The golden rule of morality – an ethical paradox

Tibor Máhrik[1]

Abstract

This paper focuses on the dynamics of ethical perspectives that embody the Golden Rule of Morality. Based on critical analysis of this rule in various cultural and religious contexts, but also from the perspective of humanism, the author presents its paradoxical character, the essence of which is interpreted here in terms of a pointer to metaphysical reality. It turns out that social conditionality, as well as the self-referential concept as a starting point of any ethical reasoning, are serious epistemological challenges for the application of the Golden Rule in the position of universal normativity that this study addresses. On the other hand, Judeo-Christian cosmology and the related basis for ethical foundations is presented here as an inspirational space of ethical reasoning in which the paradoxical character of the Golden Rule becomes rather an indicator of a deeper meta-ethical interpretation of one's own particular ethical attitudes and outcomes than a practical guide to the discovery of ethical universals.

Keywords: Golden Rule, humanism, Judaeo-Christian perspective, absolute values, ethical paradox, meta-ethics

Introduction

Current professional discussions but also those held on wider platforms in society which discuss general social issues are more and more devoted to the issue of morality, the question of ethical foundations, the challenge to seek solutions to ethical dilemmas in the light of moral philosophy. This has to do with politics but also the world of technology, business, team work, family life or, in fact, any other areas of man´s research. The Golden Rule presents an important codification of the moral basis to create applied ethical frameworks which can be found across cultures. The study critically reflects this self-referential moral indicator from philosophical and theological points of view, which is presented as an indicator of meta-ethical realities in the context of current ethical research.

In general, the Golden Rule is known in its negative form and its positive form: One should not treat others in ways that one would not like to be treated oneself. One should treat others as one would like others to treat oneself. It symbolizes life in truth, righteousness, beauty and harmony. What is the intrinsic value of such a rule? What is its applicability in the social context? This utilitarian concept has some undeniable positives but also some limits. It is an understandable, simple and viable rule which, however, opens up an interesting logical circle: an inevitable predisposition of understanding of what needs to be done is derived from actions of other individuals with respect to the relevant individual, and the resulting consequential imperative determining the action of that individual towards the environment depends on the reflexive quality and power on the side of the acting individual. In making an ethical analysis of this rule, the key aspect is mainly consistency in the thinking and acting of the individual that reflects the dialectics of the relation "I – my surroundings" (Wattles, 1996, pp. 169–170). Because of its semantic structure, this seemingly simple principle of moral thinking overlaps, however, several issues in the field of philosophy, psychology and theology. This study discusses some of them in more detail.

---

[1] Constantine the Philosopher University in Nitra (Slovakia); email: tmahrik@ukf.sk

The paradoxical character

Even though a number of special publications and studies rank the Golden Rule among those ethical rules based on the principle of reciprocity, we find this to be unjustified. On the contrary, we believe that it is necessary to point out an important fact, namely that in applying this rule, it does not concern the principle of anticipated reciprocity, according to which I would anticipate a similar "response" to my actions; it rather concerns a unilateral moral commitment on the part of the subject, a kind of attitude to society of which the subject is part, irrespective of the attitude and the moral practice of the social environment. As stated by Neusner and Chilton, if reciprocity would be foundational to the Golden Rule, then reciprocal obligations would be essentially ethical and social in their aim and reference; secondly, they would be independent of the desires, aims, and preferences of this or that particular individual; thirdly, they would be autonomous of the desires and feelings of the agent (Neusner & Chilton, 2008, p. 11).

The reciprocal character of the Rule is only apparent. Closer examination shows that the semantic structure of the Rule builds on the anthropocentric concept, where the key role of a moral agent is played by man and man's feelings, preferences, and cultural and social background. These characteristics of the moral individual are not universal, but they are highly variable. Thus, the Rule presents a clear paradox. On the one hand, it is expected that the decision-making of the individual in his moral actions will be independent of the responses of the surroundings, and on the other hand, according to this Rule, moral decision-making is dependent on the assessment of its consequences and on the effect of surrounding behaviour towards the individual.

The historical aspect

In ancient Egyptian texts (approx. 2000 BCE), we can find some interesting inspiring modifications of the Golden Rule: "Is your master hateful? Reprove him! (But) an abomination is the reproving of him? Be silent! Do not reply! Do not praise until he recognizes the greatness/importance of that which you did for him. That which you hate to be done to you, do not do to another" (Jasnow, 1992, p. 95). The context of the Golden Rule results from the above text, and in this case, the context is given by the social inequality of individuals, in terms of power rather than in existential terms. It is interesting to note the condition "until he recognizes", which significantly shifts the semantic focus of the Golden Rule farther away from the deontological focus. Suffering and misunderstanding become an obstacle to the conduct which would otherwise be considered an ethical imperative. Personal calculation and benefit indirectly come to the fore.

The Chinese tradition knows the moral concept of reciprocity of Confucius (500 BCE): "Zi Gong asked, saying: Is there one word which may serve as a rule of practice for all one's life? The Master said: Isn't RECIPROCITY such a word? What you do not want done to you, do not do to others" (Legge, 2017). The foundation of the above principle is the social context and functioning of society as a whole. The reciprocity principle was supposed to ensure the stability of society, and the observance of the established rules without which no large social entity could function. In a complex social system, a violation of reciprocity results in social turbulence and the destabilization of the community. Therefore, reciprocity has its rationale in the consequential perception of ethics, but not in the deontological perception. This way of thinking, however, does not resolve the conflict that arises in the ethics of obligations – e.g. obligations towards parents, friends etc.

The ancient Hindu sage of Brihaspati (850–650 BCE) mentions the virtuous effort of man, which is accomplished by observing the dharma (the right conduct of one's own caste):

"One should never do that to another which one regards as injurious to one's own self. This, in brief, is the rule of right conduct (dharma). By acting in a different way by yielding to desire, one becomes guilty of wrong conduct. In refusals and gifts, in happiness and misery, in the agreeable, and the disagreeable, one should judge their effects in reference to one's own self. When one injures another, the injured party turns round and injures the injurer. Similarly, when one cherishes another, that other cherishes the cherisher. One should frame one's rule of conduct according to this. I have told you what right conduct is even by this subtle way... By making dharma your main focus, treat others as you would treat yourself" (Ganguly, 2017).

The text analysis correlates with the karmic principle and the moral principle of equilibrium based on the presumption that it is possible to achieve moral equilibrium of acts which two individuals "exchange". From the perspective of the European tradition and the Judaeo-Christian perception of the world, such a principle of equilibrium is untenable, as everybody is an original, and everybody is unique by its subjective specificity.

The ancient Persians knew various versions of this ethical principle, which they considered to be an expression of the naturalness of the world: "That nature alone is good which refrains from doing to another whatsoever is not good for itself" and similarly: "Whatever is disagreeable to you, do not do unto others" (Firminger, 2008, pp. 25–26). They were based on the assumption of strict causal relationships that are inherent to the observed world of which man is a part. There is the question regarding man's freedom in forming his moral judgments and actions. In this respect, the ancient Persians' vision of the world was not consistent.

In formulating his numerous ethical principles, Buddha (623–543 BCE) built on the basic thesis of Buddhism – they are just like I am, I am just like they are. A relation to others is not determined by empathy which would consider the otherness of both involved entities. On the contrary, their sameness in terms of the internal nature of enlightenment is considered. This principle is evident from the Dhammapada text in Chapter 10 on violence (published by the Buddha Dharma Education Association & BuddhaNet): "All tremble at violence; life is dear to all. Putting oneself in the place of another, one should not kill nor cause another to kill" or "One who, while himself seeking happiness, oppresses with violence other beings who also desire happiness, will not attain happiness hereafter. One, who, while himself seeking happiness, does not oppress with violence other beings who also desire happiness, will find happiness hereafter". It is important to know, that any Judeo-Christian ideas must not be put into these Buddhist expressions, as "of any immaterial existence Buddhism knows nothing" (Rhys-Davids, 1903, p. 132). Buddhism as a view of the world, society and the individual is based on a strictly self-referential concept of thinking. It means that the relation to oneself is the dominating principle for the definition of consequent relations to one's environment – "The Golden Rule in Buddhism reads – one who loves himself should not harm another – as neither are completely positive or negative, but conditional and relative; moreover, it falls somewhere between a simple observation and a prescriptive command. If a person loves himself, he should not harm another because that would violate the integrity of the self of the other person" (Chilton & Neusner, 2008, p. 117).

During his public life, Muhammad (570–632 CE) criticized the principle of blood vengeance, which was a generally accepted ethical principal at that time. The reason for its acceptance was the dominant principle of the clan's survival. But when the maintenance of the internal clan's dynamics was considered, Muhammad sought to maintain the cohesion and stability of the clan, community; therefore, he preferred the principle "do not hurt anybody so that nobody hurts you". Commentators and analysts of Muhammad´s moral reasoning and ethical teaching agree that Qur'an 83:1–6 contains the Golden Rule in an implicit form, whereby its explicit formulations appear in various places in the traditional collections of his statements and written texts (Hadith) (Chilton & Neusner, 2008, pp. 101–

106). For example: "Pay, oh Children of Adam, as you would love to be repaid, and be just as you would love to have justice" (Chilton & Neusner, 2008, p. 101). The righteous reciprocity rule is assumed in the relations between Muslims; however, it is not mentioned anywhere in respect of other social or religious entities – "There Muhammad said: None of you believes until he loves for his brother what he loves for himself" (Chilton & Neusner, 2008, p. 102). The term *brother* is exclusive and includes those who comprise the community of Muslims. In making a detailed analysis of the texts, we will not miss the implicit fusion of terms such as *faith, justice, love* etc., by which the definition of the reciprocal ethical principle is exclusively bound to the community which has faith as a common denominator.

The humanistic perspective

The Golden Rule of morality has its counterparts in psychology, economics, environmental sciences as well as legal systems. The challenge to treat others as we would like to be treated by others is the basic ethical axis of humanist thinking. To place oneself in the place of others, to respect the value and coordinates of others, to tolerate the cultural context of others etc. has, therefore, naturally become the moral imperative of the educated, progressive and inclusively anchored man of the 21st century. In general, it is true that "the Golden Rule is a concept that essentially no religion entirely lacks. But not a single one of these versions of the Golden Rule requires a God" (Epstein, 2010, p. 115). The application of the Golden Rule is not, in any way, conditioned by and bound to God in the Judaeo-Christian understanding. The current discourse on the fundamentals of ethics, however, raises questions that lead to the fact that an understanding of the Golden Rule of morality is anchored exclusively in the humanist foundations of understanding of any work; it is not as simple at all as it might seem at first sight. It collides with problems that cannot actually be solved from the perspective of humanism.

In his book *Ethics: A Very Short Introduction*, Blackburn makes an analysis of the development in ethical thinking of the western world in comparison with the major ethical systems of the world, and points out different approaches in thinking: "[A]n ethical climate is a different thing from a moralistic one. Indeed, one of the marks of an ethical climate may be hostility to moralizing, which is somehow out of place or bad form. Thinking that will itself be a something that affects the way we live our lives. So, for instance, one peculiarity of our present climate is that we care much more about our rights than about our good. For previous thinkers about ethics, such as those who wrote the Upanishads, or Confucius, or Plato, or the founders of the Christian tradition, the central concern was the state of one's soul, meaning some personal state of justice or harmony" (Blackburn, 2013, pp. 3–4). The tension between the ethical position of searching for inner harmony on the one hand and pressure from society on the other hand presents the inevitable reality whose dialectic is different in each culture and each society.

Some scholars believe that the Golden Rule can build a humanist society based upon compassion and mutual respect:

> "[M]oral directives do not need to be complex or obscure to be worthwhile, and in fact, it is precisely this rule's simplicity which makes it great. It is easy to come up with, easy to understand, and easy to apply, and these three things are the hallmarks of a strong and healthy moral system. The idea behind it is readily graspable: before performing an action which might harm another person, try to imagine yourself in their position, and consider whether you would want to be the recipient of that action. If you would not want to be in such a position, the other person probably would not either, and so you should not do it. It is the basic and fundamental human trait of empathy, the ability to vicariously experience how another is feeling, that makes this possible, and it is the principle of empathy by which we should live our lives" (Lee & Musings, 2013).

It is a paradox that the very humanist scientific disciplines themselves question the fundamental assumptions of the argumentation advanced by Lee and Musings. To what extent is one able to put oneself into the inner world of others? Are we able, in any effort to do this, to take into account cultural, social and religious differences?

The anthropological question "Who is man?" remains the key question of the humanist perspective of thinking of the fundamentals of ethics (Tavilla, Kralik & Martin, 2018, pp. 356–359). What powers emerge in his consciousness and unconsciousness, influencing the world of his motives and decision-making processes? From a philosophical point of view, in this discourse, the argument of Trasymachus is important, as it points out the polarity of man's hidden world with regard to his moral thinking. According to this argument, for example, "justice" is an issue of social convention rather than an issue of an objective aspect of justice as such. Since the laws of society are created by political entities that have social power and authority, justice does not have objective parameters. Instead, it only presents an image of the will of the most powerful political group and its interests. Given such a case, how can one justify moral categories as an objective fact? Plato's answer to Trasymachus is that the unjust man does not have happiness after all. This is so because it is more profitable to be just than unjust. Why is this so? A just soul is harmonious and happy, while an unjust soul is disharmonious and unhappy (Neusner & Chilton, 2008, p. 23). Is it really true that a happy man is one who is just? Neither life practice nor the current research of cognitive sciences confirms this thesis. Plato's dualism of the pragmatic aspect of ethical frameworks and the harmony of man's soul is unsustainable in terms of what occupies current researchers in the field of moral philosophy: Why should I be moral? It becomes apparent that humanism does not offer a sufficient basis for resolving the tension between ethical descriptivism and ethical prescriptivism.

It should also be noted that the real origin of the Golden Rule remains a mystery for philosophers, even though this expression already appears in the 17th century. However, it only presents an analytical *terminus technicus*, and a historical excursion does not provide a sufficient foundation for clarifying the essence of its contents. Comparative research studies show that the Golden Rule, in its various modifications, is present in almost all cultures, religious systems and social and economic formulations. Therefore, it is rightfully part of our common world heritage. The Golden Rule of morality thus becomes a pointer, a thread leading us to a deeper understanding of man and the world. The essence of morality does not necessarily lie in the fact that it is a social or cultural construct. On the contrary, it has its own objective basis in society which man cannot name, analyse or describe in a final way.

The Judaeo-Christian perspective

In general, it is believed that the Judaeo-Christian concept of ethics is built on the principle of love, as Jesus Christ formulated his teaching about relationships among people by the well-known formula of love: "[L]ove your neighbour as yourself" (Matt 22,39), which he extends in a revolutionary way: "[Y]ou have heard that 'You shall love your neighbour and hate your enemies', but I say to you '[L]ove your enemies'" (Matthew 22, 43–44). Here Jesus is attacking the erroneous interpretation of many rabbis; hate was not in the original Old Testament text (Roubalova, Zalec & Kralik, 2018, pp. 51–59). This imperative is a subject of much inspiration but also misunderstanding. For example, if we compare the Muslim concept of the term "brother" with the Judaeo-Christian concept of "neighbour", we discover a diametric difference in the inclusion. While in Islam, the ethics of solidarity and empathy is focused exclusively on the community of believers, Judaeo-Christian ethics explicitly exceeds the framework of the community. The imperative of love is of a universal character, and surprisingly, it also aims at those who adopt hostile attitudes. Such an imperative has

inspired a number of major thinkers, politicians and opinion-formers. The most famous are Leo Tolstoy, Mahatma Gandhi, Mother Teresa, Father Damien, Albert Schweitzer and others, who lived and also taught the ethics of love as a non-violent way of life (Pojman & Vaughn, 2013, p. 628).

