consequences; for example, avoiding extreme surveillance and persecution of political dissidents. Finally, it is not disrespectful of the concept of humanity because it does not use human beings as means and it could be used for sympathizing with strangers. So the conflict with cryptography is not a problem of the technology itself but a problem of how individuals make use of it. The only way for restraining the wrong use of cryptography comes from reputation capital, as reputation is the means for creating identity in cyberspace. Even wrong doers have their reputations working in some communities. Full surveillance of all the communities is not necessary but only of those who are at risk helping of opening the gates for the «four riders of the Info-

pocalypse». As history shows, technologies are accumulative: once it is invented it cannot be eradicated from the Earth. So the only answer is trying to make good use of technology or preventing its use by education and intra-communitarian controls. For the latter, Gluchman's theory could also be helpful.

As described in the previous three cases it is possible to state that the ethics of social consequences has many advantages and offers guidelines for behaving ethically in a cyberspatial context. This advantage originates in the societal approach of Gluchman's ethics. It is not an individual-centred methodology but a society-centred set of criteria. Individuals are the agents of but not totally independent of, their environment, both immersed in it and being part of it. An individual is helped by and should help his or her own community. This collaborative criterion is linked directly with spontaneous social practices that are displayed in cyberspace. Individuals associate themselves with others in order to benefit from and experience all the power of the network collaboration of information sharing –via all kind of files and messages—. This sharing of information, since the manifestation of the «Web 2.0» phenomenon, is clustering in social networks usually reuniting in a platform –i.e. Facebook, Twitter, Google+, etc.—. These platforms are not transparent for users however users are transparent for the companies that own those platforms. For this reason some claim there is a need for stopping this non-reciprocity by using tools of opacity –i.e. encryption systems—. Gluchman's criterion of social positive consequences offers an orientation, a kind of Ariadne's thread, for escaping the ethical labyrinths of cyberspace.

# 5. Conclusion

In this chapter I have tried to show how an ethical consequentialist theory offers appropriate tools for its application in cyberspace. This concept is an ambiguous one, but it is increasing in its importance in daily life, raising ethical challenges to users and scholars. When Vasil Gluchman developed his ethics of social consequences he could not foresee the technological revolution at the end of the 20th century, however his efforts to find modest but useful ethical criteria have been fruitful. His ethical theory supplies cyberspace users with a set of criteria to evaluate their behaviour in the context of cyberspace. As mentioned previously, the criterion is closely linked to the popular concept of reputation, but it is also a limit on its scope. The criterion is the pursuit of positive social consequences with the addition of the values of legality and humanity of actions. In other words, Gluchman's imperative could be stated as: behave

by striving so that your action produces more positive than negative social consequences, respect your laws and your fellow humans. While there is strong Christian influence in his approach, it is not a religious framework, trying to be universal and non-utilitarian. It is not utilitarian with regards to the law, the concept of humanity, and does not need the maximisation of social positive consequences. It is enough if the actions are more positive than negative; that is not the most, not the best, only more than negative. This reachable goal is part of its applicative strength as it leaves perfection aside. It also offers a solution for cases where consequences cannot be evaluated in a short time; that is if one has no time to evaluate the consequences, one must follow the golden rule. These practical guidelines are easy to extrapolate to the context of cyberspace.

This work has examined some common cases of challenges to ethical theories within the framework of cyberspace. The model of Gluchman's ethics has been applied to social consequences and the notion of reputation capital. This latter is of importance as cyberspace is a community of virtual communities and each one is organised with the help of reputation. By understanding how reputation is applied in any case, Gluchman's theory can be used to elucidate challenges and to offer a framework for the users. Sometimes there are implicit criteria in virtual communities, although these often have mild normative power without the consensus on what is positive. Reputation helps us to understand what the community considers positive. Is not however only a matter of opinion, it also needs to preserve and respect the life of others and the legal framework. Laws can also change for this reason and this can be understood as a flaw in the ethics of social consequences, which leans it more to descriptive than normative ethics. Even if it that were the case, the orientation of the ethics of social consequences could help evaluate laws and the need to reform them. For example, if a law could not overcome the challenges posed by new technologies and started to produce more social negative consequences than positive, the subjects of that law could organise themselves to change it. Gluchman's intention is focused on paying attention to law as a constraint, but that constraint cannot prevent the agent from being good, i.e., of producing positive social consequences and respecting others' lives.

