Transnational Aspects of Ethical Debate

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The terms "ethics" and "morality" used in their most general sense refer to the traditions of belief about right and wrong conduct that exist in the various societies of the world. The terms "ethical theory" and "moral philosophy" refer to philosophical discussions of ethics or morality intended to increase the logical coherence, precision, and real world applicability of the principles and maxims derived from those ethical or moral traditions.

Individual humans begin learning the rules for conduct that derive from the morality prevailing in their society even before they understand that there is a distinct category of rules called "ethical" or "moral" or how those rules differ in character from rules of law, etiquette, or everyday prudence. Children are told and encouraged to follow many rules, such as "keep your fingers out of the electrical outlets," "look both ways before crossing the street," "line up and wait your turn," "don't drop your candy wrapper on the sidewalk," "say good morning to the bus driver when you get on," "be nice to grandmother" and "tell the truth" without being told which of them are based on prudence, local law, etiquette, or ethics. As children develop towards adulthood, they begin to learn the differences, and come to understand that ethics and morality focus on the problem of acting in ways that are respectful of others and take their interests and needs into account. The growing children also begin to see that the individual ethical rules are not random maxims, but are shaped by a more or less coherent set of more general guidelines that have developed over the years in their society and are understood by everyone in it. Individuals make their own choices, but – even when they are rebelling against it – they are influenced by the ethics and ethical rules of the society in which they live.

Individuals vary considerably in the depth of their interest in thinking beyond rules to ethical theory and moral philosophy. Invariably following a rule requires very little thought; one simply asks whether the situation at hand is covered by the rule. If it is, one follows the rule; if it is not, one does not. However, many situations are not so simple that automatic rule following assures the best moral result. Almost no one gets through life without encountering ethical dilemmas, situations in which there are very good ethical reasons for undertaking each of two or more mutually exclusive acts. For most of the elderly, remaining in their own home or moving to a retirement community are mutually exclusive because they cannot afford to maintain two residences. Thus, the middle-aged children of an unsteady 90 year old still living in the house where they grew up will feel the pinch of competing ethical principles when facing a decision about whether

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to encourage their parent to move to a retirement home. Living at home allows the parent to remain more autonomous. Yet, living in a retirement home affords the parent greater personal safety because others are around to help in the event of a fall or to undertake household tasks that have become too difficult for the 90 year old to accomplish alone. If the children truly respect their parent's autonomy, they will not want to force the parent into a retirement home, but if the parent's unsteadiness gets to the point of interfering with daily tasks they can't help feeling the parent would be safer there. They will seek to reduce the dilemma by trying to persuade the parent to move; if they succeed the parent will have made the autonomy-safety trade in an autonomous fashion. It is when the persuasion fails that the children really face the dilemma.

The toughest moral dilemmas arise when the good moral reasons for each alternative also include good moral reasons for avoiding the other alternative or alternatives. Psychologists are often faced with situations in which a patient utters threats to kill a particular person. Once the psychologist decides, after additional talking with the patient, that the threats are real – not just blustering talk that reduces frustration by allowing its expression in exaggerated form – the psychologist has to choose between violating rules of confidentiality to warn the person threatened or violating society's general ethical expectations that someone who knows of a murder plan should warn the victim and/or the police so the murder can be thwarted. The children of the 90 year old could deal with the tension by putting their parent in the center of the deciding process; here the psychologist is likely to be in the position of having to act on his or her individual judgment. Maintaining confidentiality carries a serious danger of allowing physical harm to a person; breaking confidentiality carries a real danger of eroding patients' confidence that psychologists will keep their secrets to the point they are less willing to seek treatment. Deciding which consideration should have been given greater weight in guiding the psychologist's conduct may seem easy afterward: if the murder occurs, it will be "obvious" to most people that safety should have prevailed over confidentiality.[1] However, the psychologist must decide before the results are known.

Most moral philosophy and ethical discussion assumes that everyone involved in or observing the situation shares the same broad values, expresses them in similar rules, and gives the values similar weight when balancing between competing rules. Ethical arguing becomes more complicated when different people maintain non-identical sets of values (for instance, individualists who emphasize autonomy and individual freedom and communitarians who emphasize membership in groups and allowing groups room to follow their way of life), express the same value in different rules (for instance, believe that humans have a right to life but disagree about abortion because some define "life" as beginning at the moment sperm and egg trigger the process of fetus development and others define it as beginning at the point a fetus could survive outside the womb), or maintain different hierarchies among values (for instance, a situation in which some regard privacy as more important than public access to information about past criminal records and others regard knowing the whereabouts of repeat pedophiles who have finished serving their jail terms as more important than privacy).

