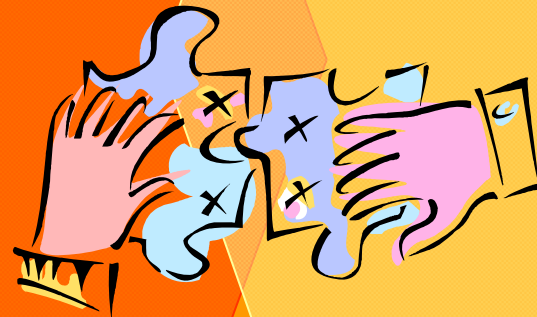


MOSAIC – Conference
Universität Konstanz, Germany
July 27th – 31st 2009

The Dilemma of Responsible Application of Universal Ethical Norms in Concrete Contexts of Social Action



The contribution of the Kohlbergian theory and Lind's
Moral Judgment Test to present discussions in philosophical ethics

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1. Discourse Ethics:

- tension between good founded universal norms
- ideal community of competent speakers

- the real contexts and situations of their application
- the real community of limited rational beings
life world: power and conflict, interests, inequities, plurality, interculturality, etc.



relationship between Kohlbergian theory of moral development and a theory of moral responsibility in the framework of transcendental-pragmatical discourse ethics

2. Study at UNRC (Universidad Nacional de Río Cuarto, Argentina), in 2008:

- application of Georg Lind's Moral Judgment Test
- students of political sciences
- interpretation of results by means of four interviews (young female politologists)

3. Conclusions

- How can we teach students to act postconventionally in out-law contexts, without well-structured democratic institutions and in situations of human devaluation which let arise our compassion and empathy and puts behind reflection and reasoning?
- Which possibilities and limitations are comprised in the Kohlbergian theory and in Lind's MJT (Moral Judgment Test) of a contribution to a philosophical explanation of the fundamental tension between universal ethical norms and their application in concrete contexts of social action?

1. Discourse Ethics

- theoretical efforts on the foundation and justification of ethical principles and norms which have to be appropriate to the profound moral dilemmas which arise in real contexts of social action
- two moral demandings:
 1. strategy of survival
= to grant the survival of mankind in every action in the real communication community
 2. strategy of emancipation
= to try to realize la ideal community of communication in the midst of the real community
= to eliminate every asymmetry present in the communicative-argumentative actions in the interpersonal dialogue
- reciprocal responsibility:
articulation of the imperative of constructing an ideal community with the assurance of survival under the real historical conditions
- principle of action referred to history
"Act only according to a maxim of which you can suppose - on the base of a real understanding with the affected ones or, respectively, of their attorneys or - in their place - with the aid of a mental experiment - that the consequences and collateral actions that ensue predictably from its general accomplishment for the satisfaction of the interests from each one from the affected ones could be accepted without restriction by all affected in a rational discourse." (Apel. 1988: 123)



Discourse ethics and Kohlbergian stages of moral development

responsibility and historical application

- conventional level:
 - considerations concerning applicability of moral norms closely linked to the historical contexts and the social relations
 - determined by a concrete reciprocity
 - *frönesis* referred to the situations for solving application problems (habits, practices, and the customs of a certain culture).
- posconventional level:
 - central problems: articulation of universal norms with contextualized criteria
critical evaluation of the social conditions of application
 - postulation of their transformation and the realization of social conditions that allow carrying out the practical discourses in all levels of ethically relevant problems.
(Apel, 1988: 12 – 13)
- The fundamental principle of discourse ethics is based neither on the intention or conviction of an individual nor on his good will but on the social-communicative interaction, on the interests and rights of all really or virtually affected people by the action and on the real and the predictable consequences.
- the universal principles must be examined with a disposition to 'universal care' (Günther, 1988: 176).

Dimensions of education for civic responsibility (Wester, 2008b):

- *technical dimension:*

decisions facing immediate social needs
relevance of science for a responsible decision making
knowledge of the objects of our decisions and pertinent information
about consequences

- *socio-historic-cultural dimension:*

responsible decisions - make compatible the possibilities offered by science and technology with the systems of value and traditions, with preferences and interests of the members of a society. knowledge and capacities have to do with the defence of their own life world, though they certainly go beyond

- *ideal-utopist dimension:*

openness for a universal dimension
responsible decisions - oriented by projects that tend to overcome and transform the given historical and cultural conditionings
recognition of human rights as rights of all human beings
pacific solution of conflicts

2. Study at UNRC (Universidad Nacional de Río Cuarto, Argentina), in 2008:

- main objective:
to explore the moral development of young, politically engaged women and the role university education plays in their moral conscience and citizenship
- instrument: Georg Lind's Moral Judgment Test
- sample: convenience sample, non-probabilistic: 50 students of political science



• 2.1 Quantitative results

	General evaluation of the Worker's Dilemma	General evaluation of the Doctor's Dilemma	C-Index
Gender*	a.	b.	c.
Advance in the career of the students of Political Sciences**	d.	e.	f.