This work is by no means without flaws, however, attempts at opening a possibility for future study that will help to provide a better understanding of human behaviour in cyberspace. At the same time it will give a new platform of application for the ethics of social consequences that can bring new perspectives of its stronger and weaker points. As mentioned previously, there are two main modes of conceiving our

relationship with cyberspace. On the one hand, cyberspace as a new world with many things to discover and understand –even to provide a «place» for escaping the analogue world's disgraces—. On the other hand, cyberspace is understood only as a new tool, evolving to the task of updating and adapting our previous concepts and ways of interacting. If the prophecies of some futurologists are true, we need to be prepared for the disappearance of that gap between connected and not connected, analogue and digital, virtual and real. The best way of being prepared is having our ethical criteria and principles updated and tested in many cyberspace settings, avoiding the distress and fear of things to come.

## Acknowledgement

## Notes

1. *Cf.* Vasil Gluchman, *Human Being and Morality in Ethics of Social Consequences*. (Lewiston, NY: Edwin Mellen Press, 2003).
2. For its application to pedagogy see: Marta Gluchmanová, "Non-Utilitarian Consequentialism and Its Application in the Ethics of Teaching", in *Proceeding of the XXII World Congress of Philosophy,* (2008, v. 37)*,* pp. 67–65. To business ethics: Ján Kalajtzidis. *Etika sociálnych dôsledkov a hospodárska etika so zameraním na finančný sektor* [*Ethics of Social Consequences in Business Ethics (with Focus on Financial Sector*)] (Brno: Tribun EU, 2012). To bioethics: Vasil Gluchman, "Ethics of Social Consequences – Methodology of Bioethics Education", *Ethics & Bioethics (in Central Europe)*, 2:1–2 (2012), pp. 16–27. And to non-human animals' moral studies: Katarína Komenská, *Etika vzťahu k zvieratám: cez optiku etiky sociálnych dôsledkov* [*Animal ethics (in ethics of social consequences)*] (Prešov: VPU, 2014).
3. William Gibson, *Neuromancer*. (New York: Ace, 1984), p. 51. The term «cyberspace» is a mix of the words cybernetics and space. Cybernetics –before defining a contemporary discipline— was a term that can be traced back to Plato's dialogue *The Alcibiades* where it means literally "the art of stirring" and metaphorically "the art of governing people".
4. David S. Bennahum, "United Nodes of Internet: Are We Forming a Digital Nation?", in *Crypto Anarchy, Cyberstates and Pirate Utopias*, ed. P. Ludlow (Cambridge, MA: The MIT Press, 2001), p. 43.
5. Cees J. Hamelink, *The Ethics of Cyberspace* (London: SAGE, 2000), p. ix.
6. Howard Rheingold, "A Slice of Life in My Virtual Community", in *Collective Intelligence: Creating a Prosperous World at Peace*, ed. M. Tovey (Oakton: Earth Intelligence Network, 2008), p. 173.

7.  Lawrence Lessig, *Code: Version 2.0* (New York: Basic Books, 2006), p. 84.
8.  Thomas Ploug, *Ethics in Cyberspace: How Cyberspace May Influence Interpersonal Interaction* (Dordrecht: Springer, 2009), p. 70.
9.  Cf. Lessig, *Code: Version 2.0*; Andrew D. Murray, *The Regulation of Cyberspace: Control in the Online Environment* (Abingdon: Routledge & Cavendish, 2007); and Ploug, *Ethics in Cyberspace.*
10. Murray, *The Regulation of Cyberspace*, p. 73.
11. *Cf.* Richard A. Spinello, *Cyberethics: Morality and Law in Cyberspace* (Sudbury: Jones & Barlett, 2011).
12. *Cf.* Pekka Himanen, *The Hacker Ethics and the Spirit of the Information Age* (London: The Random House, 2001).
13. *Cf.* Hans Jonas, *The Imperative of Responsibility* (Chicago: University of Chicago Press, 1985).
14. Lessig, *Code: Version 2.0*, pp. 340–342.
15. Spinello, *Cyberethics: Morality and Law in Cyberspace*, p. 7.
16. *Ibid.*
17. *Cf.* Milton M. Mueller, *Networks and States: The Global Politics of Internet Governance* (Cambridge, MA: The MIT Press, 2010).
18. Ploug, *Ethics in Cyberspace.*
19. Lessig, *Code: Version 2.0.*
20. Spinello, *Cyberethics: Morality and Law in Cyberspace.*
21. The American anarchist poet and essayist Peter Lamborn Wilson – aka Hakim Bey – has developed this concept in his homonym book (1991). This idea of temporary autonomous zones was a concept for explaining pirate utopias, which has become widely used for cyber-anarchist authors. In contrast, Bey has written against computer-mediated activities as a means of alienation *Immediatism*, 1994).
22. *Cf.* Joachim Klewes and Robert Wreschnikow, eds., *The Reputation Capital: Building and Maintaining Trust in the 21st Century* (Dordrecht: Springer, 2010).
23. The term was invented by Alvin Toffler in 1980 and defines new consumers that with their practices change the conditions of the market. In the cyberspace contexts it refers to the characteristics of net users as consumers of information and producers of information. This is the main feature of the so-called Web 2.0.
24. Cf. Rachel Botsman and Roo Rogers, *What's Mine is Yours: How Collaborative Consumption Is Changing The Way We Live* (New York: Harper Collins, 2010).
25. Mobocracy is a colloquial term for the classical ochlocracy defined by Aristotle as a deviation of democracy. This new term implies the power of mobs. Its power is increasing with the technological revolution of computer-networks and some authors like Howard Rheingold wrote about "smart mobs" or "flash mobs". The reason of this new appellative lies in the use of smartphones and their new tools –some even independent of the Internet such as mash nets used in Hong Kong in 2014 "Umbrella Revolution". The

