

DISCERNMENT AND RELATIVITY OF MORAL CODES

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Abstract: In this article I will present an analysis of axiological anticipatory discernment, I will insist on some limits of particular moral codes and possible main lines of efficiency of moral codes, with permanent reference to a universal moral code. This reporting is a useful mechanism in the analysis and the way of discerning the current social dilemmas, because, for a good social functioning, it is necessary to have a deep understanding and responsible assumptions of the codes, contexts and ethical infrastructures to which we refer.

Keywords: discernment, moral principles, moral codes, ethical dilemmas.

The approach of this issue is an incessant challenge because applied ethics has become an imperative social requirement. Why can't we be good? Why we are moral or not? In order to be good, are we obliged to become *capable* of being moral? In this way we are obliged to "*understand the ethics of self-knowledge*" and the moral codes we adhere to in order to be *able* to discern? (Needleman, 2007, p. 328).

Morality is linked to community values and is important for both society and the individual. In today's society, moral codes are in competition within a community, and the individual adopts his own code of values, even if in society there are some general codes and several particular codes.

The ontological status of man is given by the double subsisting nature and by the conditioning a priori towards the tradition of the social environment of which his family group is part. Gradually, according to the cultural specificity of belonging, man will be an integral part of thinking through which he will homologate the world "*in vernacular language, which shapes his way of analysis and expression*" (Buzalic, 2018, p. 95-98).

This family cultural environment becomes for him the reference support for the formal integration in the society, which will crystallize his tastes and preferences, will be the standard of the subsequent behavioral reactions and the foundation of the capacity of introspection, on which he will develop his *discernment* (Gula, 1997, p. 3-7; 77-88) in stages.

This ability to understand and prevent consequences, which gives content to discernment, expresses the state of consciousness that becomes a criterion of normality. The discernment expressed in this way is outlined

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as a unique and integrative synthesis of all the faculties of understanding the human being (Kadar, p. 28, 2003). In discernment, the classical path of the human psyche, from the involvement of analyzers and perceptual functions, of mnemonic abilities, of evocative anticipatory representations and to the involvement of higher functions is rendered with the greatest acuity.

But, in discernment, the greatest importance have the cognitive functions, because they ensure through a “flexible adaptation” to the concrete situations, the development of ideas, independence, critical thinking, communication strategies and by formulating solutions individual brand of the character scheme (Beck, Belu, 2006, p. 16-20).

Discernment, considered as a way of social adaptation, is structured on three levels (Wolf, pp. 4-9): *the elementary level* – instinctive, reactive or vigilant, *the reflected - discernment* logic discernment or the reflection of reality, *the anticipatory- axiological discernment*, of choice, of distinguishing the good from evil.

Constitutively, a situation of discernment presupposes an adaptable behavior of identifying a problem, of interposing a critical analysis between stimuli and response, of compensating a situation, of replacing an action, of using creativity and intelligence to solve a difficult situation, etc (Liebert, 2008, p. 7-20, 41-55). From this approach derives the sphere and the interpretative nature of the discernment capacity: logic – identification of the effects of one’s own behaviors; psychological – staged anticipation of consequences; medical – gradual process of the capacity of discernment: axiological – wanting, doing good and tending to a higher level; legal – responsibility and the ability to choose one’s own and common good (Constantinescu, Mureşan, 2013, p. 76).

In the present approach we will limit ourselves to the descriptive analysis of *the anticipatory, axiological discernment*, because for a good social functioning we need a deep understanding and responsible assumptions of the codes and of the ethical infrastructures to which we refer.

The fundamental conducts, based on values, principles and moral rules constituting the axiological anticipatory discernment: *to want to do the good and always to tend to a higher level* seem to restructure in the contemporary society, under the empire of a principled fluidization and to a state of social omnipotence given by the developments in biotechnology and seem to be reconfigured in consensus with the changing individual authenticity.

In the sphere of applied ethics, delimitations are made between *moral values, moral principles and moral rules* on which specialized sets of moral codes are built for different fields of activity. From this perspective moral

values are the expression of the universal ideals to which humanity has always aspired, represented as standards of perfect states of well-being, happiness, justice, freedom, etc (*The Belmont Report*, 1979).

The moral values to which we tend, support *ethical principles* - general constructions, made on the basis of well-defined standards with which specific rules can be developed, interpreted and improved (Mureşan, 2009, p. 102-107). A supreme moral value, such as life, underlies the principle that requires us to respect life in the broadest sense, not to use it as a tool in achieving our immediate goals.

Moral principles provide the basis for the formulation and interpretation of moral rules, which grouped in a unitary system by Kantian ethical theories of deontological orientation focused on the feeling of debt and/or utilitarianism aimed at a benefit coherently norms the framework of evaluation, identification and solution of facts of ethics nature specific in some fields (Mureşan, 2009, p. 106).