* significant differences: (Z 0,975 = 1,96)

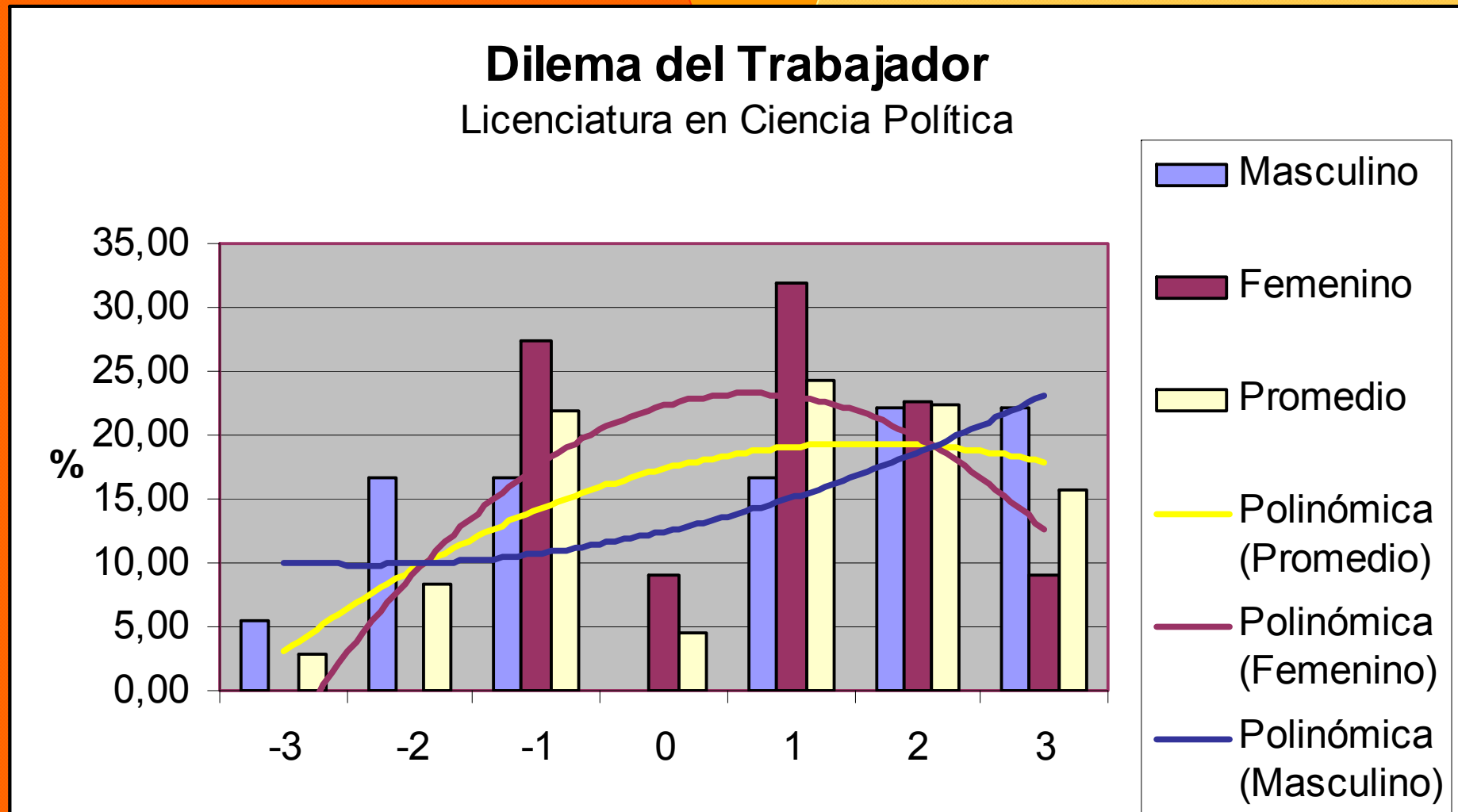
**significant differences: (t₂₆; 0,975 = 2,056)

• 2.2 Qualitative interpretation

by means of four interviews (young female politologists)