A critical analysis of non-violence, however, shows some serious problems that become obvious particularly in situations where there is a conflict of interests. Life is a phenomenon of a high degree of complexity, in which it is not possible to apply the principle of love in a naïve or romantic way so that all the involved parties would be satisfied. For example, what should we do when there are some people in need but we cannot help everybody as we have the means available to help only one of them? Another problem of the rule of love arises when we ask ourselves a question whether we should love our enemies at any time and under any circumstances? Should Holocaust survivors love Adolf Hitler? Should the relatives of the victims of the 9/11 terrorist attacks love Osama bin Laden? It is obvious that the principle of love must not be taken out of context and its appropriate application is subject to a deeper understanding of the meaning of love, and of the intent of God. We must not take personal revenge but let the Law take its course.

An important moment is the fact that Jesus Christ, based on the understanding of the Torah, formulated the Golden Rule in a positive way: "[S]o whatever you wish that men would do to you, do so to them; for this is in accordance with the law and the prophets" (Matthew 7,12). Thereby, he referred to the content emphasis of the texts of the Old Testament which address the principal relation to foreigners, health and the socially handicapped, and neighbours in various social, public and legal, and religious contexts (Leviticus 19). He teaches and preaches such a positive version in spite of the fact that the texts of the Torah are formulated in a negative form: do not oppress, do not steal, do not take revenge, do not bear [a grudge] etc. Typical of the rabbinical way of thinking is that a majority of ethical accents are given in pairs: You shall not ... + You shall... In making a more detailed analysis of the texts, we cannot miss the fact that a larger textual unit – the key part of the chapter (Leviticus 19,13–18) – is framed in a similar way. It starts negatively "[Y]ou shall not oppress your neighbour...", and ends positively, "...but you shall love your neighbour as yourself; I am the Lord". Jesus' positive formulation is an important indicative of thinking of life in ethical categories.

It is apparent that the negative and positive forms of the Golden Rule do not stand in a symmetrical relation. Each of them refers to another aspect of human thinking, feeling and perception of reality. Nevertheless, both of them are directed to a common point: "I am the Lord." Does this final clause have any deeper philosophical reasoning, and finally, also ethical consequences? From the philosophical point of view, it is possible to speak about a meta-ethical perspective, in which transcendental reality must be implemented in our reflections on the essence of morality, and in our search for valid responses to current ethical challenges.

The negative forms clearly reflect an attitude of passivity. The attitude "I shall not" hides a defensive posture. My "non-acting" is motivated by a kind of protection of "my" world, priorities, values, cultural preferences etc. The basis is "my" understanding of the world, "my" values, "my" preferences... that I want to indirectly protect by doing nothing to others that I myself would not like. The negative form does not lead us to such questions as: "[W]hat does my partner/my friend/my neighbour want? And what do my colleagues want?... And my church community?... etc. On the contrary, it is the positive form of the moral rule that obliges an individual to actively listen, to be empathic, to be interested in his surroundings, and to try to understand others. The formulation "Do/Act" opens content dimensions of imperatives that should guarantee moral conduct for the benefit of everybody. But is it really so?

Critical reflections

The first major problem is the interpretation of the Golden Rule from the point of view of the context, whereby the decisive importance lies in the fact that we live in various contexts. Conduct considered morally acceptable in one culture (e. g. polygamy in Islam) is considered immoral and illegal in another culture (e. g. European). Application of the Golden Rule of morality, therefore, goes against the borderlines that cannot be satisfyingly overcome by its negative or positive formulations. As a matter of fact, both formulations may have two different meanings in two different contexts. It concerns situations where moral attitudes valid on opposite sides of the borders are not tolerable to each other. In such cases, we will not make do with an egoistic–altruistic view of moral foundations and practice.

The other problem has been already pointed out by Immanuel Kant. The core of his argument refers to a different situation position in viewing the application rule. It is a situation where a convicted criminal asks the judge for acquittal based on this rule, arguing that the judge would certainly not want anybody to send him to jail; therefore, he should not do this to others (Kant, 2017, pp. 38–44). The positive and negative forms of the Rule have their places in seeking moral answers to questions raised by life. They open a space for virtues of man, for love and forgiveness, for altruism and an active interest in others, even though the Rule does not necessarily automatically bring society the positive side of morality.

A special problem arises when the rule is to be applied at the moment of reactions between people professing different values. What if it is a fanatic that does not care about life? In such a case, the Golden Rule may open a moral space for him to kill dozens of people on his suicide mission, with a clear conscience. People have different fancies, different ideas of what is right and desirable. What if somebody likes loud rock-music? Should that person also play it loudly to his neighbours every day, being convinced of the correctness of such an attitude? Here we are tackling the issue of self-reference, which is not the ultimate measure of assessment of moral categories and ethical judgments. A moral rule in dirty hands can easily become a dangerous tool of the legalization of immoral practices. A good example is a fare dodger on public transport, or an EU member state benefiting from its EU membership but refusing to share common financial commitments.

According to Karl Popper, the Golden Rule is a good standard that can be further improved by treating other people the way they want to be treated, wherever possible (Dupré, 2013, p. 78). But the problem is how to know what other people want? How can we know that they correctly understand themselves, and that they correctly understand the world? The situation is complicated by the semantic and procedural aspects of the communication. How can we be sure that they correctly express their wishes and that we correctly understand them? And the last objection of the Popperian view is that in this case it is not a moral rule, but a description of a mechanism by which people make decisions in their actions. The self-regulation dimension of the Golden Rule is thus substantially reduced, and ceases to be a principle which not only provides prescriptive horizons of ethics but also reveals the substance of the moral conduct of man. The Golden Rule becomes a pointer to the existence of an ethical entity in the light of which both, the positive and negative interpretations acquire a coherent meaning of mutual relation.

Finally, the last problem is connected with the fact that nobody is an ideal observer who could, from a neutral point, observe the moral weight of a particular component entering the dialectics of the Golden Rule. Kalajtzidis, in his optimistic reflections on the ethics of social implications and his call for *objectively valid and unconditional principles*, deals with the relativity of ethical standards and categories that pose a serious problem for the normative ambitions of any ethical theory: "[T]he idea is that moral norms are valid only in a society which accepts them and not in others. As a result, it is impossible to evaluate other societies

other than those which accept them" (Kalajtzidis, 2013, p. 170). It is an objective reality that everybody has some prejudices, their own values and cultural preferences, or limitations in communication with their environment (Berger & Luckmann, 1996, pp. 162–165). Expertise in the field of ethics, based on the moral quality of intentions and the social consequences of the actions, similarly encounter the question of the point of reference, in which the nature of the intention and the effect of the consequences of a im/moral act will be judged, therefore, the search for universal values and moral models remains open (Gluchman, 2017, p. 62). It can be said, I believe, that nobody can, therefore, impose any absolute moral judgements of definitive validity on anybody, not even on themselves. Neither can man's conscience be such an observer, as it is not absolute; on the contrary, it is a phenomenon which is culturally, religiously and sociologically conditioned.

Conclusion

The question whether moral categories fall within the world of relative phenomena or whether they have their own absolute coordinates remains unanswered from the humanist point of view, even though this question is currently extremely relevant and more urgent than ever before. The current relativism in ethics and philosophy faces the issue of consistency. It seems that a deeper understanding of the current ethical challenges needs to be guided in terms of such transcendent realm, where both, the negative and the positive formulations of morality point to a unifying metaphysical reality behind our reasoning. This position, however, correlates with those cognitivist and realist scholars that support the Divine Command theory. In such a case we could claim that the Golden Rule of morality under some conditions ceases to be a rule, and becomes an intrinsic question. A kind of indicator of the limitations of man's knowledge, confirmation of an existential necessity to know and discover moral frameworks, and to seek such ethical solutions to particular situations that transcend man.

References

BERGER, P. L. & LUCKMANN, T. (1996): *The Social Construction of Reality*. New York: Penguin Books.

BLACKBURN, S. (2013): *Ethics: A Very Short Introduction*. Oxford: Oxford University Press.

DUPRÉ, B. (2013): *50 Philosophy Ideas You Really Need to Know*. New York: Quercus.

EPSTEIN, G. M. (2010): *Good Without God: What a Billion Non-religious People Do Believe*. New York: Harper Collins Publishers.

FIRMINGER, T. (2008): *Pahlavi Texts of Zoroastrianism, Part 2 of 5: The Dadistan-i Dinik and the Epistles of Manuskihar*, trans. E. W. West. Oxford: Clarendon & Oxford University Press.

GANGULY, K. M. (2017): *Mahabharata Anusana Parva*, [online] [Retrieved December 15, 2017].
Available at: http://www.mahabharataonline.com/translation/mahabharata_13b078.php.

GLUCHMAN, V. (2017): G. E. Moore and theory of moral/right action in ethics of social consequences. In: *Ethics & Bioethics (in Central Europe)*, 2017, 7(1–2), pp. 57–65.

CHILTON, B. D. & NEUSNER, J. (2008): *The Golden Rule: The Ethics of Reciprocity in World Religions*. London & New York: Continuum.

JASNOW, R. (1992): *A Late Period Hieratic Wisdom Text (P. Brooklyn 47.218.135)*. Chicago: The Oriental Institute.

KALAJTZIDIS, J. (2013): Ethics of social consequences as a contemporary consequentialist theory. In: *Ethics & Bioethics (in Central Europe)*, 3(3–4), pp. 159–171.

KANT, I. (2017): *Groundwork of the Metaphysics of Morals*, trans. T. K. Abbott. Digireads.com Publishing.

LEE, A. & MUSINGS, E. (2013): *A Decalogue for the Modern World*, [online] [Retrieved December 10, 2018]. Available at: http://www.patheos.com/blogs/daylightatheism/ essays/the-new-ten-commandments/.

LEGGE, J. (2017): *Chinese Text Project*, ed. D. Sturgeon, [online] [Retrieved November 20, 2018]. Available at: http://ctext.org/analects/wei-ling-gong.

NEUSNER, J. & CHILTON, B. (2008): *The Golden Rule – Analytical Perspectives*. Lanham: University Press of America.

POJMAN, L. P. & VAUGHN, L. (2013): *The Moral Life: An Introductory Reader in Ethics and Literature*. Oxford: Oxford University Press.

RHYS-DAVIDS, T. W. (1904): Gautama Buddha (B.C. 623–543). In: E. Singleton (ed.): *The World's Great Events in Five Volumes: A History of the World from Ancient to Modern Times, B. C. 4004 to A. D. 1903.* New York: P. F. Collier & Son, pp. 124–135.

ROUBALOVA, M., ZALEC, B. & KRALIK, R. (2018): Meaning, Necessity, and Value of Obedience According to the Sidra "Lech-lech" in rabbinical tradition. In: *XLinguae*, 11(2), pp. 51–59.

TAVILLA, I., KRALIK, R. & MARTIN, J. G. (2018): A brief recollection of Kierkegaard's testimony on Reformation 500th anniversary. In: *XLinguae*, 11(1), pp. 354–362.

WATTLES, J. (1996): *The Golden Rule*. Oxford: Oxford University Press.

Ethics and politics of Great Moravia of the 9th century

Vasil Gluchman[1]

Abstract
The author studies the role of Christianity in two forms of 9th century political ethics in the history of Great Moravia, represented by the Great Moravian rulers Rastislav and Svatopluk. Rastislav's conception predominantly uses the pre-Erasmian model of political ethics based on the pursuit of welfare for the country and its inhabitants by achieving the clerical-political independence of Great Moravia from the Frankish kingdom and, moreover, by utilising Christianity for the advancement of culture, education, literature, law and legality, as well as by spreading Christian ethics and morality in the form of the Christian code of ethics expressed in ethical-legal documents. Svatopluk's political conception was a prototype of Machiavellian political ethics, according to which one is, in the interest of the country and its power and fame, allowed to be a lion and/or a fox. Svatopluk abused Christianity in the name of achieving his power-oriented goals. Great Moravia outlived Rastislav; it did not, however, outlive Svatopluk, as, shortly after his death, it broke up and ceased to exist. The author came to the conclusion that Rastislav's conception was more viable, as its cultural heritage lives on in the form of works by Constantine and Methodius.

Keywords: Great Moravia, Christianity, Rastislav, Svatopluk, political ethics

Introduction

The fate of Great Moravia, a country neighbouring the powerful Frankish kingdom, is an example of the historical development of Central Europe in the second half of the 9th century, including a broader medieval context. The relatively brief existence of Great Moravia (approximately 70 years) suggests how thin the line was between its growth, military and territorial expansion on the one hand and, on the other, the break-up and fall of a country which, for a certain period of its history during the reign of Svatopluk, was not only a threat to the neighbouring Slavic tribes, but also the mighty Frankish kingdom. By means of such campaigns, Moravia expanded and gained the name Great Moravia (Berend, Urbańczyk & Wiszewski, 2013; Bowlus, 1995; Bowlus, 2009, pp. 311–328; Curta, 2009, pp. 238–247; Dvornik, 1956; Goldberg, 2006; Hussey, 1990; Jakobson, 1985, pp. 116–119; Kalhous, 2009, pp. 268–285; Macháček, 2009, pp. 248–267; Sommer, Třeštík, & Žemlička, 2013, pp. 214–262; Steinhübel, 2011, pp. 16–18; Stephens, 2012, pp. 302–304; Špiesz, Čaplovič, & Bolchazy, 2006, pp. 19–25; Tougher, 2008, p. 300). Christianity played a significant role in this historical process; be it by spreading the Christian faith (oftentimes using violent means, i.e. by cross and by sword) or its voluntary, or involuntary, adoption. At the beginning, Christianity was primarily spread through Central Europe by Frankish kings, starting with Charlemagne (Goldberg, 2006, p. 110), and later the Great Moravian king, Svatopluk, also played a part. The aim of the present contribution is to compare two forms of political ethics which played a crucial role in the history of Great Moravia and the role of Christianity in its realisation. The conceptions presented came from two Great Moravian rulers, Rastislav (846–870) and Svatopluk (871–894). Following historical resources (however, without further critical inspection) portraying both the rulers, I will try to formulate my own hypotheses regarding political ethics in 9th century Great Moravia.

In describing the fate of Great Moravia in the second half of the 9th century, Stanislav J. Kirschbaum wrote the following: "The history of Great Moravia, like that of many states of

---

[1] University of Prešov (Slovakia); email: gluchman@unipo.sk

this period, was one of wars of defence and conquest, personal alliances and betrayals, consolidation and, in this case, ultimate dissolution. The brevity of this history, less than three-quarters of a century, adumbrates to some degree these activities and distracts from the accomplishments and from the fragility of the new state" (Kirschbaum, 2005, p. 26). Similarly, Christopher Brooke claims that, in the Middle Ages, yearly wars and military campaigns were how the nobility made their living – by means of plunder (Brooke, 1987, p. 178). Another cause of such a situation was the fact that medieval rulers and monarchs were successors of barbaric chiefs and, thus, ruled by force and fear rather than ideals, and were motivated by political interests rather than spiritual models (Brooke, 1987, p. 295; Goldberg, 2006, pp. 207–208). Ján Steinhübel also states that the reason why frequent medieval wars (including those in the 9th century) occurred was the fact that there were large numbers of troops to maintain. This could only be achieved by territorial expansion with which came the subdual of its agricultural population, acquiring plunder, forcing out the ruling prince and taking his land (Steinhübel, 2004, p. 81).