Moral rules, expressed in the form of prohibitions or obligations, group specifications for various fields of activity and “are characterized by at least four distinctive features”: support the common good through vital social values, are impartial, are universally valid, have bivalent applicability-by self-employment and constraint by society (Kaptein, 2008, p.17).

A moral code includes situations related to good and evil, individual conscience and normative regulation of behavior, so it is considered the main element in strengthening discernment at an early age. Often, in discourses about the moral aspects of some actions, concepts such as *social control* are used, id est the expectations that society has from a person or *value orientations*, because in specialized terminology the *moral* concept is identified with that one of *value* (Beuchamp, 2001, p. 4-12).

Discernment and limits of assuming moral codes

Although society is an open system and responsibility is the determining factor of discernment, controversial issues of applied ethics are intensely debated, so as not to reach serious consequences such as cannibalism, human trafficking, extremism, terrorism, etc. Although the field of moral rules is based on compassion, the content of these rules does not cover all moral relations, because it falls within the realm of logical altruism, which places all people in a fundamental egalitarianism based on the concept of social equality characterized by the idea that equality is the natural state of all human beings and all men are equal in value or in moral status.

But, for example, at various stages of their developmental stages, children’s moral attitudes towards their parents are not only based on equality,

but are determined by the reasons that make them unequal. In this case, the psychological basis of the moral attitude is not altruism, because the child believes that his parents do not need help, but the power to help him, which is why he questions, starting with the age of independence, the set of moral norms received in family, not necessarily for a reason of rebellion, but because of the misunderstanding of the staged foundation of the received moral code (Sokolowski, 2009, p. 122-132).

Recent concerns in the socio-human field towards the stable structures of morality, both at the level of moral personality and self (*moral-self*) propose a paradigm shift being interested in the means and strategies by which people can capitalize on their potential. Peterson and Seligman, representatives of positive psychology, emphasize the development of “moral goals, virtues, happiness, and well-being” because they will have positive and socially desirable effects on discernments, behaviors, and positive character traits.

A choice can be considered good if it does not infringe the rights of other members of community and does not create, through violations of rules, tensions in the environment that the person considers a reference. Because the optimal functioning of society depends on the effects of everyone’s decisions, in order not to be undesirable, all conscious members must be ethically responsible for a deep knowledge of universal values and principles so that the moral limit of each individual integrates in the macro-limit of society in which they live (Teodisia, 2020).

Principles and efficiency of moral codes

In the conditions of a society characterized by the lack of universal ethical principles and by an increasingly fluid (Popescu, 2018, p. 271-278) individual reconfiguration, the question arises that *particular codes can coexist in the absence of a code common to all, in the absence of a universal code?* Concerns about the efficiency of moral code have developed on the background of the developments in the field of biotechnology, and researchers of applied ethics have proposed *the principles* (Beauchamp, Childress, p. 4-12), initially as a basis for biomedical ethics, and then, with some caution, to expand to other fields. T. Beauchamp and J. Childress argue that there are four principles derived from common morality, which contain a set of basic moral norms in biomedical ethics: autonomy, no – evildoing, charity and justice.

In their opinion, the principle of autonomy is based on Kant’s ethical theory and the standardization of this principle requires respect for the decisions taken by autonomous people. The principle of not doing evil, the

concern not to harm anyone and the principle of doing the good are based on the utilitarian theory (Adrian, 2015, p.575). Charity also includes the possibility of benefiting with the specific rules for recording risks on the line between cost and benefit balance. The principle of justice is accompanied by a set of rules according to which a fair distribution of costs, risks and benefits is achieved.

European policies, which underpin ethical codes for the biomedical field, have promoted a focus on the individual, insisting on interdisciplinary relationships between: dignity, integrity, autonomy and vulnerability. These principles express four dimensions of the human being that must be respected and protected, and dignity, integrity and vulnerability refer to the respect and protection of animals and living organisms. The authors of the European document define dignity as the property by which all human and non – human beings have *a moral status* and implicitly have the right to integrity. Dignity is identified with the capacity for autonomous action, to be human – in the biological sense, to be a living system or a living organism, and this fundamental principle arises from the duty of the human being to the non-human part of living nature (*Final Report on the European Commission, 1995-1998, p. 4-5*). The principle of integrity includes both the sphere of the biological life and the “*untouchable core of beliefs*” (*Final Report on the European Commission, 1995-1998, p.5*) and the fundamental values of an individual. Pragmatically, the valences of autonomy are quantified in the ability to have goals, the comprehension capability and moral self – legislation, responsibility and discernment. The principle of vulnerability brings attention to human and non-human beings which may be exposed to potential risk factors.