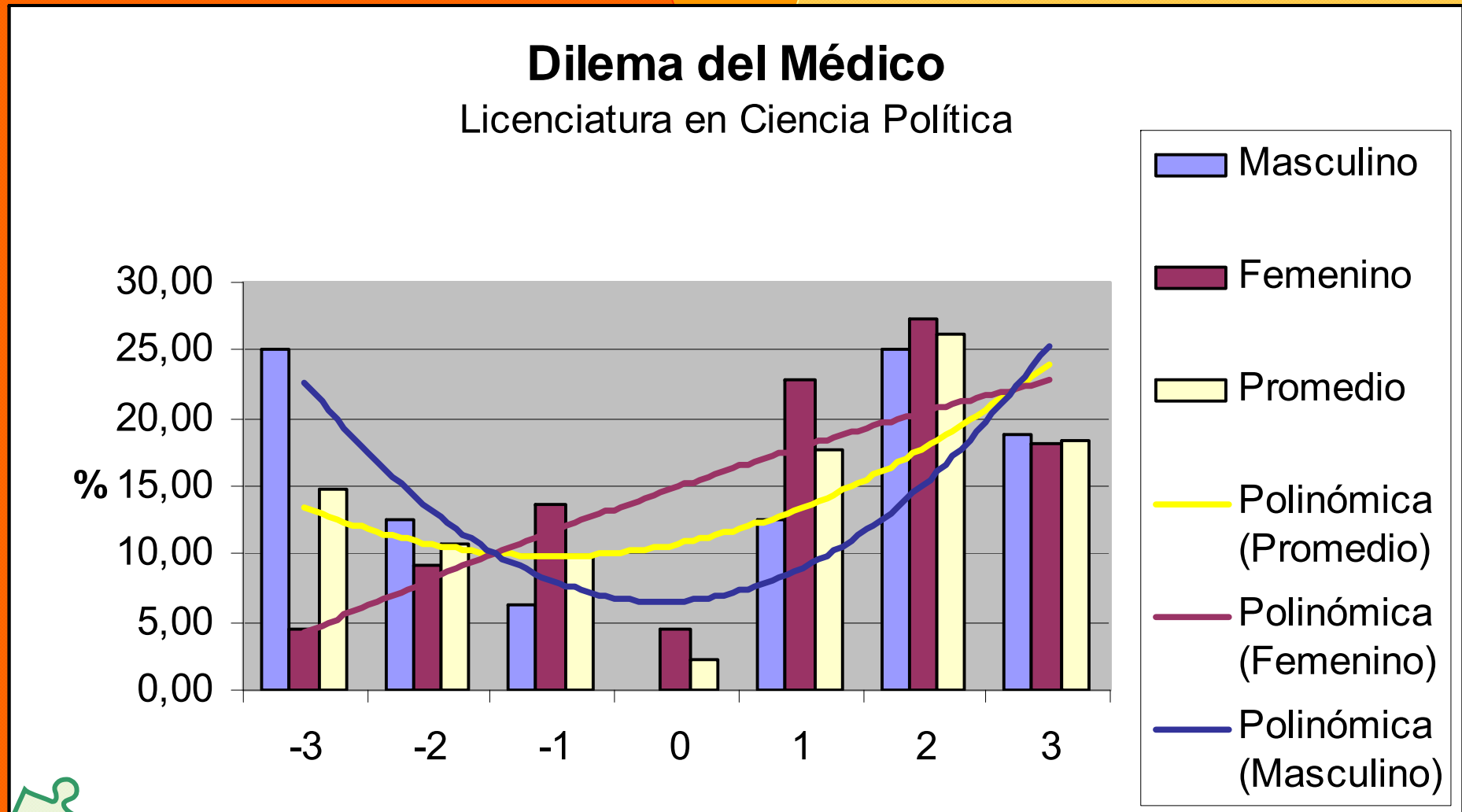
2.1 Study at UNRC

a. Gender vs. general evaluation of the Worker's Dilemma



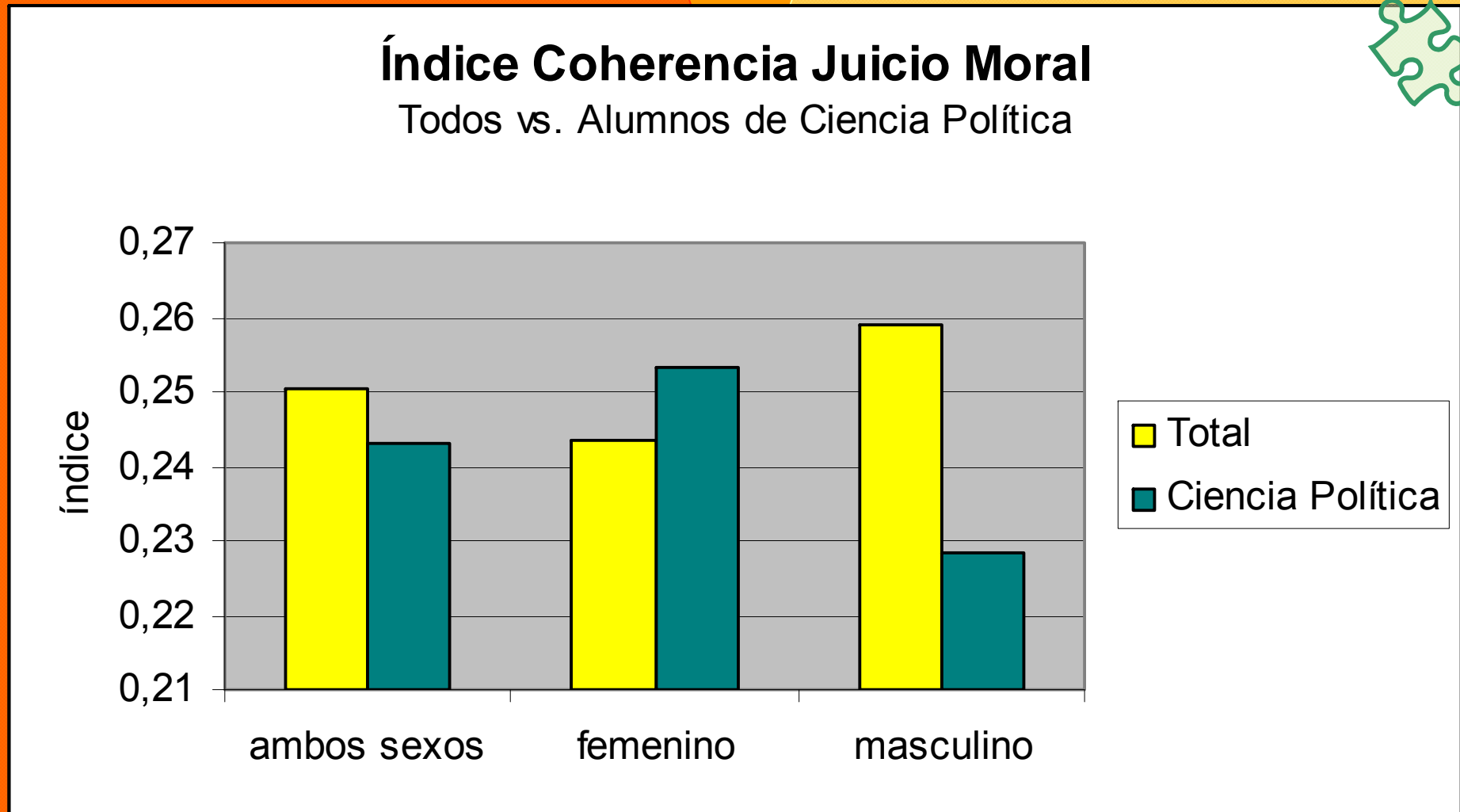
2.1 Study at UNRC