In this context, Ján Šafin adds that German rulers continuously expanded their territories eastwards, by sword and cross (Šafin, 2014, p. 20). In his view, Western Europe was born in a synergy between Charlemagne's Frankish Empire and Rome, since the election of a pope was approved by the emperor who, by means of councils and bishops, forced his will upon popes. Frankish bishops under Charlemagne would not hold church councils but rather meet as if military chiefs with other commanders and generals (Bartoňková et al., 1966, p. 79; Goldberg, 2006, pp. 123, 219; Šafin, 2014, p. 362). The church in the Frankish kingdom and its clergy, including bishops, was part of the state and its institutions, i.e. also the army, which meant that the clergy fought in the name of God to spread Christianity and secure its standing within Europe and throughout the world (Bartoňková et al., 1966, pp. 94, 105, 119, 139, 166–167, 347, 357–359, 364). The Frankish kingdom asserted its imperial interests in an integral symbiosis between secular and spiritual power (Bartoňková et al., 1966, pp. 93, 375; Goldberg, 2006, pp. 217, 220). Clerical power, bishops and the clergy were to reinforce the influence of Frankish power in the vassal territories while Frankish kings were well aware of this influence and the importance of the mission pursued by Frankish priests within the vassal territories.

Rastislav's conception of political ethics

The principalities of Moravia and Nitra were likely among vassal territories as early as the early 9th century. Here, apart from other missionaries, important activities were realised by Frankish priests, while, spiritually, they were governed by the bishops of Passau and Salzburg (Bartoňková et al., 1966, pp. 341–342). Approximately in 833, Moravians under the command of Prince Mojmír I forcefully subdued the neighbouring principality of Nitra (probably with the tacit consent of the Franks) and forced Prince Pribina and his military troops out of Nitra (Steinhübel, 2004, pp. 86–88). Mojmír I's policies were, however, directed at gaining independence from the sovereignty of the Frankish kingdom, which is why, in 846, Louise the German invaded Moravia, removed Mojmír I and made his nephew Rastislav the Moravian prince (Bartoňková et al., 1966, pp. 90, 344). Alexis. P. Vlasto claims that Rastislav was not truly as loyal a vassal as Louise the German would have hoped. Although Moravia and Slovakia were dominated by the Frankish kingdom, Rastislav did not follow Pribina's trail in seeking Frankish support (Vlasto, 1970, p. 26). Rastislav's position was quite stable in spite of standing in the face of Louis the German, which is also confirmed in historical annals (Bartoňková et al., 1966, pp. 68, 93, 95, 98–101, 154, 164–165, 342, 346–352). Vlasto further states that Frankish priests active in the country followed Frankish political interests much more closely than those of Christ's church. According to him, it was unlikely that the Frankish church would be willing to grant Moravians their own bishop, which was why

Rastislav turned to Rome with such a request, which, however, was ignored (Vlasto, 1970, p. 26; Betti, 2014, pp. 55–56; Goldberg, 2006, p. 270). Pope Nicholas I was busy with the situation in the Balkans and, apart from it, Louise the German, as a friend of Bulgaria, played, in his eyes, a highly significant role.[2] Rastislav had enough reasons to be displeased with the Frankish clergy in Moravia and, at the same time, felt threatened by the alliance between the Franks and Bulgarians. He had a dilemma, as his country was partly Christian, but, in fact, part of the Frankish kingdom, and its church part of the Frankish church, which did not allow for rule over actual clerical issues within the country. The ferociousness of German laymen as well as the clergy was well known (Vlasto, 1970, pp. 26–27). That is why Rastislav sent a mission to Constantinople whose goal was for the Byzantine Emperor to send Moravians a bishop and teachers of the Christian faith who would spread Christian teachings in the language of the people. Apart from other things, he asked the emperor for such people who would be able to establish law in the country (Kantor, 1983, p. 65; Vlasto, 1970, p. 66; Vašica, 2014). The Byzantine Emperor Michael III, however, only partially met Rastislav's request, as, among the delegated missionaries there was no bishop and at the head of the mission which arrived in the territory of Great Moravia in 863, were the brothers Constantine and Methodius (Kantor, 1983, pp. 65, 67, 111; Ivanov, 2008, p. 316; Sommer, Třeštík & Žemlička, 2013, p. 222; Hussey, 1990, pp. 73–75; Jakobson, 1985, pp. 34–35, 47; Stephens, 2012, pp. 302–306; Dvornik, 1956, pp. 82–84).

Constantine, who came from Thessalonica in Greece, spoke the Slavic language spoken by Slavs in the vicinity of his hometown; while still in Constantinople preparing for the mission to Moravians, he created the first Slavic (Glagolica) alphabet, translated selected parts of the Holy Scripture into this new language, by which he established conditions for Christian teachings to be efficiently spread in the speech of the people living in Great Moravia. During his mission, he himself, his brother and their disciples translated a great number of liturgical texts into the new language (Old Church Slavonic), which allowed for Slavic liturgy in holy services to be conducted in the new language. This came to be a great cultural deed in history (Avenarius, 1992, pp. 91–94; Betti, 2014, pp. 49–50, 75; Dvornik, 1956, pp. 84–85; Ivanov, 2008, pp. 316–318; Goldberg, 2006, p. 271; Jakobson, 1985, pp. 133–134; Kantor, 1983, p. 69; Kučera, 1986, pp. 171, 209; Mahoney, 2011, p. 26; Michalov, 2015, pp. 194–197; Pauliny, 1964, p. 81; Ratkoš, 1990, pp. 114–115; Sommer, Třeštík & Žemlička, 2013, p. 249; Třeštík, 2001, pp. 205–206; Vašica, 2014, pp. 74–92; Vavřínek, 1985, p. 232; Vavřínek, 2013, pp. 203–207; Vlasto, 1970, pp. 59–66). They also translated many further Byzantine and Latin texts into Old Church Slavonic, which gave rise to a set of secular as well as ecclesiastic legal regulations. The following became the cornerstone of Great Moravian law: *Zakon sudnyj ljudem* (*Judicial Law for Laymen), Zapovědi svatych otcov (The Rules of the Holy Fathers), Nomokanon* (*Nomocanon*) and the Methodius' well-known sermon *Vladykam zemle Božie slovo velit* (*Adhortation to Rulers*) from a later period. All these writings were not only of legal but also philosophical-ethical character; they actually functioned as a Christian code of ethics which was used to spread values and norms of Christian ethics and morality among inhabitants of Great Moravia (Ivanov, 2008, pp. 317–318; Sommer, Třeštík & Žemlička, 2013, p. 249; Vašica, 2014, pp. 82, 92, 217). Apart from this, they lay the grounds for literature; Constantine wrote verses introducing the translation of the four gospels known as *Proglas* (Konštantín, 2004).

Dušan Třeštík highly values the voluntary decision of young Moravian princes to accept Christianity and their own state, which allowed Great Moravia significant entry into the then

---

[2] Eric J. Goldberg claimed that Pope Nicholas I and King Louise the German perceived their goals within Eastern Europe as complementary (Goldberg, 2006, p. 279). A similar view is held by Maddalena Betti, according to whom, the Roman Curia did not interfere in clerical matters of the Eastern-Roman Empire and gave free hand to the Bavarian clergy (Betti, 2014, p. 207).

political events of Central Europe (Třeštík, 2001, p. 201). He also considers the fact that Moravians decided to build their own state and they asked the Byzantine Emperor Michael III for help in the preparation of a new code of laws (this resulted in *Zakon sudnyj ljudem*; however, it is questionable whether it could be applied to the life of Great Moravian society) (Vavřínek, 2014, pp. 337–339). According to Třeštík, this was living proof, which Moravians tried to use as the foundation for their 'small empire' next to the great Frankish kingdom (Třeštík, 2001, pp. 205–206). In the context of the Byzantine mission arriving in Great Moravia, Vlasto claims that, in the given period, no church affairs could go without a touch of politics. The penetration of civilised power into barbaric countries always comprised two levels. In his view, this was equally true of the Frankish as well as Byzantine Empire (Vlasto, 1970, p. 28). In medieval Europe (including Central Europe), there was a great interconnection between Christianity and politics, since, on the one hand, clerical elites had political ambitions, which meant there was an effort to subordinate secular power to that of the church, while, on the other hand, Christianity was a suitable means of enforcing and reinforcing national and foreign political interests of the secular elites and their power-related position in the country, region and the world. In this way, two constituents of the contemporary political and powerful structures with the highest ideological and political influence allied. The above statement was valid universally and applied not only to secular powers, such as the Frankish and Byzantine Empires, but also Rome. Similarly, Christianity and politics were interconnected in the case of Great Moravia and Bulgaria, which strived for the creation of a self-standing clerical-political organisation independent of the neighbouring powers, which would provide conditions for autonomous internal, as well as foreign, politics free of intervention from their powerful neighbours. That was why they looked for allies in the pope of Rome, the Byzantine Emperor, and the Frankish king in an effort to paralyse the direct influence of a single power. In reality, neither Moravians nor Bulgarians managed to complete this goal. For a period of time, Moravians were more successful to a certain extent; this was, however, a short-lasting victory.

A great number of historians highly value Prince Rastislav's wisdom, foresight and efforts regarding the emancipation of Great Moravia from the Frankish kingdom, not only based on military conquests and his brightness (Bartoňková et al., 1966, pp. 74–76, 93–95, 99–100, 348–350), but primarily thanks to his diplomatic ability to find support for his own country in contemporary political, ideological as well as clerical powers, i.e. in the pope and the Byzantine emperor with the potential result of freeing Moravians from Frankish oppression and besiegers (Barford, 2001, p. 219; Dvornik, 1956, pp. 81–82; Goldberg, 2006, p. 263; Ratkoš, 1990, pp. 37–48; Šafin, 2014, pp. 22–27; Vlasto, 1970, pp. 26–28). One could ask whether it would have been easier to subdue to the Frankish kingdom and live in its shadow, accepting a vassal position with all things befitting it, i.e. paying tributes, military duties, and accepting ideological, political, cultural and clerical hegemony of the Franks and their clergy. That could, however, have led to their assimilation and expiration, which was the case of the Lusatian Sorbs. Rastislav, with his military abilities, as well as the power and courage of Moravian troops were probably aware that long-term Moravian resistance to Frankish attacks and the influence of the Frankish clergy was not guarantee enough, which is why he looked for help elsewhere not only in the form of political protection but also in the interest of statehood building. An effort to create an independent church structure, which he asked from the Byzantine Emperor Michael III, came as part of these efforts, as well as building a legal system independent of the Frankish kingdom and corresponding with the conditions and needs of Moravians. Rastislav pursued a number of strategic goals regarding foreign as well as national politics. The main foreign-political goal was independence from the Frankish kingdom, national politics concerned laying the grounds of law and introducing norms of

Christian morality into the life of the Moravian aristocracy and other inhabitants with the end of stabilising the then Great Moravian social life.

Rastislav imitated the efforts of Charlemagne in supporting Constantine and Methodius' activities, who spread education throughout Great Moravia, founded cultural and educational centres, which, regarding the given period, was rather progressive, and confirms the notion of Rastislav as a wise and capable ruler who strived to pursue intentions aimed at the development of education and culture in, as well as the statehood of, Great Moravia. Based on these historically-grounded facts, it is possible to formulate the hypothesis that Rastislav strived to establish Great Moravian statehood based on the strong identity of its inhabitants lying in linguistic, cultural, literary, religious and moral unity of the people in this territory, i.e. the historical Principalities of Moravia and Nitra. Due to internal, but mainly unfavourable external, conditions, he did not manage to fully realise this goal; however, what Constantine and Methodius achieved through their activities over a three-and-a-half year period in Great Moravia (863–867) and, after Constantine died, Methodius and his disciples (873–885), entered the cultural history of Europe. In spite of the fact that this cannot be compared to the Carolingian Renaissance, it can undoubtedly, at the least, be considered the birth of Central European culture and education.

According to Matúš Kučera, during Rastislav's reign, the process of redesigning Great Moravian society culminated, where the world of Slavic tribal deities was dying out and Christianity started to significantly influence the politics and the organisation of the early medieval state. A new ideology, i.e. Christianity, was undoubtedly a progressive element, as it was closely linked to culture in a broader sense (Kučera, 1986, p. 88). Kučera, however, holds the opinion that the Byzantine mission slowed down further development of Great Moravia, as Rastislav, by inviting Constantine and Methodius to Great Moravia, angered the Frankish clergy as well as rulers, who considered Central Europe their missionary territory, which is why they did everything they could to paralyse the activities and influence of the Byzantine mission (Bartoňková et al., 1969, pp. 165, 167–168, 169–170; Kantor, 1983, pp. 119–127; Kučera, 1986, p. 141). In his views, Rastislav's conception of an independent state through long-standing battles with the Franks reached a dead end, as neither side managed to force its political power onto the other, in spite of the fact that, thanks to these battles, Great Moravia grew stronger internally as a state and became better militarily equipped. That is why, in his view, Svatopluk, who was Rastislav's nephew and the Prince of Nitra, decided to solve the situation by submitting to Carloman, Louise the German's son. Rastislav, however, did not consider this a good decision, as he was a long-term enemy of the Moravians, which is why he decided to remove Svatopluk (Kučera, 1986, p. 85). In the end, though, Rastislav himself fell victim of conspiracy, when, in 870, he was captured by Svatopluk and handed over to the Franks who sentenced him to death; he was, however, pardoned by Louise the German and 'merely' deprived of his eyesight and spent the rest of his life in prison (Bartoňková et al., 1966, pp. 77–78, 102–103, 165, 353, 356–357; Dalewski, 2008, pp. 140–141; Goldberg, 2006, p. 300).

Svatopluk's politics of power

In this way, Svatopluk came to power in Great Moravia. He was, however, soon after accused of treason by the Franks and Carloman had him imprisoned (Bartoňková et al., 1966, p. 103). A rebellion against the Franks broke out in Great Moravia lead by Slavomir, a Moravian Prince. Svatopluk, who, at the time, was being kept captive by the Franks, undertook to, together with Frankish troops, suppress the riot. Svatopluk, however,

> "[…] took with him Carloman's army as if he wanted to fight Slavomír, which he had slyly promised to Carloman, should he be allowed back in his homeland. Just like most of those who

are careless and too assured, the army also covered itself in disgrace; when others were building camp, Svatopluk entered Rostislav's old town and at once went back on his word forswearing his oath (as is common in Slavs), turned his forces and efforts not to fighting Slavomír but rather avenging the disgrace brought onto him by Carloman. In short, he used a large army to attack the Bavarian camp which was not sufficiently guarded as there was no cause to be suspicious. Those few who were not killed or were foresightful enough to leave the camp ahead of time, he captured alive; which is why all Noriks' joy of many a former victory turned into grief and sorrow. When Carloman heard the news of the fate of his army, he, startled and helpless, had all the hostages in his kingdom gathered and returned to Svatopluk only to get, with difficulty, one and only one half-dead man called Ratboda back" (Bartoňková et al., 1966, pp. 104–105).

The above mentioned historical narrative from 870–871 aptly describes Svatopluk, his military and political thought, as well as his characteristic features (Bartoňková et al., 1966, p. 102). In order to gain power, Svatopluk first betrayed Rastislav and submitted to the Franks. When he, however, realised that the Franks are not actually on his side, he turned against them and cruelly and shamefully defeated them on the battlefield (Bartoňková et al., 1966, pp. 104–105, 166; Bowlus, 1995, p. 173).

A majority of information on Svatopluk comes from German historical sources, which, oftentimes, were, or could have been, marked by bias, as a long-term and dangerous enemy of the Frankish kingdom was concerned. That is why Svatopluk was often described as "a mind full of trick and deceit" who "[...] furiously and bloodily murdered like a wolf [...]" (Bartoňková et al., 1966, p. 114). According to a chronicle, during Svatopluk's reign "… for two and a half years, Panonia was continuously ruined within large spaces to the East of the river Ráby. The vassals, men and women, were, together with their children, murdered while some magnates were captured, others killed or – which was even more humiliating – returned with their hands, tongues and genitals cut off" (Bartoňková et al., 1966, p. 115). In another battle, Svatopluk, once again, defeated the Bavarian troops and the generals had their genitals, tongue and right hand (all others just their right or left hand) cut off (Bartoňková et al., 1966, p. 363). After his death, in spite of great hostility, Regensburg annals assessed him as "the brightest and the most stable" among Slavs (Bartoňková et al., 1966, pp. 139–140). Also based on this information it could be stated that Svatopluk was an extraordinary and dreadful commander, as well as a capable ideologist who, similarly to Frankish kings, managed to find sufficiently apt ideological and religious reasons to justify his military raids. It was not only the Franks anymore who posed as protectors of Christianity; Svatopluk also assumed their ideological equipment and, in the name of protecting Christianity, he ravaged, burnt, and killed his enemies as well as those of his country.