Ethical theory and moral philosophy have long faced the challenge of individual moral relativism – the claim that ethical and moral beliefs are a matter of individual choice because there is no way to prove that any one standard is superior to all others. In today's globalized world, ethical theory and moral philosophy also

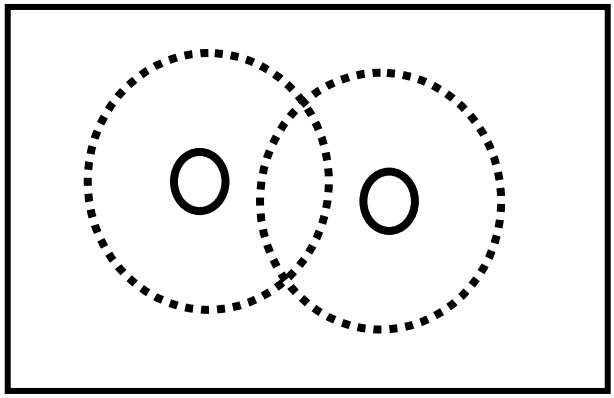
[1] "Most" because when the California Supreme Court was faced with this question in 1976, a majority of the judges ruled that the psychologist involved did have a duty to report but one dissented on grounds that public knowledge psychologists had a duty to report death threats would discourage people from seeking treatment. See Tarasoff v. Regents of the University of California, *California Reporter* vol. 131, p. 14 (1976).

have to address the challenge of cultural moral relativism, the idea that the different ethical beliefs of the many societies around the world deserve equal respect whatever their content and whatever the content of the rules derived from them. Arguments in favor of cultural moral relativism start from the well-established observation that traditions of ethics and morality and the sets of rules derived from them do vary from one society to another. The next step in such arguments is to claim that no society has the right to criticize the ethics, or ethical rules of another because a.) there is no ethics or set of ethical rules shared by every society on Earth, b.) ethics and sets of ethical rules form organic wholes that can be understood, interpreted, and applied only in the context of the culture in which they developed, and c.) the right of self determination (codified internationally in the UN Charter, the Universal Declaration of Human Rights, and the International Covenants on Human Rights) means that each society possesses the right to follow its own traditions and ways of life.

One of the strongest arguments against cultural moral relativism claims there is a universal human nature or a universal set of human needs, which lead to adoption of similar basic moral values in all cultures. Adherents of this view further argue that most of what appear to be cultural differences in ethical systems are differences in how people interpret and apply these similar basic beliefs in particular situations. Rather than a "relativism of standards" in which different societies have different basic ethical beliefs, they see a "relativism of judgments" in which rules for and evaluations of conduct in particular situations differs.[2] This is simply an extension across societies of the relativism of judgments that appears even in a single culture, as in the abortion and privacy examples given earlier.

However, relativism of judgment does not prove the existence of relativism of standards. Inquiry must go beyond the differences in judgment and uncover, as much as possible, the more basic ethical beliefs and interpretations of those beliefs from which those judgments arise. Suppose, for the sake of continuing this discussion that relativism of standards does exist, either in all areas of life or in some areas. The existence of different fundamental standards might be thought to prevent members of two or more societies from having useful discussions and develop a reasoned consensus on how to proceed in a particular situation. Such claims ignore the pervasive relativism of judgments around the world, and the fact that different adherents of the same ethical standard may disagree on what to do. If we think of basic ethical beliefs as a small circle and the range of judgments they inspire as a larger one having the same center, it is entirely possible that the large circles of judgment extending beyond the small circles of basic principles will actually overlap. In that overlap adherents of different beliefs would find common ground for action in the world. (See Figure 1)