b. Gender vs. general evaluation of the Doctor's Dilemma



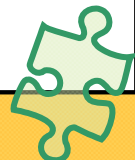
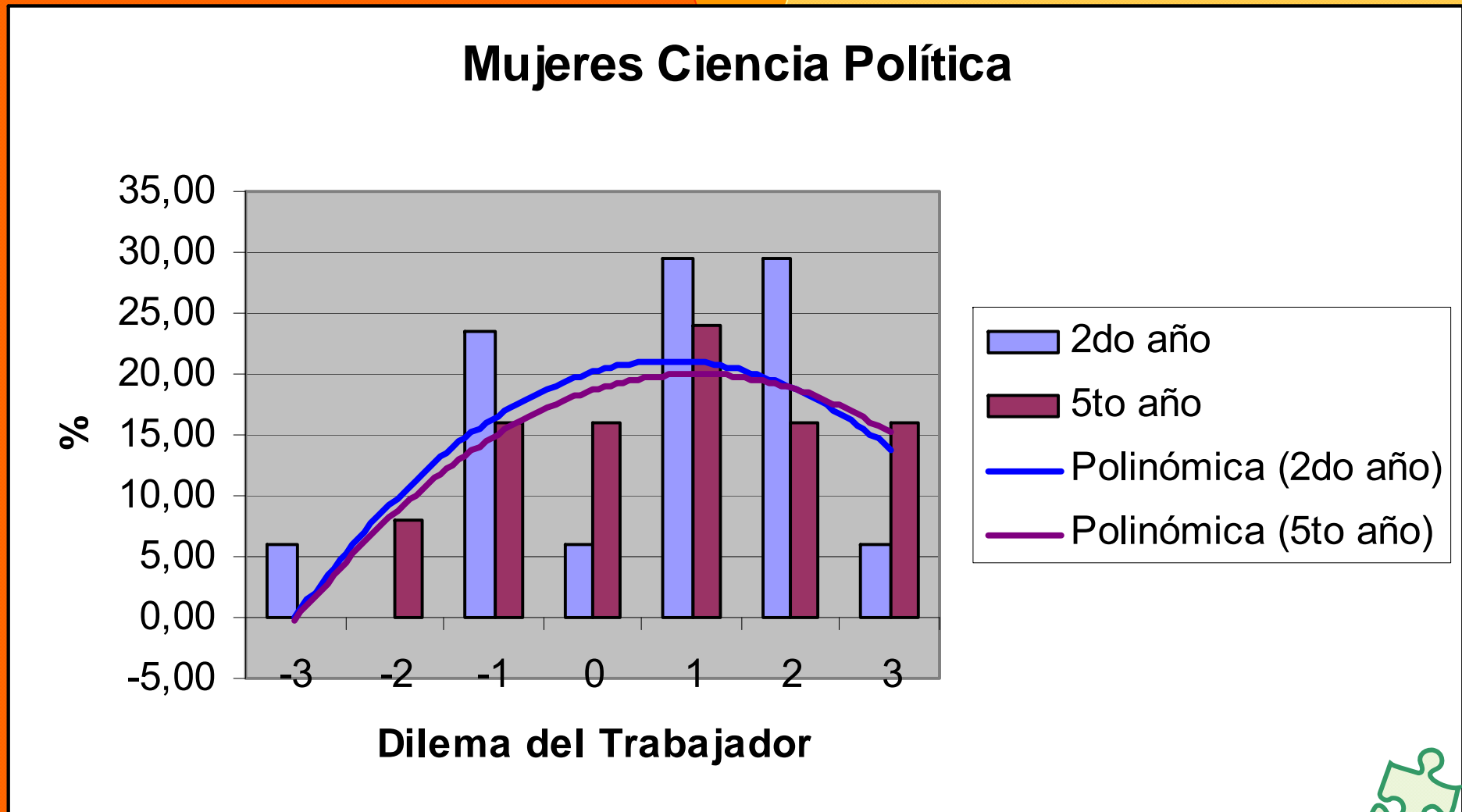
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c. Gender vs. C-Index