What followed was a great number of military campaigns and battles between the Franks and Moravians (Bartoňková et al., 1966, pp. 359, 362–363); the latter, though, with Svatopluk at the head, also led waged battles against other neighbouring countries.[3] It is likely that one of Svatopluk's goals was to become a feared and respected ruler who, similarly to Charlemagne had the status of protector and promoter of Christianity. His power-political ambitions also included an effort to reach clerical-political independence from the Frankish kingdom, which he eventually managed to achieve with the help of Methodius who, after Constantine's death, first became the Bishop of Sirmium (Srem) and, several months later, in 869, Pope Hadrian II named him the Archbishop of Pannonia and Great Moravia, which meant they became clerically and politically independent from the Frankish kingdom and were directly subordinated to Rome. An even more significant act was the *Industriae tuae* bull

---

[3] Vojtech Dangl states that, during its existence, Great Moravia experienced 65 historically recorded military events, which is, however, likely to be merely part of the entire number of battles that took place in the approximately 70 years of its existence (Dangl, 2005, p. 16).

issued by Pope John VIII (880), which considerably strengthened Svatopluk's international prestige and position, as the pope included Moravians in the Roman universe of Christian nations. He equally credited Methodius' true faith and allowed for continuous use of Slavonic as the language of liturgy (Bartoňková et al., 1969, pp. 199–208; 217–225; Bowlus, 1995, p. 195; Hussey, 1990, pp. 75–76; Kantor, 1983, pp. 113, 115; Sommer, Třeštík & Žemlička, 2013, pp. 223–224; Stephens, 2012, p. 303). In this context, Maddalena Betti's claim can be mentioned that Svatopluk's reign "...contributed a brief period of stability to the political formations of central and south-eastern Europe during his cooperation with Archbishop Methodius" (Betti, 2014, p. 2).

The presence of Frankish clergy in Great Moravia and the powerful position of Wiching, the Bishop of Nitra, who was of German origin, as well as his great influence on Svatopluk, makes the achieved success rather relative, since, as it turned out shortly after Methodius died in 885. Svatopluk used and abused Christianity for his own power-political and foreign-political goals at the start of his rule in Great Moravia. This first happened during military and political expansion of Great Moravia, when, under the slogan of spreading Christianity, he subdued the Czech tribes, Lusatian Sorbs, and later, the Polish people of the Vistula, Pannonia and the Tisza Region (Kučera, 1986, p. 162). On the other hand, he realised the power of the Frankish kingdom, which is why he strived to use Frankish priests led by Wiching for his own profit, he participated in internal conflicts within the Frankish kingdom, supported several Frankish princes (or the king's sons) in opposition to others (Bartoňková et al., 1966, pp. 362–364; Havlík, 1985, pp. 193–194).

As early as the 9th century, Svatopluk could be considered a prototype of such a ruler who, in the name of the country and its interests, but also for the sake of his own power-political ambitions, was able to do anything. It is questionable to what extent such behaviour and actions were typical or exceptional for the given era. Taking contemporary chronicles regarding, for instance, the Frankish kingdom, into consideration, one finds out that, within the ruling elite, anybody fought anybody, including fathers and sons (Bartoňková et al., 1966, pp. 67, 74–76, 99–100, 166, 348–349). The situation was similar in the Byzantine Empire where the closest relatives were murdered should the ruler's seat be in question.[4] The battle for the pope's seat was no easier, as at the turn of the 9th century, popes were often poisoned, strangled, stabbed with a dagger, etc. Some popes only kept their papal seat for several days (Kelly, 1990; Michalov, 2015, pp. 234–236; Ullmann, 2003, p. 41).

After Methodius died, Svatopluk used the opportunity and, with the help of Wiching, the Bishop of Nitra, openly joined the Latin, i.e. Frankish, clergy, with whom he could consider his political and power interests, as Pope Stephen VI, who took the post after John VIII died, was not inclined to the Slavic church or Old Church Slavonic language. According to Charles R. Bowlus, "Zwentibald [Svatopluk], who had always preferred the Latin ritual, was at the height of his power and influence. He probably surmised that he no longer needed Methodius nor the latter's clergy trained in the Slavonic liturgy" (Bowlus, 1995, p. 216). Svatopluk ultimately joined Wiching and the Frankish clergy in the context of a conflict between Methodius' disciples and the Frankish clergy regarding the issue of filioque.[5] The course of the conflict is described in *Life of St. Clement of Ochrid*, according to which Svatopluk could not decide this theological controversy and, thus, claimed that he who sooner swears the veracity of their faith would be proved right. Frankish priests beat Methodius' disciples and,

---

[4] In general, the morality of the given era can be considered an example of breaking Christian moral rules at the highest level, i.e. by the rulers of the contemporary world (kings, emperors as well as popes), while, on the other hand, there was a war against pagan customs waged by inhabitants of individual countries and strict punishments were introduced for theft, kidnapping of virgins, polygamy, etc. This, actually, proves a duality of contemporary Christian morality, or the way it was understood in relation to the population and the then ruling elites.

[5] In filioque, the origin of the Holy Spirit is derived not only from the Father but also the Son.

based on that, Svatopluk, supposedly, conceded the point to the Frankish priests. Methodius' disciples were then forced to accept the Western view of filioque, which they refused, as, in the spirit of Eastern Christianity, they considered it heresy that had not been justified by any ecumenical council. Based on that, they were persecuted, imprisoned, tortured and sold as slaves or expelled from the country by Frankish priests led by Bishop Wiching (Bartoňková et al., 1967, p. 231).

St. Clement of Ochrid, one of those disciples of Methodius who were, after his death, expelled from Great Moravia and left for Bulgaria, had himself heard talking highly disrespectfully about Svatopluk and his understanding of theological issues, including the final decision regarding filioque, as well as his moral qualities.

> "The Prince, however, understood very little of what was said, as he was too completely and utterly dumb to comprehend any divine matter; he was brought up in a sheer barbaric manner, briefly said, with no education whatsoever, and also [...] because vicarious pleasures rid him of all his sense. How could a man entirely distanced from the sanctity of modest life, without which no one lays his eyes on the Lord, ever penetrate any contemplations of the Trinity?" (Bartoňková et al., 1967, p. 225).

This was, however, a rather tendentious statement about Svatopluk, as contemporary German chronicles also describe Svatopluk as a brave and bright man (Bartoňková et al., 1966, pp. 139–140), while St. Clement of Ochrid, later on, probably influenced by the trauma of persecution and expulsion, took the opposite evaluative viewpoint of Svatopluk.

According to Vladimír Vavřínek, "although this story is of legendary nature, one need not doubt that it, in its own way, describes an actual event. In the medieval judicial system, swearing an oath undoubtedly played an important role. It is possible that Svatopluk's decision was directly influenced by this. It is, however, hard to believe that the verdict was to solely depend on who would be first to take the oath..." (Vavřínek, 2013, p. 309). I hold the same opinion; Svatopluk was sufficiently intelligent and too bright a ruler to decide on key issues concerning the country based on such methods. At best, it could be considered a joke on his part which he made of the two opposing sides in order to find out to what extent they are truly to believe the decision could be based on who first swears the verity of their faith. I offer the idea that it is much more likely is the fact that it was merely a game by which Svatopluk tried to cover his decision to, in a way, save face before Methodius' disciples, as, earlier, Methodius and the entire Byzantine mission played a vital role in solving clerical-political independence of Great Moravia. No one could accuse him of an alibistic attitude should he not unambiguously take a stand in this matter. I believe it was rather one of Svatopluk's Machiavellian steps, as he left enemies to first destroy each other and he then merely reaped the fruits of his smartness, or politics.

Svatopluk, however, made a grave mistake in his plans by relying on Wiching and the Frankish clergy. Most likely, he did not expect Wiching's betrayal when he later changed sides and joined the Frankish King, Arnulf (Bartoňková et al., 1966, p. 372). This suggests that the Franks knew about Svatopluk's military-political and power-oriented intentions, or, at least, King Arnulf who later used it in order to defeat Svatopluk's troops on multiple occasions and to plunder the territory of Great Moravia. The Franks learnt their lesson from the previous defeats and failures of Carloman and other German rulers in battles with Svatopluk, and Arnulf finally defeated him using his own weapons – shrewdness and slyness, i.e. by means of Wiching's betrayal.

Svatopluk managed to flexibly respond to the political situation that had arose, which is testified by cheating the Franks after his imprisonment in 871, when he, at the head of Frankish troops, set off to quash a rebellion in Great Moravia; he, however, joined the Moravians and, together, they meted out a cruel defeat to the Franks. These were 'merely'

tactical steps by a military chief, or commander. In my view, Svatopluk was a brave soldier and a bright commander; he, however, lacked domestic political vision and a long-term strategy regarding realisation of domestic political goals and, especially, their sustainability. The game of political and clerical-political independence of the Slavic church was merely an instrument of realisation of his foreign political and power-focused ambitions, insufficiently thought-out long-term goal and strategic vision to build his own state on the internal solid foundations of an independent church, albeit subservient to papal authority, but one that could be attractive for other Slavic tribes in Central Europe.

Due to his incongruent relationship to Methodius, he was unable to use the chances presented to create a political conception based on Methodius who had gained a significant position in the clerical hierarchy of the Western Christian church, found support in Pannonia, and also, likely, in other Slavic principalities and, equally, in Byzantium. There was a chance to create a political conception of a Great Moravian state based on a Slavic church ecumenically integrating the religious and cultural features of Eastern and Western Christianity, which would culturally, religiously, legally, as well as philosophically, ethically and morally enriched the entire Europe (Jakobson, 1985, pp. 121–23, 133–134).

I suppose that Svatopluk's incongruous relationship towards Methodius could lie in hostility of a brave soldier towards scholars, men of letters, although Methodius was originally a lawyer, but gave up his career to become a monk and scholar (Marsina, 1985, p. 54). Another reason for Svatopluk's reserved attitude towards Methodius could lie in the reproach, be it direct or merely suspected, Methodius could have had towards Svatopluk for his betrayal of Rastislav. And, last but not least, it could also be based on Methodius' honest and powerful personality that could, by its moral virtues, irritate Svatopluk, who liked better the manipulative Wiching than the honest Methodius. Yet another reason for Svatopluk's dismissive view of Methodius could be the fact that Methodius represented Rastislav's political conception, which was also the reason why he and his brother Constantine led the Byzantine mission to Great Moravia.[6] Svatopluk tried to enforce a different idea regarding the existence and future of Great Moravia, which was also the primary cause of conflicts between himself and Rastislav and, in the end, led to betraying Rastislav and his handing over to the Franks. There are probably more than enough reasons why Svatopluk held a highly ambivalent view of Methodius.[7]

"One of the paradoxes of the history of Great Moravia is that its greatest ruler, Svatopluk, was also the one who inhibited rather than encouraged and fostered the work and activities of two Greek religious scholars and priests, Constantine (Cyril) and Methodius, whose contribution to the establishment and development of Central and East European civilization and culture is second to none" (Kirschbaum, 2005, p. 30). Kirschbaum described Svatopluk's share in the liquidation of Constantine and Methodius' Central and Eastern European cultural and civilising contribution as Svatopluk's paradox, which is undoubtedly true. I believe, however, that another of Svatopluk's paradoxes lies in his significant contribution to the destruction of what he had been building, i.e. the Great Moravian Empire. There are two possible forms of Svatopluk's paradox, i.e. cultural-civilising and power-political. The first one created conditions for the other, which means that the liquidation of Slavonic liturgy, the Slavonic church, and, in the end, also Slavic language, culture, and literature aided the debilitation of the internal unity of Great Moravia and, after Svatopluk died, also contributed to its breakdown and fall.

---

[6] Here, Svatopluk's discrediting of Methodius' true faith could be considered a manifestation (Bartoňková et al., 1969, pp. 199–208; Betti, 2014, pp. 87, 147–148, 152, 163).

[7] Nevertheless, Betti claims that "we can deduce that the release of the missionary bishop was followed by a fruitful period, characterized by ample collaboration between Methodius and Svatopluk" (Betti, 2014, p. 151).

Historical annals do not directly mention Svätopluk's domestic politics, much more can be found on his foreign politics in contemporary German documents. It is, therefore, unknown to what extent he also strived for its internal unity or formation of a Great Moravian statehood based on political, cultural, social, religious, educational, as well as the ethical and moral identity of its inhabitants. According to historical annals, he aspired to be a powerful ruler who, by means of military force, managed to brutally and cruelly subdue and control neighbouring territories and ethnic groups.

He managed to conquer large territories; he, however, did not manage to effectively make them into part of the country, since, after he died, they quickly broke off, and complied with the Franks rather than staying under the domination of the Moravians (Bartoňková et al., 1966, pp. 121, 124, 169). Should one ignore the foreign policy of the Frankish kingdom, which, in a very efficient way, used the church and missionaries to pursue its foreign-political goals in the neighbouring countries, it could be assumed that one reason why Great Moravia broke up so quickly and the controlled territories broke off was the cruelty of Svatopluk's troops present in the territories in question. Although, after Svatopluk's death, the threat of brutal suppression of resistance in the controlled territories vanished, his sons, not being sufficiently capable or powerful military leaders, exhausted their energy in internal conflicts (Bartoňková et al., 1966, pp. 124, 169, 370–374), and the princes of the subdued countries strived to break off from Great Moravia as soon as possible and to come under the potentially more moderate control of the Franks, which would, under certain circumstances, probably provide more freedom and a lesser threat to their internal politics and security than Great Moravia.

Comparison of Svatopluk's and Rastislav's political ethics

The power-political paradox of Svatopluk's reign, thus, lay in him not being able to integrate Slavic tribes and create from them a united Slavic state, as he primarily strived to control them in a military and economic way, and use them in favour of his combative politics. My hypothesis is that Svatopluk did not build Great Moravia as a state with a complex infrastructure, necessary to provide for its inhabitants,[8] but rather as a military power, which needed further economic resources to provide for the increasing number of soldiers. That is why he aspired to, in a military way, subdue and economically control, or exploit, the surrounding territories and population; in order to ensure a sufficient supply of warriors, he created the economic environment for his campaigns. The fact he left this key area of internal Great Moravian policy in the hands of the Frankish clergy with Wiching, the Bishop of Nitra at its head, proves that the matters of building Great Moravian statehood based on cultural, linguistic, religious, political, educational, as well the ethical and moral identity of the Great Moravian population was foreign to him.[9] He even made the situation easier by enabling them to expel Methodius' disciples from Great Moravia, by which he most likely declared the ultimate verdict over the future fate of Great Moravia. As it turned out, it was only a matter of time before Great Moravia broke up due to its internal inconsistencies. Although external factors aided this to a great extent, Great Moravia was not internally ready or capable to survive the external pressure, since no internal identity of the country, unifying all strata of the population including those of the subdued countries, was present. Svatopluk wasted a great chance to build a powerful country in Central Europe, strong not only in the military way, but also in the area of politics, culture, language, religion and morality. Combined with

---

[8] According to Jiří Macháček, "during its brief existence, Great Moravia never reached the level of social and political organization typical of the rise of states in early medieval Europe" (Macháček, 2009, p. 265).
[9] Vavřínek, in this context, wrote: "Svatopluk ... fully entrusted Wiching with the administration of clerical matters, who exploited it to the fullest" (Vavřínek, 2013, p. 309).

military force, this would have created much better conditions for its survival and the ability to keep resisting external pressure even after Svatopluk's death.