characteristic is that these demonstrators can gather easily and fast via these new devices.

26. Hassan Masum and Mark Tovey, *The Reputation Society: How Online Opinions Are Reshaping the Offline World* (Cambridge, MA: MIT Press, 2011).

27. *Cf.* Chris Anderson, *Free: The Future of a Radical Price* (New York: Hyperion, 2009).

28. Luis von Ahn was one of the developers of the «captcha» system which applies the Turing Test by asking the users to write some words after seeing an image. The double captcha system employs the same tool but with the second it helps to digitize books.

29. Ubaldo Cuesta and Sandra Gaspar, "Aspectos psicosociales, éticos y normativos de la reputación online", *Derecom Journal*, 14 (2013), pp. 58–68.

30. Vasil Gluchman, *Slovak Lutheran Social Ethics* (Lewiston, NY: Edwin Mellen Press, 1997), p. 124.

31. Igor Kišš, "The Concept of Paradise as the Theological Starting Point for Comenius' Pedagogy", in *Johannes Amos Comenius. The Legacy to the Culture of Education*, ed. S. Chocholová (Prague: Academia, 2009), pp. 104–111.

32. In *Slovak Lutheran Social Ethics* Gluchman divided the development of Lutheran social ethics into five periods. First, from 1840 to 1918: at that time Slovakia was part of the Austro-Hungarian Empire and the Slovak Lutheran Church belonged to the Hungarian Evangelical Church of the Augsburg Confession. Second, from 1919 to 1921: the Slovak Lutheran Church is separated in the new Czechoslovak Republic. Third, it includes the period after the arrival of the USSR and the Second World War. Fourth, from 1948: communist persecution of churches. Fifth, from 1989: Igor Kišš's thought which survived up to the split of Czechoslovakia into two republics, politically and economically different but culturally similar (Gluchman, *Slovak Lutheran Social Ethics*, pp. 128–131). It is also necessary to add that, a decade after the publication of this book, Gluchman still recognizes Augustín Doležal as a predecessor in his paper: "The Problem of Evil in Augustín Doležal's *Pamětná celému světu Tragoedia* and Leibniz's *Theodicy*", in *Informationes Theologiae Europae*, ed. U. Nembach (Frankfurt-am-M.: Peter Lang, 2007), pp. 53–64.

33. Gluchman, *Human Being and Morality in Ethics of Social Consequences*, p. 66.

34. *Ibid.*, p. 70.

35. Gluchman, *Slovak Lutheran Social Ethics*, p. 7.

36. *Ibid.*, p. 8.

37. *Ibid.*, p. 18 and *Human Being and Morality in Ethics of Social Consequences*, p. 16.

38. Gluchman, *Slovak Lutheran Social Ethics*, p. 19.

39. *Ibid.*, p. 12.

40. *Cf.* Vasil Gluchman, *Dignidad y consecuencias: ensayos de una ética socio-consecuencialista* (Mar del Plata, Argentina: Kazak Ediciones, 2014).

41. Gluchman, *Slovak Lutheran Social Ethics*, p. 14.

42. Azy Barak, *Psychological Aspects of Cyperspace: Theory, Research, Applications* (New York: Cambridge University Press), p. 134.
43. Mueller, *Op. cit.,* p. 32.
44. Gluchman, *Human Being and Morality in Ethics of Social Consequences*, p. 8.
45. Julian Assange et al., *Cypherpunks: Freedom and the Future of the Internet* (New York: OR Books, 2012), p. 5.
46. *Ibid*., p. 43.

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