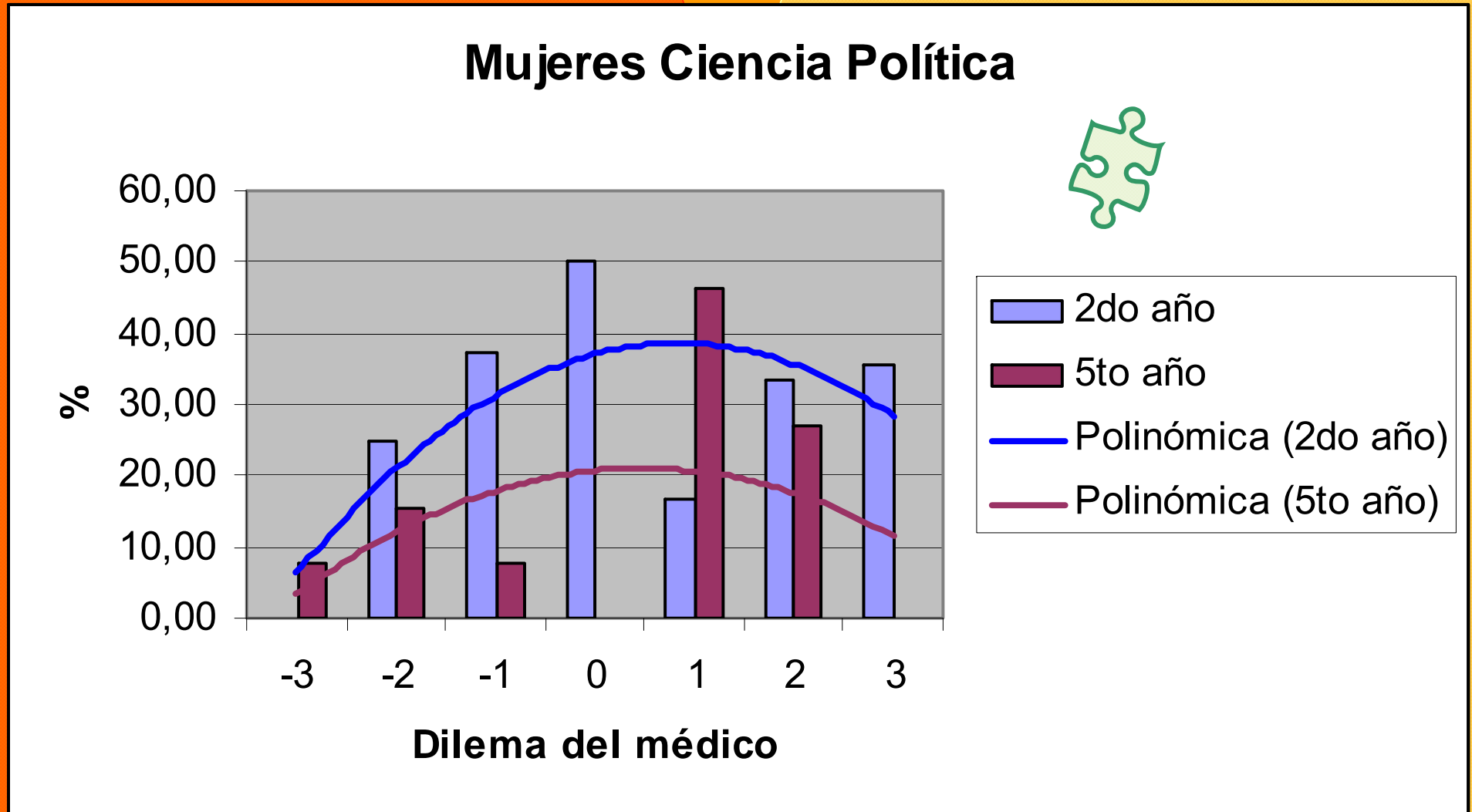
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d. Advance in the career vs. evaluation of the Worker's Dilemma