On the other hand, Rastislav had a clear internal-political as well as foreign-political goal – that is the independence of Great Moravia. He strived to achieve this mainly by means of the ability to protect itself from attacks by external enemies as well as by pursuing consistent internal policies lying in the enhancement of religion, language and culture of Slavic inhabitants. Svatopluk, on the other hand, primarily saw a chance for Great Moravia to gain independence in aggressive foreign power-driven policies, supported by military campaigns and expanding the country's borders. These are two considerably different conceptions of building an independent Great Moravia. Rastislav's conception was primarily based on defensive wars and building internal homogeneity in the country and its inhabitants, which meant strengthening the internal ties between the people and the state, forming common statehood based on a shared language, writing system, culture and, ultimately, also religion, or clerical-political independence from the Frankish kingdom and its clergy. Christianity was one of those tools by means of which, during Rastislav's reign, the homogeneity of the country and its people, common statehood and general welfare of Great Moravia were built. Svatopluk's conception of Great Moravian independence was based on expansion, military campaigns and exploiting Christianity to justify the expansive foreign policies of subduing surrounding countries and their inhabitants with fire, sword and cross. While Rastislav's conception was mainly defensive, that of Svatopluk was, above all, expansive and offensive. In his politics, Svatopluk copied the expansive foreign policies of Frankish kings, which, on the one hand, provided him with power and fame; however, on the other hand, ultimately caused the break-up and fall of Great Moravia.

I hold the opinion these were two diverse foreign-political conceptions – Rastislav's and Svatopluk's. As far as the role of Christianity and the church in these conceptions is concerned, in both Christianity and the church were used as an instrument for political goals. What they, however, differed in was that in Rastislav's Christianity and the church primarily served to gain independence of Moravia from the Franks and to build Great Moravian statehood based on the internal unity of the state and its people, while under Svatopluk, they predominantly served for the expansion of the empire and its power under the slogan of Christianization the neighbouring countries, or ethnic groups. In Svatopluk's conception, it also manifested in him striving to fully subdue the church and its hierarchy to his power and power-related goals, similarly to the case of the Frankish kingdom (Betti, 2014, pp. 190–191, 213). Should the church hierarchy (such as Archbishop Methodius) not be willing to fully conform to the power-oriented interests of the ruler, he did not hesitate in finding ways to get rid of it (Bartoňková et al., 1967, p. 231; Stephens, 2012, p. 305). His support of the Frankish clergy and Wiching, whom he himself nominated for the pope to appoint as bishop serves as an example (Bartoňková et al., 1969, pp. 199–208). In this way, Methodius' status was intentionally weakened and, at the same time, was a source of many conflicts which he sought to use for his own profit. In the end, he managed to achieve this to the full extent after Methodius died and he could then focus on the pursuit of his intentions with the Latin Church in the context of power-related ambitions.

Dvornik stated the hypothesis that, had Great Moravia and Constantine and Methodius' Church held up longer, the formation of Central and Eastern Europe would have had a different course, as the Great Moravian Empire was sufficiently strong and had enough to offer to the cultural development of Europe in the 9th century (Dvorník, 1999, p. 35). This idea sounds very interesting and is true in many respects regarding the cultural dimension of the existence of Great Moravia; on the other hand, however, I do not find it all that realistic. Although Great Moravia was an earnest political rival of the Frankish kingdom, in reality it was, in a sense, a giant standing on clay legs, which was proved by its incredibly fast break-

up and fall after Svatopluk died. Had it been sufficiently strong and resistant to internal and external threats, the Czech principalities would not have broken off as early as a year after Svatopluk's death only to become subordinate to the Franks (Bartoňková et al., 1966, pp. 124, 169, 370–374; Berend, Urbańczyk, & Wiszewski, 2013, p. 85). And the further break-up of Great Moravia and breaking off of other subdued areas followed suit.

In my opinion, Svatopluk's betrayal of Rastislav, his capture and imprisonment effectively buried the idea of the Great Moravian state being built by Rastislav followed by Svatopluk's political Machiavellianism. Based on my research so far it could be stated that Svatopluk gave priority to military and power-related international political goals and intentions to long-term visions that would be a realisation of Rastislav's intentions to build an independent state able to outlive its rulers. Great Moravia outlived Mojmír as well as Rastislav; it, however, did not outlast Svatopluk's death. That means that, while in the case of the first two rulers the idea of statehood was viable, it was not so after Svatopluk had died, as it was not based on the deeper internal interests of the country and its people, but, to a considerable extent, rather on its ruler's personal interests and power-related ambitions (as well as those of the Moravian aristocracy) whose power and 'attraction' vanished in less than no time after his death, since it was captivating for neither Great Moravians nor for the subdued and controlled countries and their inhabitants. Svatopluk predominantly controlled the subdued countries in a military way which, however, as it turned out after he died, was not enough to keep the aristocracy and the commons of the countries in question on side, or convince them of the importance and need for such a common Empire.

Mahoney wrote the following:

"In the end, the confluence of political and religious conflicts undermined the developing Great Moravian state, which had brought the Slavic peoples of Central Europe into the sphere of Greco-Roman civilization and Roman Catholicism. Frankish expansion and the concurrent spread of religious authority in the hands of the Frankish high clergy proved a very formidable obstacle for the Moravian rulers to overcome, even with the support of a papacy determined to limit the influence and independence of the East Frankish clergy in the region. The arrival of the Magyars helped to hasten the fall" (Mahoney, 2011, p. 33).

It is a great overall characteristic of what the endeavours of Great Moravian rulers resulted in; their efforts encountered permanent opposition, intrigue, punitive military campaigns of the Frankish rulers with an effort to keep Great Moravia in governmental, political, ideological, as well as economic, cultural and religious servitude of the Frankish kingdom. In my view, during Svatopluk's reign, the Great Moravian Empire outgrew itself, which caused it to meet its fate. Territorial expansion during Svatopluk's rule was not supported by sufficiently strong or, especially, efficient cultural, ideological and religious activities of missionaries, as well as civil servants, who would manage to create a sufficiently strong cultural, political, linguistic, as well as religious and moral identity of the Slavic population of the Great Moravian Empire. One of the reasons could have lain in Svatopluk predominantly relying on military force, which sufficed while he was alive but which was primarily dependant on his commanding skills and the size of his army (Bartoňková et al., 1966, pp. 114–115, 145–146, 369; Bowlus, 1995, pp. 214–215, 320). That was probably why, after Methodius died, he gave direct, or indirect, consent for the liquidation of a Great Moravian cultural and educational centre established by Constantine and Methodius. Svatopluk underestimated or (did not think through) the role and importance of Slavic culture and education in the building of statehood and identity in the population of the Great Moravian Empire, especially regarding the subdued territories and in the long run. Another reason lay in the fierce opposition and activities of the Frankish clergy with Wiching, the Bishop of Nitra at its head, who, with Svatopluk's tacit consent, pursued the interests of a foreign power. Svatopluk planned to use them for his own

profit; however, as it turned out later, this was a greatly mistaken political decision which was the seed of the later defeat of Svatopluk II, his son, the break-up and fall of Great Moravia.

Conclusion

When assessing Great Moravia, Kirschbaum wrote: "The internal politics of Great Moravia now acquired a religious dimension that two rulers, Rastislav and Svatopluk, used in different if not contradictory ways […], to enhance the power and independence of Great Moravia" (Kirschbaum, 2005, p. 31). Unlike the author, I hold the opinion that Rastislav's and Svatopluk's church policies were partially opposing. I believe that Rastislav used the Byzantine mission of Constantine and Methodius not only in an effort to achieve clerical-political independence but also for the building of Great Moravian statehood, culture, language, literature, ethics, morality and law, i.e. Great Moravian identity, which could be a homogenous element of the internal unity of Great Moravia. Based on the above historical annals (Bartoňková et al., 1966, pp. 74–76, 93–95, 99–100, 348–350), Rastislav and his conception of political ethics can be labelled as a prototype of the ruler, later described by Erasmus of Rotterdam in his *Education of a Christian Prince* (*Institutio principis Christiani*), in which he especially placed to the forefront such virtues as wisdom, fairness, self-control, ability to predict and efforts for common good (Erasmus, 1997, p. 5). Among other significant virtues necessary for a Christian prince were the greatness of his mind, moderation and honesty. According to Erasmus, a Christian ruler does not win recognition over others by the extent of his fortune, wealth or the power of his army, but rather the extent to which he can avoid corruptness, lustfulness, arrogance, impulsiveness and blind actions (Erasmus, 1997, p. 24).

Svatopluk, unlike Rastislav, achieved his goal, i.e. achieved clerical-political independence, or, in other words, direct subordination to Rome, which, however, merely resulted in formal independence, as the clerical-political organisation of Great Moravia continued, in reality, to be under the direct influence of the Frankish clergy and the Frankish bishop Wiching, although he did not reside in Salzburg or Passau, but in Nitra. Wiching had more influence over Svatopluk than the Frankish bishops in Salzburg and Passau; nevertheless, they all pursued the same policy and realised Frankish interests irrespective of where they resided.

Machiavelli recommended that a ruler to either pamper or destroy people, as they take revenge for minor offences and cannot do so for grave ones, which is why should he hurt someone, he should do so in the way he cannot be avenged (Machiavelli, 2005, p. 11). This was most likely based on his rather pessimistic perception of people and their characteristic features, as he wrote that people are ungrateful, unreliable, hypocritical, cowardly, and money-grabbing; briefly, they are malicious and capable of any betrayal, should they consider it profitable for themselves (Machiavelli, 2005, pp. 57–58). He further stated that "[...] there is no secure means of holding on to cities except by destroying them. Anyone who becomes master of a city accustomed to living in liberty and does not destroy it may expect to be destroyed by it, because such a city always has as a refuge in any rebellion the name of liberty and its ancient institutions, neither of which is ever forgotten either because of the passing of time or because of the bestowal of benefits" (Machiavelli, 2005, p. 19). In the spirit of the Machiavelli's above recommendations to a ruler it could be stated that Svatopluk was primarily a lion, but were it necessary, he could also be a sly fox, which proved to be true, for instance, in the context of the expulsion of Methodius' disciples, and also prior to that, when he switched from the Franks to Moravians and inflicted a cruel defeat on them, as well as in a great number of other events, as described by contemporary resources (Bartoňková et al., 1966, pp. 118, 120, 362–366). Svatopluk, in his politics of power mainly relied on the army and military force; he did not really assign Christianity a decisive role in the pursuit of his

power-oriented interests in foreign politics. It could, at most, be a means which, in certain situations, could come in handy in the realisation of his goals. If he did not assign Christianity a great role in the pursuit of his power-related ambitions, even less did he understand the importance of culture, language and literature for the internal, as well as the foreign politics of his country.

During Svatopluk's reign, Great Moravia could be primarily considered a military economy, which means that all was subordinated to the needs of military campaigns and providing for the army. Everything else served as a means to support the soldiers. The national as well as foreign policy of Great Moravia, during Svatopluk's reign, responded to this aim. To realise his power-political goals, he would use anything, including Christianity. The question arises what led him to betray Rastislav. On the one hand, certainly, it was his political ambitions which he could not fully realise while Rastislav was in power. On the other hand, some authors point to the diverse nature of the geopolitical conceptions of both rulers, which is true (Kirschbaum, 2005, p. 31; Kučera, 1986, pp. 141, 149). One could assume that Svatopluk came to the conclusion that the direction Great Moravia was taking while Rastislav was in power was not prospective and, under such a reign, could never gain independence from the Franks, while Rastislav's efforts to achieve clerical-political independence yet further irritated the Franks. That is why one could assume he decided to achieve independence for Great Moravia with the help of the Franks; they would retain control over the internal politics of Great Moravia while he would accept the Frankish clergy in his territory. The main focus, however, remained on building a powerful army, which would make him an equal military and political partner of the Frankish kingdom and he could enforce independence from the Frankish kingdom by military force, which would compel them to accept his political goals in Central Europe. It could be stated that he partially succeeded in his foreign-political intentions, as he actually managed to build a large and powerful army which he used to subdue the neighbouring countries and to make Great Moravia a significant power in Central Europe. He, however, sealed its ominous fate by not paying sufficient attention to internal politics, which, in effect, became the domain of the Frankish clergy with Wiching at the head, who, after they expelled Methodius' disciples, could pursue the full internal destruction of Great Moravia, since they were given free reign to realise Frankish goals in Great Moravia. Although Franks did not manage to defeat Svatopluk and Great Moravia by military force, they defeated and destroyed it from the inside, by intrigue and supporting mutual hostility between Svatopluk's sons (Bartoňková et al., 1966, pp. 124–126, 169, 370–374) and, most likely, also supporting further internal opposition, be it directly in Great Moravia or in the subdued countries, which manifested in the life of Great Moravia in a highly negative manner shortly after Svatopluk's death. The ill fate of Great Moravia can thus, to a certain extent (although not exclusively), be a result of Svatopluk's policies, which was a representation of the contemporary model of Machiavellian politics of power.

Rastislav's political conception was based on building the Great Moravian state by more moderate means with the main emphasis on creating linguistic, cultural, political, religious, as well as the ethical and moral identity of Great Moravia, which was to be the core and could aid in resisting external pressure and events. Rastislav's foreign policies was an instrument for achieving goals that were part of internal policies, i.e. building lasting Great Moravian statehood based on an identity unifying its inhabitants and expressing national interests. During Rastislav's reign, Great Moravia came to be one of the most significant political, clerical, and especially cultural and educational powers of Europe. It could, therefore, be considered a prototype of Erasmian political ethics of the given era.

Svatopluk founded its politics in different intentions, as he strived to build Great Moravia as a military power, which he succeeded in, albeit at the expense of destroying Rastislav's

work lying in the creation of Great Moravia as a cultural and educational centre of Central Europe. Moreover, after Svatopluk died, Great Moravia ceased to exist as a military power in less than no time, while Rastislav's work survived and became the heritage of the entire Europe, although it, first of all, happened thanks to Bulgarians and, later, the Kievan Rus', who followed Constantine and Methodius' work in Great Moravia especially during Rastislav's (but, partially, also during Svatopluk's) reign (Jakobson, 1985, pp. 134–135; Stephens, 2012, p. 304).

It could, therefore, be stated that while the victory of Svatopluk's geopolitical conception was great, it was only temporary, since Great Moravia ceased to exist shortly after his death, while the heritage of Rastislav's geopolitical conception survived for millennia, albeit not directly in Great Moravia, but among southern and eastern Slavs. Based on that it can be stated that Rastislav's Erasmian conception of political ethics, albeit indirectly, was more viable than Svatopluk's Machiavellian conception of power, which was proved by the actions of Constantine and Methodius' disciples in Bulgaria, and, later, by developing this heritage in the Kievan Rus'. In this way, the cultural heritage created thanks to Rastislav's conception of political ethics survived to the present day as a significant part of European and world-wide cultural heritage.