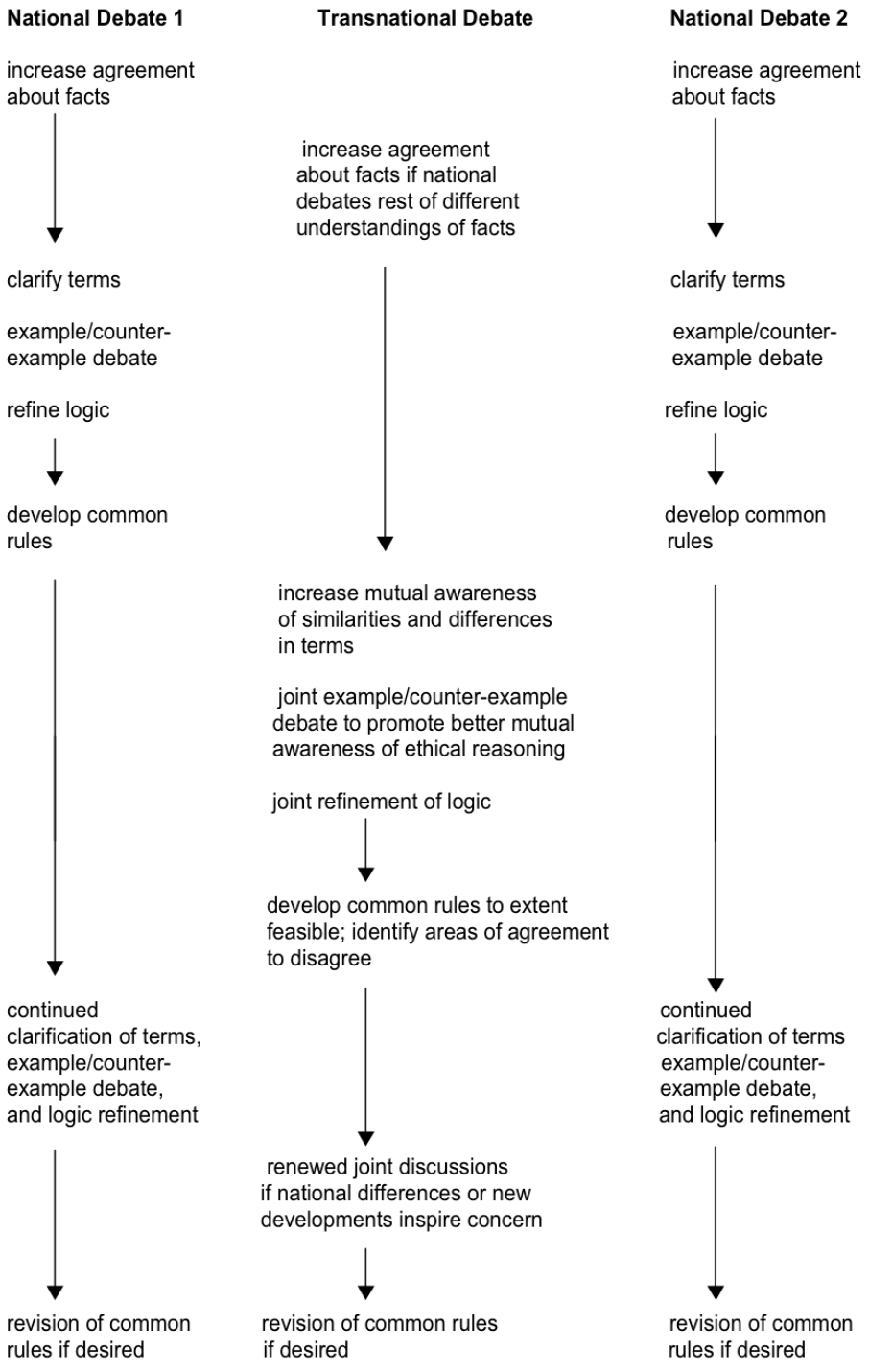
Figure 1: Common Ground in Ethical Beliefs



Invoking relativism of standards as a reason to forego moral debate also ignores the fact that

[2] Distinction used by Tom L. Beauchamp and LeRoy Walters, *Contemporary Issues in Bioethics* (4th edition. Belmont, CA: Wadsworth Publishing Company, 1994), p. 8.

Figure 2. National and Transnational Processes of Ethics Debates



people learn about and refine both their basic ethical beliefs and their particular ethical judgments by participating in or observing arguments. They may not converge on an identical way of handling the situation; they may have to develop a compromise. Yet, in process of discussion there will be a sifting of

ethical claims and counterclaims in which some secure are accepted or at least considered as worthy of consideration by a larger number of participants than others. The more persuasive ones will become the focus of attention and the basis for compromises while the less persuasive ones will be set aside (not necessarily rejected for all time, just not used in discussion of how to handle this particular situation or type of situation at this time).

It should now be clear that the distinctive element of transnational ethical differences (see Figure 2) is the need to be particularly sensitive to the question of how far the differences of view expressed by participants depend on culturally-derived differences in judgments and/or standards. Whereas national ethical debates proceed against the background of a thick set of shared cultural references and practices, transnational ethical debates do not. Clarification of terms may have proceeded along different paths, making a literal translation of a phrase from one language into another misleading. The moral codes may be different in significant ways. The process of arguing by example and counter-example can be slowed down, though very likely enriched, by the different exemplary stories familiar in various cultures. These differences mean that participants in transnational ethical debates must be willing not only to hear the questions and explanations of others but to elaborate their own positions and explanations in ways that help participants from other cultures understand them accurately. This requires making one's own tacit assumptions explicit, something that can be difficult because the background knowledge provided by a culture is so taken for granted that a participant may have trouble bringing relevant parts into active memory where it is available for conscious expression. Yet, if enough participants make this effort the result will be a better informed debate all around even if in the end participants "agree to disagree"' and design a solution allowing divergent approaches rather than settling on a common one.

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