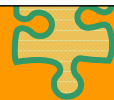
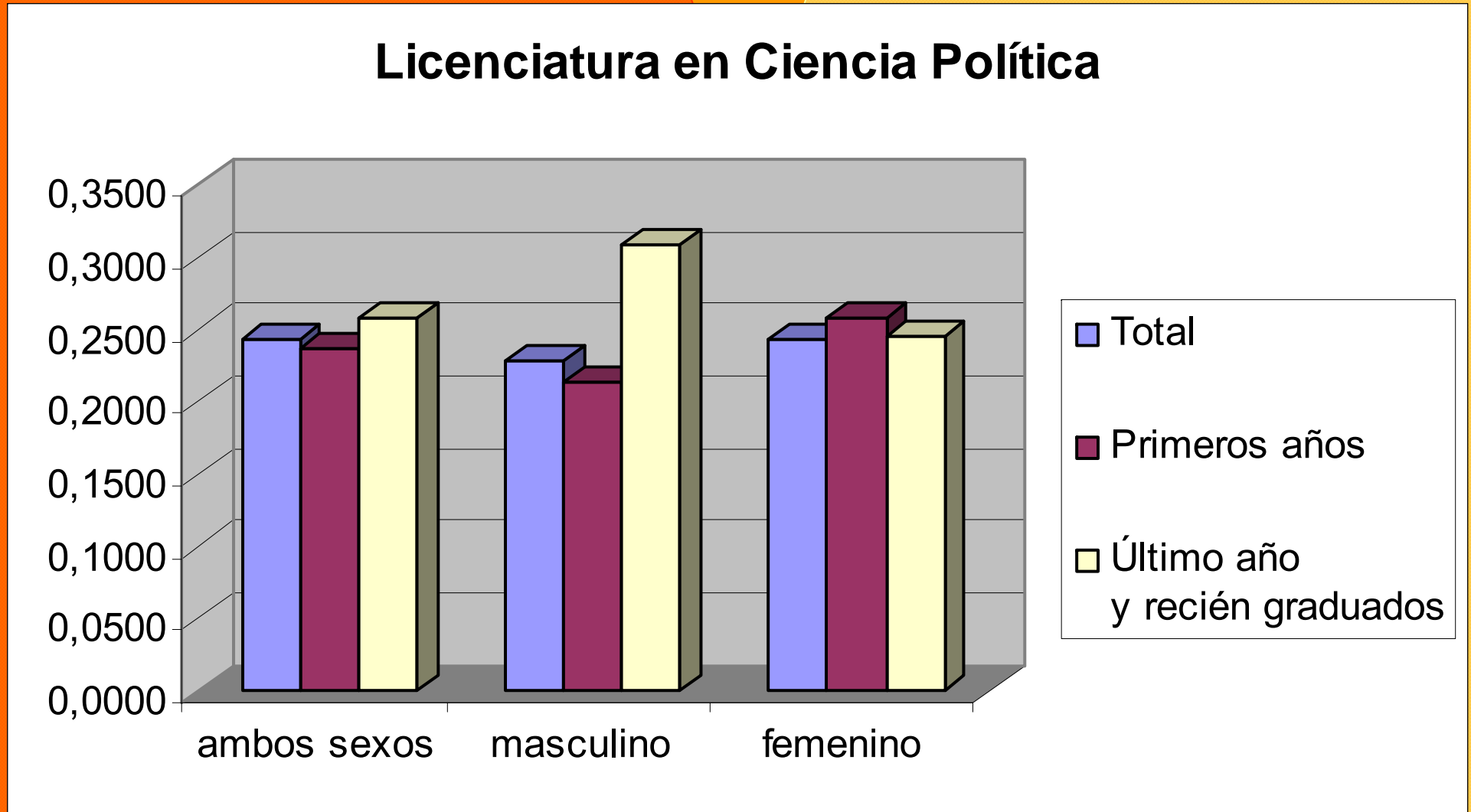
2.1 Study at UNRC