References
AVENARIUS, A. (1992): *Byzantská kultúra v slovanskom prostredí v VI.–XII. storočí* [*Byzantine culture in Slavic environment from the 6th to 12th century*]. Bratislava: Veda.
BARFORD, P. M. (2001): *The Early Slavs: Culture and Society in Early Medieval Eastern Europe*. Ithaca, NY: Cornell University Press.
BARTOŇKOVÁ, D., HAVLÍK, L., MASAŘÍK, Z. & VEČERKA, R., eds. (1966): *Magnae Moraviae Fontes Historici I*. Prague & Brno: SPN.
BARTOŇKOVÁ, D., HAVLÍK, L., LUDVÍKOVSKÝ, J., MASAŘÍK, Z. & VEČERKA, R., eds. (1967): *Magnae Moraviae Fontes Historici II. Textus Biographici, Hagiographici, Liturgici*. Prague & Brno: SPN.
BARTOŇKOVÁ, D., HAVLÍK, L., HRBEK, I., LUDVÍKOVSKÝ, J. & VEČERKA, R., eds. (1969): *Magnae Moraviae Fontes Historici III. Diplomata, Epistolae, Textus Historici Varii*. Prague: SPN.
BEREND, N., URBAŃCZYK, P. & WISZEWSKI, P. (2013): *Central Europe in the High Middle Ages: Bohemia, Hungary and Poland, c. 900–1300*. Cambridge: Cambridge University Press.
BETTI, M. (2014): *The Making of Christian Moravia (858–882)*. Leiden & Boston: Brill.
BOWLUS, Ch. R. (1995): *Franks, Moravians, and Magyars: The Struggle for the Middle Danube, 788–907*. Philadelphia: University of Pennsylvania Press.
BOWLUS, Ch. R. (2009): Nitra: when did it become a part of the Moravian realm? Evidence in the Frankish sources. In: *Early Medieval Europe*, 17(3), pp. 311–328.
BROOKE, Ch. (1987): *Europe in the Central Middle Ages, 962–1154*, 2nd ed. London & New York: Longman.
CURTA, F. (2009): The history and archeology of Great Moravia: an introduction. In: *Early Medieval Europe*, 17(3), pp. 238–247.
DALEWSKI, Z. (2008): *Ritual and Politics: Writing the History of a Dynastic Conflict in Medieval Poland*. Leiden & Boston: Brill.

DANGL, V. (2005): *Bitky a bojiská v našich dejinách. Od Samovej ríše po vznik stálej armády* [*Battles and battlefields in our history*: *Since Samo's empire to creation of permanent army*]. Bratislava: Perfekt.

DVORNIK, F. (1956): *Slavs: Their Early History and Civilization* Boston: American Academy of Arts and Sciences.

DVORNÍK, F. (1999): *Zrod střední a východní Evropy. Mezi Byzanci a Římem* [*Birth of Central and Eastern Europe: Between Byzantium and Rome*]. Prague: Prostor.

ERASMUS OF ROTTERDAM (1997): *The Education of the Christian Prince*, ed. and trans. L. Jardine. Cambridge: Cambridge University Press.

GOLDBERG, E. J. (2006): *Struggle for Empire: Kingship and Conflict under Louis the German, 817–876*. Ithaca & London: Cornell University Press.

HAVLÍK, L. E. (1985): Velká Morava v kontextu evropských a obecných dějin [Great Moravia in context of European and general history]. In: J. Poulík & B. Chropovský (eds.): *Velká Morava a počátky československé státnosti* [*Great Moravia and beginning of the Czechoslovak statehood*]. Prague & Bratislava: Academia & Obzor, pp. 187–214.

HUSSEY, J. M. (1990): *The Orthodox Church in the Byzantine Empire*. Oxford: Oxford University Press.

IVANOV, S. A. (2008): Religious missions. In: J. Shepard (ed.): *The Cambridge History of the Byzantine Empire c. 500–1492*. Cambridge: Cambridge University Press, pp. 305–332.

JAKOBSON, R. (1985): *Selected Writings, vol. VI: Early Slavic Paths and Crossroads*, ed. and preface S. Rudy. Berlin, New York & Amsterdam: Mouton.

KIRSCHBAUM, S. J. (2005): *A History of Slovakia: Struggle for Survival*, 2nd ed. New York: Palgrave Macmillan.

KALHOUS, D. (2009): The significance of the Sirmian and apostolic tradition in shaping Moravian episcopal organization. In: *Early Medieval Europe*, 17(3), pp. 268–285.

KANTOR, M., ed. (1983): *Medieval Slavic Lives of Saints and Princes*. Ann Arbor, MI: The University of Michigan.

KELLY, J. N. D. (1990): *The Oxford Dictionary of Popes*. Oxford: Oxford University Press.

KONŠTANTÍN FILOZOF – SV. CYRIL (2004): *Proglas – Foreword*. Bratislava: Perfekt.

KUČERA, M. (1986): *Postavy veľkomoravskej histórie* [*Figures of Great Moravian history*]. Martin: Osveta.

MAHONEY, W. M. (2011): *The History of the Czech Republic and Slovakia*. Santa Barbara, CA: Greenwood.

MACHÁČEK, J. (2009): Disputes of Great Moravia: Chiefdom or state? The Morava or the Tisza River? In: *Early Medieval Europe*, 17(3), pp. 248–267.

MACHIAVELLI, N. (2005): *The Prince*, ed. and trans. P. Bondanella. Oxford: Oxford University Press.

MARSINA, R. (1985): *Metodov boj* [*Methodius' struggle*]. Bratislava: Obzor.

MICHALOV, J. (2015): *Národ a jeho učitelia. Dejiny kristianizácie Slovákov* [*Nation and its teachers: History of Christianization of Slovaks*]. Bratislava: Herba.

PAULINY, E. (1964): *Slovesnosť a kultúrny jazyk Veľkej Moravy* [*Belles-lettres and cultural language of Great Moravia*]. Bratislava: SVKL.

RATKOŠ, P. (1990): *Slovensko v dobe veľkomoravskej* [*Slovakia in Great Moravian era*]. Košice: Východoslovenské vydavateľstvo.

SOMMER, P., TŘEŠTÍK, D. & ŽEMLIČKA, J. (2013): Bohemia and Moravia. In: N. Berend (ed.): *Christianization and the Rise of Christian Monarchy: Scandinavian, Central Europe and Rus, c. 900–1200*. Cambridge: Cambridge University Press, pp. 214–262.

ŠPIESZ, A., ČAPLOVIČ, D. & BOLCHAZY, L. J. (2006): *Illustrated Slovak History: A Struggle for Sovereignty in Central Europe*. Wauconda, IL: Bolchazy-Carducci Publishers.

STEINHÜBEL, J. (2004): *Nitrianske kniežatstvo* [*Principality of Nitra*]. Bratislava: Veda & Rak.

STEINHÜBEL, J. (2011): Duchy in Nitra. In: M. Teich, D. Kováč & M. D. Brown (eds.): *Slovakia in History*. Cambridge: Cambridge University Press, pp. 15–29.

STEPHENS, W. H. (2012): *The Top 100 Most Influential Christians of All Time, vol. 1: From the Beginning to the Fifteenth Century*. Brentwood, TN: Authors Book Nook.

ŠAFIN, J. (2014): *Cyrilometodské dedičstvo a Európa* [*Cyrilo-Metodian heritage and Europe*]. Prešov: VPU.

TOUGHER, S. (2008): After iconoclasm (850–886). In: J. Shepard (ed.): *The Cambridge History of the Byzantine Empire c. 500–1492*. Cambridge: Cambridge University Press, pp. 292–304.

TŘEŠTÍK, D. (2001): *Vznik Velké Moravy. Moravané, Čechové a střední Evropa v letech 791–871* [*Origin of Great Moravia: Moravians, Czechs and Central Europe in 791–871*]. Prague: NLN.

ULLMANN, W. (2003): *A Short History of the Papacy in the Middle* Ages, 2nd ed. London & New York: Routledge.

VAŠICA, J. (2014): *Literární památky epochy velkomoravské 863–885* [*Literary memories of Great Moravia era 863–885*]. Prague: Vyšehrad.

VAVŘÍNEK, V. (1985): Historický význam byzantské misie na Velké Moravě [Historical meaning of Byzantine mission in Great Moravia]. In: J. Poulík & B. Chropovský (eds.): *Velká Morava a počátky československé státnosti* [*Great Moravia and beginning of the Czechoslovak statehood*]. Prague & Bratislava: Academia & Obzor, pp. 215–243.

VAVŘÍNEK, V. (2013): *Cyril a Metoděj mezi Konstaninopolí a Římem* [*Cyril and Methodius between Constantinople and Rome*]. Prague: Vyšehrad.

VAVŘÍNEK, V. (2014): Cyrilometodějské otázky ve vědeckém díle Josefa Vašici [Cyrilo-Metodian issues in scientific work of Josef Vašica]. In: J. Vašica: *Literární památky epochy velkomoravské 863–885* [*Literary memories of Great Moravia era 863–885*]. Prague: Vyšehrad, pp. 333–340.

VLASTO, A. P. (1970): *The Entry of the Slavs in the Christendom*. Cambridge: Cambridge University Press.

Jessenius' contribution to social ethics in 17th century Central Europe

Kateřina Šolcová[1]

Abstract

The aim of the article is to examine and evaluate the social ethics aspects of the pamphlet *Pro vindiciis contra tyrannos oratio* by the scholar and rector of Prague University Jan Jesenský – Jessenius (1566–1621); first published in Frankfurt in 1614 and for the second time in Prague in 1620 during the Czech Estate Revolt. Therefore, the broader intellectual context of the time is introduced, specifically the conflict between two theories of ruling power correlating with that between the ruler and the Estates after the ideas of the Protestant reformation started to spread. The first theory supported the idea of a sovereign ruler whose authority would stand above the estates to be able to keep the kingdom under control. On the contrary, the so-called resistance theory strived to limit the monarch's power and to justify a possible intervention against a malevolent ruler – the tyrant. I intend to show that Jessenius´ social ethics which refers to the latter resistance theory was of a pre-modern nature since its conception of State and its reign remained in a denominationally limited framework. Nevertheless; Jessenius' polemics with the supporters of ruling sovereignty, which seem to be his original contribution, makes his writing a unique political work in Central Europe. Moreover, the second edition of Jessenius' text (1620, Prague), which for a long time had disappeared from public view, can rightly be considered a remarkable projection of resistance theory toward actual political struggle at the very beginning of the Thirty Years War.

Keywords: Johannes Jessenius, Junius Brutus, Jean Bodin, Huguenot resistance theory.

Introduction

The various questions as to how to structure and manage society in order to achieve common welfare have presented a serious challenge to numerous philosophers since Ancient times. The European Reformation of the 16th century, which also considerably influenced the social sphere, shed new light upon these classical social ethics issues. Although primarily religious themes were treated, one of the important aspects which exerted impact on social life was the formation of a society which was denominationally divided, and which had to deal with the cohabitation of different religious groupings.

In this context, the power of the ruler as well as his moral qualities had become the topic of numerous discussions. Basically, the problem was approached from two different standpoints. On the one hand, the many religious wars of that time called for a ruler with sufficient power to keep the warring parties under control. This conviction was most explicitly formulated by the French philosopher Jean Bodin (1529–1596) – Bodinus who, in his best-known work *Six livres de la Republique* [Six Books on the State] (1576) introduced the concept of a sovereign standing above religious groups and even above positive laws. On the other hand, a strong ruler would arouse worries that he might use his power malevolently or even against some of the religious parties. These fears resulted in theories that justified the limitation of the ruler's power and which supported resistance against it. The most radical of them were presented by French Huguenot authors who theoretically justified the forcible removal of the tyrant and considered it, under certain circumstances, to even be a duty.

The aim of my paper is to consider the relevance of the short political writing *Pro vindiciis contra tyrannos oratio* [In Favour of Legitimate Intervention against Tyrants] by Johannes Jessenius (1566–1621) in the broader intellectual context of these theories and to evaluate its position in pre-modern and modern schemes of social ethics. I will show that Jessenius'

---

[1] Czech Academy of Sciences (Czech Republic); email: k.solcova@volny.cz

pamphlet, first published in 1614 in Frankfurt and for the second time in 1620 in Prague, during the Bohemian Estates Uprising can be justly considered a unique and rather late reflection of French Huguenot resistance theories in Central Europe. From this standpoint, Jessenius critically addressed Bodinus' aforementioned ´ concept of a sovereign ruler. With regard to Jessenius' political engagement, his work documents the aims to apply the arguments of resistance theories in a particular political situation in which its author was actively involved. The tragic end of the Czech uprising and their leaders (extremely cruel in Jessenius' case) also casts a shadow on this work. Its direct impact was limited to a few months, perhaps only weeks. Due to further political developments, Jessenius' work disappeared from public view and its 1620 publication had become forgotten until one of its copies was discovered in the library in Wolfenbüttel in the 1980s (Sousedík, 1992, pp. 69–81).[2] The critical edition of this work was only published in 2015 in *Acta Comeniana* (Šolcová, 2015, pp. 137–168).[3]

Jessenius and political thought of his time

The author of the treatise, Jan Jesenský (or Jessenius as he used to call himself), was born 1566 into a Lutheran family in Silesian Breslav/Wroclaw.[4] He studied philosophy and medicine in Wittenberg, Leipzig, and Padua, where he completed his studies. After returning from Padua he worked in Wroclaw as a physician, also writing his works of philosophy. In a short time he became a professor of anatomy and consequently the rector of the University in Wittenberg. In 1602 he moved to Prague in an effort to establish himself as a physician at the court of Emperor Rudolf. Nevertheless, after he failed to get a permanent position in Prague, he left for Vienna, in 1608, to enter the service of Rudolf's brother, Matthias. Here too, Jessenius' hopes failed. It would appear that his personal and political disappointment in the Habsburgs resulted in a radicalisation of his opinions on ruling power as he published the pamphlet *Pro vindiciis contra tyrannos* in Frankfurt (1614).

In the following years, Jessenius became involved in public activity in the Bohemian Lands. In 1617 he was elected Rector of Prague University which was, in the atmosphere before the Uprising of the Estates, a position of political importance. Jessenius thus became a representative of the leading forces of the Estates and, at the same time, one of the theoreticians of the new constitutional order to be established in the Bohemian Lands after the victory of his party. With the apparent intention of giving a theoretical basis for the forthcoming Uprising of the Estates, Jessenius again published his work *Pro vindiciis* in 1620 in Prague. After the military defeat of the revolt at the battle of White Mountain in 1620, Jessenius was imprisoned and sentenced to death for his activities. He was executed in the Old Town Square on 21 June 1621 together with the other rebel leaders.

The name of Jessenius' writing apparently refers to the influential Huguenot tract *Vindiciae contra tyrannos*[5] published in 1579 under the pseudonym Stephanus Junius Brutus.

---

[2] The only copy of the 1620 edition that I am aware of is available in the library in Wolfenbüttel, shelfmark M: Li 4158. The first edition, published in Frankfurt am Main in 1614, is kept in the same library, shelfmark Li 4157. The only copy of the 1614 edition available in the Czech Republic that I am aware of is kept by the local branch of South Bohemian Scientific Library (Jihočeská vědecká knihovna) in Zlatá Koruna in a convolute named *Confessio Bohemica* under the signature CK2414.

[3] Some of the information provided in the foreword to the critical edition has served as the basis for the conclusions of this essay which primarily strives to consider the relevance of Jessenius' contribution in the context of social ethics of the period.

[4] As to the Jessenius' life and work cf. primarily Friedel Pick and Josef Polišenský (Pick, 1926; Polišenský, 1965). An overview of Jesenský's works on philosophy was provided by Josef Král and Tomáš Nejeschleba (Král, 1923, pp. 129–141, 211–222; Nejeschleba, 2008).

[5] The word "*Vindiciae*" was originally used by Roman law with the meaning to adjudge the disputable thing to one of the parties until the final verdict is given.

Before we examine Jessenius' pamphlet itself, let's deal with its intellectual context; i.e. with ideas of resistance theory and those of ruler sovereignty in more detail (Skinner, 1978; Kingdom, 1991; Ottmann, 2006).

By theorists of resistance, we mean those authors whose works emerged in the last third of the 16th century and that shared the conviction that resistance against a bad ruler or tyrant could develop into his forcible removal or even tyrannicide. Among the thinkers of this relatively large and diverse group were both Catholics and Protestants; the principles of their theories, however, were quite different. Most Catholic thinkers derived their theories from natural law which was derived through reason from the natural inclinations of human nature. The Catholic thinkers generally accepted the Aristotelian idea that man is by nature a social being and, consequently, the state (as a kind of social order) is also a natural formation.[6] The bearer of state power is, in these conceptions, the people that transfer it to an individual (monarchy), selected group of people (aristocracy), or elected representatives (democracy). If the ruler in a monarchical system neglects the common good of the people, he becomes a tyrant and, as such, might be removed – in extreme cases, murdered.