V. Mureşan proposes for implementation, after a thorough analysis of international practices and European policies, a “*synoptic list*” of universal moral principles. These could be the basis for the construction of any moral code. His proposal starts gradually from the observance of the respect for autonomy, charity, non-harm doing, the principle of justice, of respect and dignity, integrity, vulnerability, precaution, double effect, subsidiarity, publicity, solidarity, equality and of happiness (Mureşan, 2009, p. 109-116).

Discernment and ethics of social dilemmas

For the most part, issues of applied ethics are based on human rights, but discernment in their application is essential and presupposes the maturity of moral conscience, through an information foundation as complete as possible and by assuming the elective consequences. The choices we are invited to resort to are given by the “*ontological and axiological reality (...)*”

which is constantly between the known and the unknown" (Iloaie, 2009, p. 152) with which the human person travels on the ethical path to good and evil.

Life presupposes dignity and moral law, but man's ability to choose – under the rule of necessity or force – can act differently. In the evolution of individual morality, unforeseen situations must be taken into account, impossible to detect in time and space, as a result of which moral perspectives can change from minimal to radical changes, depending on the impact that the event has on the person who must take decisions (Taleb, 2010, p. 31-34).

Ancient thought would say that regardless of life situations, the chosen solution must be rational. Contemporary society argues that the chosen solution should be pragmatic and profitable. But sometimes the solutions to the problems of human life can reach a moral impasse and can only be abandoned by moving into the outer space of morality, because very rarely has humanity been challenged to accept so many innovations in science and biotechnology.

Viewed like maieutics, bioethics brings together values through interdisciplinary dialogue and the confrontation between classical morality and new trends related to the development of medical biotechnology. Bioethics is the functional combination between the scientific and the humanities, but it highlights controversial social issues, proving that scientific progress also has negative consequences. Because the applied ethics in this field focuses on discourses related to the priority of the human being, the protection of people who do not have the ability to consent, interventions on the human genome etc. the responsibility to make the right decisions is vital (Habermas, Ratzinger, 2005, p. 97).

The ethics of genetic manipulation, expressed by the philosopher Jürgen Habermas, revolves around questions about the factors that would delimit the boundary between the true defects of man and those generated by the complexes of no self-acceptance. In this perspective, we can discuss the moral justification of their modification through genetic manipulation or a violation of the biological nature.

The issue of life with all its aspects: *suicide, euthanasia, abortion, intervention techniques on the human genome, capital punishment, war, organized crime*, etc. it has probably had the greatest debate in all of human history. Even if as citizens, we should act with discernment, according to moral conscience and ethics for the good running of society and to respect social and legal conventions, the reality reflects something completely different.

Many of post-secularized social structures have legal norms derived from Christianity, and the states have all the interest in maintaining this fundamental reporting foundation, so in no democratic state is a certain

religious creed imposed as a mandatory moral norm. If these societies are characterized by the lack of universal ethical principles *how is the cohesion of society preserved in the conditions in which there are several effective moral codes?*

For a good social functioning, in addition to the use of the principles of a universal moral code in the discernments necessary for the analysis of contemporary social dilemmas, it is necessary to have not only codes but also ethical contexts and infrastructures. Among the proposed functional social models are those of religious communities.

Jürgen Habermas, argues that “*by avoiding dogmatism and constraints on consciences, something can remain intact from the experience of religious communities, something that the professional knowledge of experts cannot restore*”. It is about subtleties differentiated by the asymmetry of epistemic claims, which through the intertwining of Christianity with philosophy have generated a labor of defining networks of concepts in normative contents. It gives religious communities public recognition for the functional contribution of the proposed moral codes, the discernments and behaviors of its members (Habermas, Ratzinger, 2005, p. 93).

The modernization of social and religious mentalities in the post-secularized society is achieved in a complementary way, through successive transformations, preserving the cultural origin and solidarity of the citizens. Focusing on the construction of moral codes necessary in the exercise of individual discernments, the current ethics inspired by Christianity, proposes nuanced functional associations: *responsibility – autonomy – justification, history and memory, resumption – innovation – return, emancipation and fulfillment, internalization and incarnation, individuality and community* in the idea of unconditional respect for the dignity of all people (Habermas, Ratzinger, 2005, p. 94-95).

Taking as a model the spirit of religious solidarity in the ethical evaluation of life situations, the relationship between intention and consequence must be taken into account. It would be moral for the man to ask himself *why*, before acting. Because morality should not be interpreted subjectively, because it does not depend on everyone’s taste. No matter how the issue of applied ethics is posed, it will generate *pros* and *cons*, because people form their opinion first in terms of affectivity and then in rational judgment.

Therefore, the general image of a universal moral code cannot be called into question without the assumption of absolute morality. Particular codes have existed and will always exist, regardless of the beliefs at the level of individual decision, but the sustainability of ethical codes and their social appreciation will be given by the assumption of as many fundamental principles as possible belonging to the universal moral code.

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