e. Advance in the career vs. evaluation of the Doctor's Dilemma



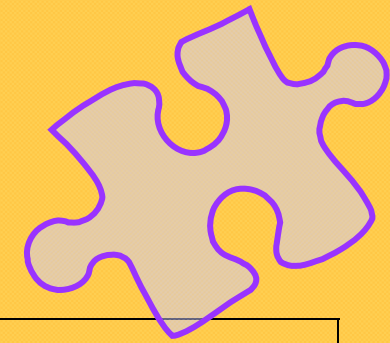
2.1 Study at UNRC

f. Advance in the career vs. C-Index



2.2 Study at UNRC

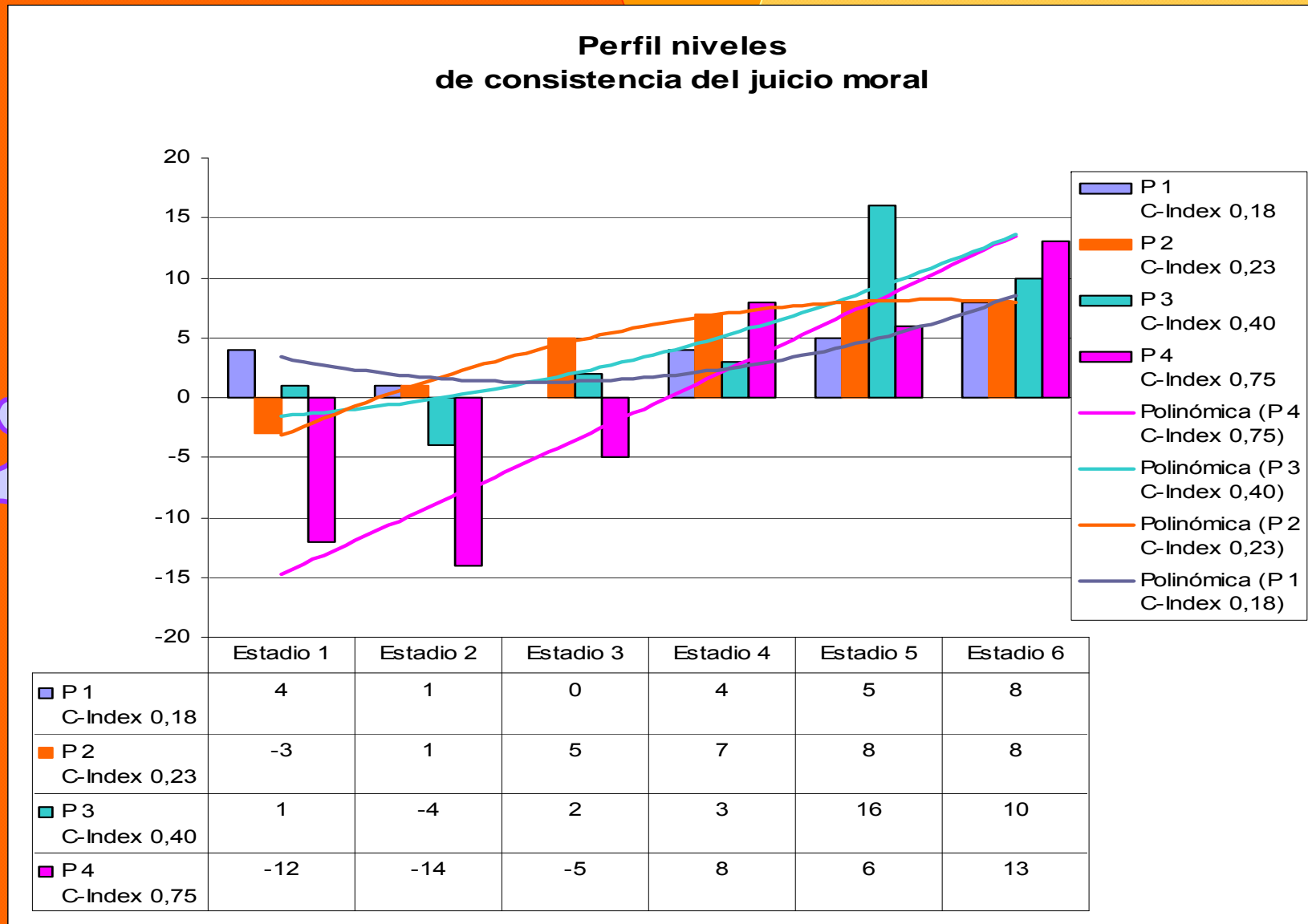
- Qualitative interpretation
four interviews with young female politologists
- The subjects



<i>Entrevistada</i>	<i>C-Index</i>	<i>Características</i>
P1	0,18 = medio	graduada – 25 años militante en partido político
P2	0,23 = medio	graduada – 25 años trabajo en gobierno municipal
<i>Promedio- todos - ambos sexos</i>	<i>0,2504</i>	
<i>Promedio, Cs. Política, mujeres</i>	<i>0,2531</i>	
P3	0,40 = alto	estudiante – 23 años miembro de grupos estudiantiles no partidarios y de iniciativas de la sociedad civil
P4	0,75 = muy alto	graduada – 25 años militante en partido político

2.2 Study at UNRC

- Profile of the consistency of moral judgment



2.2 Study at UNRC

a. Defence of legality and democratic State of law and justification of law transgression

- in extreme situations
- after having exhausted all the legal resources
- as a response to a earlier violation of law
- in clearly asymmetric power relationships between bosses and workers

Arguments: mainly post-conventional

recognition of principles that justify the violation of law
defense of ethical principles, specially human dignity

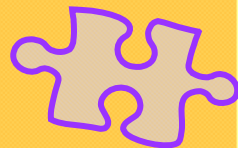
1:73: *"the dignity ... it seems to me this is a principle that can justify the use of an illegal way to make them respected"*

3:67: *"If there are values that have been affected it is necessary to act."*

evaluation of contextual characteristics

2:81: *"But we know very well that the legal riverbeds often are not sufficiently propitious to channel this."*

2:44: *"... in Argentina the employers can do these plays that thereabouts justify the attitude of the personnel."*



2.2 Study at UNRC

b. Conscience of responsibility

- to protect the weaker and needed persons

2:69: *"If one thinks about a value such as altruism, it is necessary to risk for others."*

- co-responsibility and assumption of solidarity

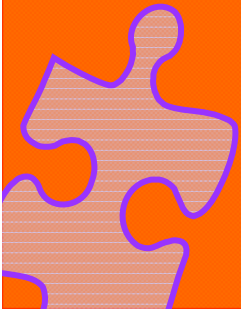
3:52: *"what happened to the other co-workers, since it was unjustified, could happen to anyone if you put yourself in their place. It was not a thing of two persons who did it, they were part of a bigger group."*

- political responsibility of more qualified persons to lead political processes

3:52: *"It is probable that they were the most rapid, the most curious, they had more wit."*

- responsibility of persons with more real power

4:88: *"The doctor has to assume the decisions he takes. It was not a banal decision: to kill her or leave her alive. Actually it is a very important decision that has consequences he has to assume."*