Within Protestant theories, there are two phases to be clearly distinguished. The first was directly influenced by the founders of the Reformation, mainly by its seminal figure Martin Luther (1483–1546) whose theological views also had a major impact on the social sphere. There are two points in Luther's teaching that are of central importance in this context. Firstly, Luther put forth the idea that human nature was substantially and irreversibly damaged by original sin. As such, human nature could not be considered the basis for moral norms, which also excluded the application of the theory of natural law. The thinkers of the Reformation thus derived the state from a direct expression of God's will (Revelation and Scripture). As a result, they tended toward contractual theories – independent of human nature – rather than to the theories of natural law usually adopted by their catholic counterparts. Secondly, in Luther's conception, the salvation of man is provided by God's grace only and achieved by mere faith without any dependence on human merit; human works no matter how valuable, praiseworthy, or commendable, serve only to achieve secular goals. Catholics, on the other hand, believe that human deeds can contribute to salvation. Therefore, they also considered the Catholic Church (as the institution guiding man towards the salvation of his soul) partly competent for human action in the private and political spheres.

As in Luther's view, the sphere of human action is deprived of its saving, sacral role while the Church is also deprived of its claim to rule in the secular sphere as Luther also expressed it in his *Open Letter to the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate* in 1520.[7] The Church possesses in fact no "sword" as Luther calls the secular reign referring to Romans 13,4[8] since its role is to spread the gospel.[9] As to the malevolent ruler – "tyrant", Christians should – according to Luther – subject themselves even to him. If a tyrant's orders conflict with the faith, it is not necessary for a Christian to obey them, but it is not allowed to resist the tyrant actively, and still less violently. This

---

[6] The best-known Catholic authors of resistance theory (monarchomachs) was the Jesuit Juan Mariana (1536–1624), who in his treatise *De rege et regis institutione libri tres* (1599) extols those who oppose tyrants and risk their lives for the common good by killing them. Mariana was criticized for this work mainly because he was indulgent of the assassination of the French king Henry III in 1589 and later, when Henry IV was murdered by an assassin, allegedly inspired by Mariana's ideas.

[7] Originally *An den Christlichen Adel Deutscher Nation von des Christlichen Standes Besserung.*

[8] *For he* [the ruler] *is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.*

[9] According to Romans 13,1–2: *Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.*

doctrine was elaborated upon later during the German Peasants' War in Luther's writing *Against the Murderous, Thieving Hordes of Peasants* (Luther, 1525).

Such a theory might have been acceptable at the beginning of Protestantism when the movement was weak. When Protestants began to assume significant political influence, this theory became untenable and they started to abandon moderate Lutheran standpoints towards the malevolent ruler. This turn was stimulated by the Magdeburg confession (1550) – a statement of Lutheran faith which explained why the city leaders refused to obey imperial law and were ready to resist political tyranny working to destroy true religion. This standpoint was hesitantly followed by John Calvin (1509–1564), possibly under the influence of his collaborator and later successor at the head of the Geneva church – Theodor Beza (1529–1602). John Knox (ca. 1505–1572), the Calvinist reformer in Scotland also adopted these ideas. The resistance theory, however, was most systematically elaborated upon by French Huguenot authors – the so-called monarchomachs[10] who witnessed the bloody religious wars in France (1572–1598) and were contemporaries of the so-called St. Bartholomew's Day Massacre (1572). This might be the reasons why they abandoned Luther's doctrine of obedience to the ruler and accepted the idea of forcible intervention against the "tyrant". Among these authors, the most significant were the following three: François Hotman (1524–1590), a writer and lawyer originally from Wroclaw in Silesia,[11] the aforementioned Theodor Beza,[12] and the author hidden behind the pseudonym Stephanus Junius Brutus, not conclusively identified by the research thus far, but undoubtedly a Calvinist.[13]

The title of Junius Brutus' work *Vindiciae contra tyrannos* is almost identical with that of Jessenius. Brutus' conception is based on contractual theory which is derived from the Scriptures and partly influenced by feudal order. It can be briefly summarized as follows: God enters into a contract with the people (including the ruler) who thus become God's people – responsible to God. Consequently God's people form another contract with an individual amongst them according to which people agree to be led by the ruler in secular and partly in spiritual matters. The ruler is responsible to the people and, if he breaks the covenant and becomes a tyrant, he may be removed. Noblemen, not ordinary people, however, must decide when and how this removal should be executed.

Brutus' *Vindiciae* presents the most systematic and radical form of Protestant resistance theory as the author concludes that resistance against a malevolent ruler becomes not only a right but even a duty under certain circumstances. The attention paid to Brutus' work shows the numerous reprints and translations published after 1576. In this context it is important that it was also Jessenius who was essentially inspired by this work.

As mentioned, the Protestant reformation and the Catholic reformation (Counter-Reformation) brought about a confessional division among the population resulting in the cohabitation of different religious groups within one political body. This was quite a new issue, the significance of which the theorists of resistance had not realized thus far. They

---

[10] The term monarchomachy was coined by William Barclay, a Scottish exile living in France, who aimed his treatise *De regno et regali potestate – adversus Buchananum, Brutum Boucherium et reliquos monarchomachos* (The Kingdom and the Power of the King – in opposition to Buchanan, Brutus, Boucher and other Monarchomachs) against the "Monarchomachs" (1600).

[11] Franc. Hotomani jurisconsulti, *Francogallia libellus statum veteris reipublicæ gallicæ, tum deinde a Francis occupatæ, describens,* Coloniae: Ex officina Hieronymi Bertulphi, 1574.

[12] *Du droit des magistrats sur leurs subiets: Traitté tres-necessaire en ce temps, pour aduertir de leur deuoir, tant les Magistrats que les Subiets*, publié par ceux de Magdebourg l'an MDL, 1574. Published anonymously with reference to those from Magdeburg.

[13] Research inclines to two potential authors, Hubert Languet (1518–1581), working in France in the diplomatic service of foreign rulers – at the time of the work's publication, William of Orange in the Netherlands – or Phillip Duplessis Mornay (1549–1581), the councillor of Henry of Navarre, the dynastic and political ruler of the Hugenots (Garnett, 1994, pp. 55–76).

merely wanted to ensure the right to defend their own confession against a ruler of a different belief. Their theories thus, no matter how noble the intentions were, created the ideological prerequisites for the destructive religious conflicts resulting eventually in the Thirty Years' War.

It was the French humanist and philosopher Jean Bodin (1529–1596) who, in his best-known work, *Six livres de la Republique* (1576) attempted to solve the problem of the cohabitation of different denominations theoretically. After the bitter experience of religious wars in France, he was inclined toward the idea of the strong, independent, truly "sovereign" ruler standing above the quarrelling religious parties and even above positive law.

In comparison with other authors of his time (including the authors of resistance theory), Bodin's contribution presents a real innovation to social ethics as the previous tradition had been inseparably dependent on religious authority. Despite the valid objections that Bodin's work has remained a child of its time in many respects, (Bezold, 1910, pp. 1–64) his work might be ranked within the framework of modern social ethics as it introduced a denominationally independent power, guaranteeing peaceful cohabitation of different religious groups. Nevertheless, the price to pay was high – it was the political 'unfreedom' of people or, better said, the estates, since Bodin could attain this concept of sovereignty only at the cost of abandoning the idea that the ruler was responsible to the people for his deeds. The king in this conception was *sacrosanctus* – a sacred person that must be respected even if he rules in a bad manner.

Jessenius' *Vindiciae*

After the short discourse to the history of political thought, let us come to Jessenius' work itself. As has been said, its name refers strikingly to the aforementioned Huguenot tract *Vindiciae contra tyrannos* published under the pseudonym Junius Brutus. In fact, Jessenius, took over the title with one only specific change – he put the word "Pro" [in favour of] before the name of Brutus' writing so that the name of his work reads *"Pro vindiciis contra tyrannos"*. This, however, can be understood in two ways: Either it means that the author just borrowed the title from Brutus and that he, similarly to Brutus, writes in favour of intervention against tyrants; or that he delivers his speech in favour of Brutus' work *Vindiciae contra tyrannos* to defend it against its opponents – mainly against the philosopher Jean Bodin as will be shown further. Nevertheless, the first meaning does not explicitly exclude the other; a certain ambiguity might have even been Jessenius' intention.

Let us now recall the three versions of Jessenius' oration. The first is the manuscript of Jessenius' student disputation from 1591 delivered in Padua, the second, its publication in 1614 in Frankfurt am Main, and the third its publication in Prague 1620. We only learn about the existence of the original manuscript from the 1614 edition, in whose preface Jessenius explains that the work is essentially his student speech from Padua. He claims here that he had thought the manuscript lost but rediscovered it when he was going through the bequest of his deceased wife. It is not completely certain to what extent his speech published in 1614 corresponds to the original disputation (Sousedík, 1995, p. 14) since the original manuscript has not been preserved. The work is further dedicated to the Nuremberg patrician Wilhelm Trauner and in the following page we read a quotation ascribed to St. Hieronymus which claims that "where vices are treated generally, no one should feel offended for no one is described as bad but everybody is rather encouraged to be good".[14] By this quotation Jessenius probably intended to show that criticism is not directed to a specific ruler (probably the king Matthias in this case) but that it is rather meant generally.

---

[14] Hieronymus. *Ubi generalis de vitiis disputatio est, ibi nullius personae existit injuria; neque carbone notatur quicpiam quasi malus sit, sed omnes admonentur, ut sint boni.*

The "third" version of Jessenius' *Vindiciae* in 1620 in Prague corresponds to the version published in 1614 in Frankfurt; nevertheless, it appears much more radical due to its new preface. Here, Jessenius listed the differences between king and kingdom, giving priority to the people of the kingdom as the king is there for the people, without whom the royal power would have no meaning. According to the preface, the people could, in fact, exist without a king, in such a way that it would manage itself through councils of its best men, or even through the people's own decision-making. The 1620 edition is available in the Herzog August Bibliothek in Wolfenbüttel, (shelfmark M: Li 4158) and there are no copies of this edition in Czech libraries, as far as I am aware.

The content of the treatise can be summarized as follows: The author presupposes that society is of God's creation. Since there are conflicting tendencies, and since society is endangered from the outside, it would necessarily be led best by only one person – a king who commands what should be done, who ensures that citizens fulfil their duties, and who strives to preserve internal and external peace. The king is either elected or – in the case of hereditary rule – approved by the people. The people also put officials (ephors) at the king's side whose role it is to advise the king and to admonish him if necessary. Royal power is thus limited both by the laws and these supervising ephors. Should the king repeatedly betray his duties, he becomes a tyrant and, as such, he must be punished. Since the king and the people have entered into a covenant binding both parties, the king (equally as the people) deserves punishment if he fails to fulfil it. In such a case, the people assume their original right to elect and dethrone the king. Nevertheless, the punishment of a tyrant is a matter of the leaders of the community – that is, the Estates rather than common people who are prone to err. Jessenius argues at the end of his work that common people only have the right to help noblemen in their fight against the tyrant; until the noblemen rise, common people are only permitted to pray for the removal of the tyrant. If the noblemen lose their fight against the tyrant, common people should submit to the victorious tyrant´s rule.

Jessenius several times critically addresses "an important political thinker of his time" (*quidam nostri aevi politicorum coryphaeus*) whose name he does not mention in his work. Nevertheless, it was shown in subsequent research (Sousedík, 1992, p. 76) that the unnamed opponent was the aforementioned defender of the ruler's sovereignty, Jean Bodin. At first, Jessenius rejects Bodin's view that rulers are sacred (*sacrosancti*) even when they rule tyrannically. On the grounds of sources drawn from secular and religious history, Jessenius explains that kings may be judged by the people or, rather, by their reasonable and recognized leaders who as a group stand above the king since they have appointed him. If the tyrant refuses to accept their judgement, arms must be taken up, for violence is the only effective means of suppressing violence, in Jessenius' view. The "political author" is equally wrong if he refers to some of St. Paul's quotations (e. g. Rom. 13.1), according to which everyone should put himself under the authority of the higher powers, because all powers are ordered by God. Jessenius objects that these statements are directed against those who deny submission to human power in general (libertines), not against those who strive to resist the tyrant. On the contrary, Jessenius reminds us that tyrants judged by the Church are similar to other sinners, company with whom is not allowed (I Cor 5,9–13).

As to Jessenius' sources, the text shows that the author borrowed not only the title from Brutus' work but also many ideas, including several passages almost literally assumed from Brutus *Vindiciae.* Another work of resistance theory which was another of Jessenius' sources was Hotman's *Franco-Gallia,* the nineteenth chapter of which became the model for the preface to the 1620 publication of Jessenius' work in Prague. Hotman only added chapter nineteen to the work in 1586, and numerous linguistic congruences prove that Jessenius' preface is, in fact, a shortened version of this chapter (Hotman, 1586, pp. 155–159). In several places Jessenius adopted Beza's *De iure magistratuum,* e. g. the exemplum of the Spanish

king's reign and the statement by the Council of Toledo, which, in Jessenius, is shortened and in several places adapted, similar to the adaptations in Beza's work. These show Jessenius' direct dependence upon the significant works of French resistance theory.

As with other political-philosophical works of that time, Jessenius' *Vindiciae* includes an abundance of biblical quotations, references to ancient authors, to Church fathers or chronicles popular at that period. Among these, a special place is reserved for the partly fictional *Historia de omnibus Gothorum Sueonumque regibus* (*History of all Kings of Goths and Swedes*), a work on Swedish history, produced by Johannes Magnus, the last functioning Catholic Archbishop in Sweden, published posthumously 1556 in Rome. Jessenius refers twice to the histories of Gothic kings presented in this chronicle when he gives examples of tyranny. Also interesting is a classical parable contrasting a good king and a tyrant which Jessenius borrowed from the Greek historian Dio Chrysostom (ca 40–115), which the author nevertheless modifies to contemporary needs by adding the figure of Machiavelli sitting close to the tyrant's throne.[15] The systematic work of political theory by the German jurist Johann Althusius (1557–1638), *Politica methodice digesta* (first in 1603, then again in 1614, after several expansions) could also have been a source for Jessenius' work (Sousedík, 1992, p. 75), however, no obvious textual correspondences have been found and the chapter that is, from our point of view, the most interesting – i. e. chapter 38 – *De tyrannide eiusque remediis*, was only attached to the work in 1614, which lowers the probability that Jessenius would have drawn on it.

Conclusion

As has been shown, Jessenius' treatise *Pro vindiciis contra tyrannos* can be rightly considered a Central European reflection of ideas provided by French Hugenot resistance theorists. These theories were clearly stimulated by the religious wars in France (1562–1598) with the aim of justifying armed Protestant resistance against political representatives striving for re-Catholization of the country. Jessenius' case, a few decades later, was similar. He too published his *Vindiciae* to give justification to a resistance in a certain political situation. Although his censure was directed toward a different opponent, the Habsburg emperor Ferdinand II , there was a certain similarity between the French resistance theorists and their later Prague follower Jessenius since, like the political opponents of monarchomachs Ferdinand was also supported by Spain – the Catholic world power of that time.