2.2 Study at UNRC

c. P1 and P2: Weak willingness to assume responsibility

- God as superior authority
1:77: *"God knows whether the woman had died or not, if a miracle had taken place the woman could be still alive."*
- religious convictions orientate strongly the personal decisions
1:93: *"If the doctor were very steeped in religious questions I think he had not agreed to kill a person, no matter this person had agreed with it."*
- possibility of a miracle, the imponderability of the facts and the unpredictability of the consequences
2:42: *"We are not owners of life and I think that up to the last moment there is opportunity for the miracle."*
2:68: *"This cannot be managed. One does not have the total certainty if she had died anyway. We know cases of comas, there are persons who wake up after being years in a coma."*
- but: P 3: law as a higher principle
interviewee without manifest religious commitment
3:64: *"Because the doctor broke the law and I do not believe that it is in his hands to decide whether to put an end to the life of a person or not."*

2.2 Study at UNRC

d. Social-communicative interaction as basis of morality

(interests and rights of all really or virtually affected people, real and the predictable consequences)

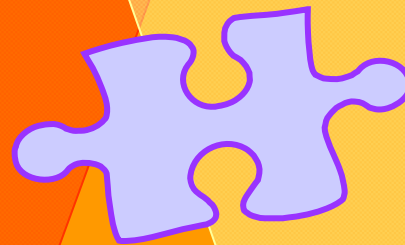
- Hippocratic Oath as a kind of previous social contract

3:71: *"It is true, the thing with confidence. If one was not the patient but her relatives, they would be totally annoyed with the doctor. One must trust in his obligation to take care of life".*

- importance of interpersonal relations and relations of confidence and of predictability

Worker's Dilemma - not only violation of law but also of confidence and dignity

4:47: *"They broke with the confidence of workers and affected their dignity."*



2.2 Study at UNRC

e. Symmetrical and impartial evaluation of contextual constraints and incipient discourse principle

- clear perception of the moral dilemma the doctor has to deal with
need to evaluate it from his perspective
4:40: *"We always put ourselves in the place of the patient and not in the doctor's place."*
4:59: *"For the doctor there must be an internal dichotomy, "Shall I do it or not?"
It needs a great deal of effort to make this decision."*
- understanding of the limitations of a monological definition of the individual conscience
incipient discursive principle
3:41: *"The doctor acted according to his conscience. But nobody says that his conscience should be the good thing or the wrong thing or that he should have any criterion to decide on the life of other persons."*
- "ethical plus" of P3 and P4: aptitude to generalize a situation and to legitimize a norm of action not in a unilateral and monological way but underlining the need to bear in mind the points of view and the needs of the affected persons:
4:44: *"these workers are going to speak for the majority, they do not have the voice of the majority. It would be necessary to ask the majority."*

3. Conclusions

in terms of the three dimensions of education for civic responsibility:

- *technical dimension:*

The young politicians are well instructed in terms of theoretical knowledge, and they are solidly qualified for evaluation of particular situations, of rules and laws to be applied, etc.

- *socio-historic-cultural dimension:*

The young politicians are capable to determine the tensions between theoretical demands, the legal system, and the value and the traditions of their life world. They strongly defend the democratic state of law.

We can notice a clear lack of knowledge and understanding of the relationship between legality and morality.

- *ideal-utopist dimension:*

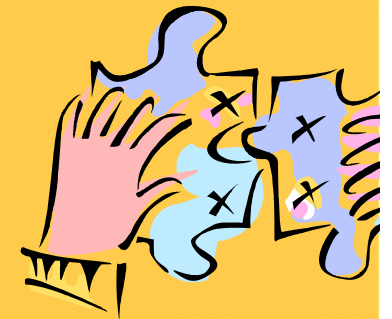
In spite of their strong defence of the democratic state, the young politicians admit transgressions of laws in defence of superior values (individual moral conscience, life, human dignity, etc.)

BUT: only the subjects with high C-Indexes are capable of assuming roles with dilemmatic decisions, to formulate formal moral principles as reciprocal procedures,

3. Conclusions

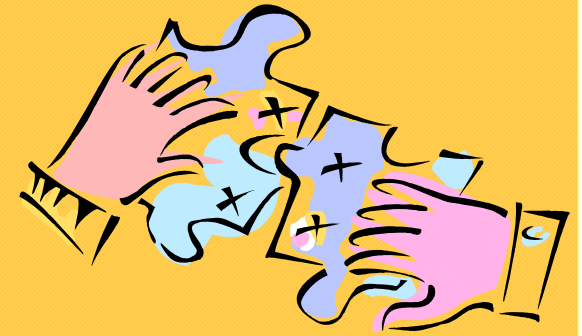
- How can we teach students to act posconventionally in out-law contexts, without well-structured democratic institutions and in situations of human depravation which arouse our compassion and empathy and put behind reflection and reasoning?

- ☑ Courses of political ethics
- ☑ Reinforcement of ethical reasoning
- ☑ Fostering intercultural competences



3. Conclusions

- in the perspective of possibilities and limitations comprised in the Kohlbergian theory and in Lind's MJT of a contribution to a philosophical explanation of the fundamental tension between universal ethical norms and their application in concrete contexts
-
- ☑ **New interpretations of the relationship between legality and morality in the present global world**
 - ☑ **Political-ethical theories of legality which properly articulate universal principles with cultural particularities and power relations to global level**
 - ☑ **Intercultural knowledge and revision of the contributions of intercultural philosophy**
 - ☑ **Rehabilitation of cultural hermeneutics, but strongly linked to formal moral principles with universal validity claims**



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