If we compare Jessenius' work with its older models, especially with Brutus' *Vindiciae* we find little that is new as Jessenius' ideas remain of pre-modern nature. Like his predecessors, Jessenius considers the state to be a confessional body. The original contribution seems to be his polemics with Jean Bodin's *Six livres de la Republique* published in 1576, three years before Brutus' *Vindiciae*. Brutus, however, makes no mention of Bodin's work. Jessenius might have read Bodin quite early, probably in the 1590s after Bodin's work was made available in its Latin translation (from 1586), and he reacted promptly to several of Bodin's theses. The possible model (if any) of this critique has not been identified by research thus far, which indicates that this was Jessenius' own contribution. This, however, is the only new piece of evidence of pre-modern character in Jessenius' ideas, since Bodin's main demonstration of innovativeness – the idea of sovereign power independent of religious authority – remained without notice in Jessenius' work.

---

[15] Dio Chrysostom, *Orationes*, 1, 69–77.

References

BEZA, T. (1574): *Du droit des magistrats sur leurs subiets: Traitté tres-necessaire en ce temps, pour aduertir de leur deuoir, tant les Magistratsque les Subiets* [*The Right of Magistrates: Concerning the Rights of Rulers Over Their Subjects and the Duty of Subjects Towards Their Rulers*]. S. l.

BEZA, T. (1576): *De iure magistratuum in subditos et offi cio subditorum erga magistratus*. Frankfurt am Main.

BEZOLD, F. (1910): Jean Bodin als Okultist und seine Dämonomanie. In: *Historische Zeitschrift*, 105, pp. 1–64.

BODIN, J. (1576): *Les Six Livres de la République* [*Six Books on the State*]. Paris.

BODIN, J. (1586): *De re publica libri sex*. Paris.

BRUTUS, J. S. (1579): *Vindiciae contra tyrannos sive de principis in populum, populique in principem legitima potestate* [*Vindiciae contra tyrannos or, Concerning the Legitimate Power of a Prince over the People, and of the People over the Prince*]. Edimburgum [i.e. Basel].

GARNETT, G. (1994): *Vindiciae contra tyrannos: Or Concerning the Legitimate Power of a Prince over the People, and of the People over the Prince*. Cambridge: Cambridge University Press.

HOTMAN, F. (1574): *Francogallia libellus statum veteris reipublicæ gallicæ, tum deinde a Francis occupatæ, describens* [*Franco-Gallia or, Tract on the Rule of the French Kings and the Right of Succession*]. Coloniae: Ex officina Hieronymi Bertulphi.

HOTMAN, F. (1586): *Francogallia: nunc quartum ab auctore recognita, et praeter alias accessionis, sex novis capitibus aucta*. Francofurtum.

JESENSKÝ, J. (1614, 1620): *Pro vindiciis contra tyrannos oratio* [*In Favour of Legitimate Intervention against Tyrants*]. Frankfurt: Bringer; Prague: Sessius.

KINGDOM, R. (1991): Calvinism and resistance theory, 1550–1580. In: J. H. Burns (ed.): *The Cambridge History of Political Thought 1450–1700*. Cambridge: Cambridge University Press, pp. 193–218.

KRÁL, J. (1923): Jessenius filosof [Jessenius the philosopher]. In: *Česká mysl, časopis filosofický*, 19, pp. 129–141, 211–222.

LUTHER, M. (1525): *Wider die Mordischen und Reubischen Rotten der Bawren*. Landshut.

NEJESCHLEBA, T. (2008): *Jan Jesenský v kontextu renesanční filosofie* [*Jan Jesenský in the context of Renaissance philosophy*]. Prague: Vyšehrad.

OTTMANN, H. (2006): *Geschichte des politischen Denkens*, *Bd.* 3, *Die Neuzeit. Von Machiavelli bis zu der grossen Revolution*. Stuttgart & Weimar: J. B. Metzler.

PICK, F. (1926): *Joh. Jessenius de Magna Jessen*. Leipzig: Barth.

POLIŠENSKÝ, J. (1965): *Jan Jessenský – Jesenius*. Prague: Svobodné slovo.

SKINNER, Q. (1978): *The Foundations of Modern Political Thought: Vol. 2: The Age of Reformation*. Cambridge: Cambridge University Press.

SOUSEDÍK, S. (1992): Jan Jesenský jako ideolog stavovského povstání [Jan Jesenský as the Ideologist of the Bohemian Estates' Revolt]. In: *Filosofický časopis,* 40(1), pp. 69–81.

SOUSEDÍK, S. (1995): Jan Jesenský as the Ideologist of the Bohemian Estates' Revolt. In: *Acta Comeniana*, 11(35), pp. 13–24.

ŠOLCOVÁ, K. (2015): Johannes Jessenius's Pro vindiciis contra Tyrannos Oratio and the Reception of Monarchomachy in the Czech Lands. In: *Acta Comeniana*, 29(53), pp. 137–168.

Spinozian consequentialism of ethics of social consequences

Michaela Petrufová Joppová[1]

Abstract
The present article deals with specific normative concepts of Spinoza's ethical system and compares them to certain aspects of the theory of ethics of social consequences. At first, a way to approach the problem of normativity in Spinoza is presented, concentrating on the obligatory character of rational – or intellectual – motives. Then, theoretical evidence is presented which links Spinoza to normative-ethical consequentialism. The basis for a consequentialist model of Spinoza's ethics is the concept of perfection, and on this basis it seems possible to consider its compatibility with non-utilitarian forms of consequentialism, such as ethics of social consequences. Conclusively, the paper's aim is to present the possibility of considering Spinozian consequentialism as a non-utilitarian consequentialism, while considering ethics of social consequences as a contemporary form of Spinozian consequentialism.

Keywords: Spinoza, rationality, morality, consequentialism, ethics of social consequences

Introduction

The philosophical ethics of Baruch Spinoza is mostly regarded as a descriptive, rather than prescriptive ethical theory, not holding onto strict specific positions about right or wrong, recommended or not recommended moral actions, etc. His thinking could be characterized as more meta-ethical than ethical, as it was focused on revealing the origin and nature of our moral reality, rather than simply "play by its rules". That also means that for Spinoza, there is no actual moral reality; there is nothing morally, or in any other way valuable, and the meaning of human action is mostly the same as the meaning of a bird singing or chirping to its mates. It is all part of one ultimate reality, the substance, which cannot be termed moral at all. And since reality, or substance, provides no basis for definitive moral judgments, assertions, prescriptions, or statements, it should be on one's mind to avoid holding any specific normative-ethical position except for intellectual adoration of the substance and its nature.

It is true, then, that Spinoza holds no specific normative-ethical position that would not regard the substance, except maybe for the *conatus* doctrine, which was prevalent in the philosophy of the early modern period (Carriero, 2011, p. 69). However, from his *conatus*-based meta-ethically conceived concepts of good and evil, one can abstract ethically functional – and prescriptive – constituents for an ethical theory. The aim of the paper is to define these prescriptive constituents in an attempt to formulate a normative account of Spinozian ethics, which I believe could be articulated and understood as a type of consequentialist ethics. I will then try to compare this "Spinozian consequentialism" with a contemporary non-utilitarian form of consequentialist ethical theory, ethics of social consequences.

Normative moments in Spinoza's ethics

Though rationalist, the result of Spinoza's ethics is not some transcendental ideal or criterion of morality, as found in Kant; nor is such an ideal the basis for his ethics. Spinoza builds his conception of moral agency through naturalistic anthropology, identifying moral ideas and moral acts as ideas and acts in the first place, thus not granting morality any special transcendental place, but identifying it with human nature as part of nature. Humans act

[1] University of Prešov (Slovakia); email: michaela.joppova@smail.unipo.sk

mostly in accordance with their deeply-rooted desire for self-preservation, such as every other thing in nature: "For it is manifest that no thing could, through its own nature, seek its own annihilation, but, on the contrary, that every thing has in itself a striving to preserve its condition and to improve itself" (Spinoza, 2002c, p. 53). This striving, or *conatus*, is not conceived merely as some attribute of a thing, but rather as the thing itself, i.e., it is identified with a thing's own existence and nature: "For although the thing and its *conatus* are distinguished by reason, or rather, by words (and this is the main cause of their error), the two are in no way distinct from one another in reality" (Spinoza, 2002b, p. 188). It is this *conatus*, that is the source of every conceivable human faculty and ability, including emotions, reason, will, and morality. The starting point of morality can thus be found in the thing's existence itself, contrary to Kant putting it at the boundaries of reason.

Spinoza does not specifically define morality in any of his works. In the few places which morality is mentioned, it is closely associated with knowledge, as in "true knowledge and true morality" (Spinoza, 2002d, p. 405). His view of morality is cognitivist in the sense of believing that the state and progress of one's cognitive abilities directly affect one's morality. At times it even seems that for Spinoza, cognition and morality are regarded as one and the same thing; the more rational a person is, the more active s/he is in the context of moral agency, which implies that rationality and moral agency are fundamentally identical. However, Spinoza's concept of moral agency is not based on autonomy of reason, as in Kant's ethics. Since the only thing that can be ever termed autonomous in the strictly metaphysical sense is the substance, it would be absurd to state autonomy as specific of human reason. Rationality, moral agency, and the activity of the mind as a whole emanate from the faculty of conceiving adequate ideas, or, the faculty of understanding. And while the faculty of understanding is a necessary precondition of morality, it is also considered as morality's end – the highest virtue that a human being is capable of.

It could be stated that for Spinoza, the ultimate ethical end is the possession of knowledge (De Dijn, 2004, p. 37). What is the role of reason in advancing on this end? Since reason is simply one of many finite modes of thinking, it would be reductive to concentrate on perfecting reason alone; rational knowledge is neither complex nor concrete enough to lead to the highest form of human perfection. True, adequate knowledge consists of having adequate ideas – or simply ideas, as Spinoza considers an idea as "the very act of understanding" (Spinoza, 2002a, p. 269) – and the activity of the mind, which is fundamentally one and the same thing. True understanding is the highest form of activity of the mind, and since the activity of the mind can be nothing else than thinking, understanding represents thinking in its truest, most complex form. The performance of rationality is based on "common notions and adequate ideas of properties of things" (Spinoza, 2002a, p. 267), but it does not necessarily lead to understanding things' essences, i.e., their adequate ideas. Reason functions more like an instrument for staying on the level of adequacy of thinking (through conceiving adequate properties of things), but it is not the ethical end-in-itself.

Since a rational being understands the role of reason in moral decisions and actions, it follows from Spinoza's thinking that the more rational a person is, the more obliged s/he is to further develop and improve his/her rationality. Only through this rational effort humans are able to develop into a state of blessedness, which consists of understanding knowledge (or love) of the substance (or God); adequate knowledge of God being the final goal of human existence. Reason alone may incline towards the adequate, but, as Spinoza puts it, "there is no rational life without understanding" (Spinoza, 2002a, p. 358), and to understand God, humans must first perfect their understanding (or intellect) as such. Spinoza also claims that the intellect is the only part of the mind through which we are said to be active, and the only part of the mind that is eternal (Spinoza, 2002a, p. 381). The ethical ideal of the *Ethics* is the ideal of human agency, which consists of being completely active in thinking *and* in bodily action.

It follows, then, that constant improvement of one's understanding is the supreme ethical goal, and supreme obligation for any rational (and thus understanding) being.

Normative moments of obligation in Spinoza may also be found in the concept, or ideal, of human nature. Spinoza's philosophy features the concept of human nature as a rational project or construct (*ens rationis*) that each rational human constructs by himself and for himself, and which serves as a model of humanity that this particular human being lives according to. That means that through reason, rational agents are able to construct the scope of their own moral rationality, demonstrated in their idea of humanity which they apply to themselves. In the context of this normative character of human nature, it is necessary to differentiate between two possible levels of prescriptive ethics: obligations for rational persons, and obligations for irrational – or significantly less rational – persons. Michael LeBuffe defends this interpretation of normativity in Spinoza on the grounds that there are many things which may benefit a person who desires them in the right way, but that will not benefit a person who does not; for example, food and drink are good things for someone who desires them through reason, but might be bad for someone who desires them from passion (LeBuffe, 2007, p. 383). We could say that for irrational persons, the supreme moral obligation is to try to overcome their passions by rational activity and self-reflectivity. For greatly rational persons, the supreme moral obligation is to try to become eternal to a great extent, i.e., perfecting the intellect towards the conscious love of God. And for moderately rational persons – probably the majority of people – the supreme obligation is constant improvement of reason and intellect so that they help them advance towards their own ideals of themselves.

What may still seem unclear is the background of these obligations; in other words, where do obligations come from? Since there is no transcendental eternal reason guaranteeing the adequacy of judgments of practical rationality, and also within human beings there is no inherent "pure" reason which could faultlessly guide their minds, who or what exactly obliges us to do something? As I believe is already evident, Spinoza conceives obligations on rational grounds; in fact, they could be conceived as necessary expressions of rationality's self-affirming character. All of Spinozian ethics is based on this self-affirming character of rationality: morality does not exist before rationality and intellectuality. A person that is rational is, in Spinoza's view, also moral, in the sense that as long as s/he uses her/his rationality, it *morally* obliges him/her to use it even more and in a more perfect way. Supreme ethical obligations are then either pursuit, or improvement, or perfection of one's rationality, which apply to irrational, moderately rational, or greatly rational minds. Since all obligations must endorse rationality and not invalidate its self-affirming essence, they must comply with the basic principle of rationality – the principle of non-contradictionality. In this context, Spinoza remarks: "If a free man, insofar as he is free, were to act deceitfully, he would be doing so in accordance with the dictates of reason (for it is in this respect only that we term him free), and thus to act deceitfully would be a virtue, and consequently, [...] it would be better for every man to act deceitfully, that is (as is self-evident), it would be better for men to agree in the words only, but to be contrary to one another in reality, which is absurd" (Spinoza, 2002a, p. 357).

We can see that for Spinoza, when a greatly rational mind – or a free man[2] – is guided by reason, it should prohibit him from unreasonable, even nonsensical action, i.e., an action that

---

[2] I understand Spinoza's concept of a free man as the concept of a human being with a moderately to greatly rational mind, that is, a man who understands himself as a rational being, tries to overcome his weaknesses by rational effort and tries to perfect and realize his adoration for reality, or God. Karolina Hübner, for example, interprets the concept of a free man in Spinoza in a very idealistic and internalist-oriented manner, as she finds Spinoza's model of human nature to represent what she calls a "pure reasoner", i.e., an ideal being that exists only *qua* reasoning. For such a being, external causes are neither needed, nor do they obstruct his actions (Hübner, 2014, p. 138). While I think that such a concept of a free man might be adequate for hypothetical reasoning, I find the most viable concept of a free man to be the one that acknowledges the external "dangers"

consists of contradiction. So in practice, the principle of non-contradictionality, funded by reason alone, might serve as a quick tool to check one's motive, goal, or the content of an action in relation to its rationality.[3] The cognitivist and rationalist orientation of Spinoza's ethics implies that whenever an action is rational, it is also moral, or good, but one must adequately understand the true nature of rationality to use it the right way. And how do we use our rationality in the right way? When we do not separate it from understanding, and do not forget that true understanding is the ultimate ethical goal, while rationality is just a tool we use in the process of its attainment.

Spinozian consequentialism…

The normativity of Spinoza's ethics lies primarily in the "dictates of reason": rational human beings ought to act according to their rationality, which proves to be, when considered in relation to ethics, the "safest" mode of thinking since it gravitates towards common notions and properties. That means that through rationality, human beings are more prone to come to an agreement when it comes to establishing moral rules and norms, and choosing the principles that would guide them. Rational thinking also tends to be consistent, and so it enables the moral agent to build his own structure of values that he consistently finds appealing, respectable, or motivating. It needs to be stressed that according to Spinoza's gnoseology, the purpose of rationality is abstraction, construction, and regulation, so its "ethical" usefulness lies primarily in constructing ideals and abstractions that guide our action. The fundamental categories governing our thinking and action in the moral sense are good and evil.

Spinoza's naturalism identifies good and evil with their subjective source, i.e., subjective judgment based on what a person likes or doesn't like. And since good and evil are subjective categories, it is better to construct the *model* of good and evil based on the chosen model of human nature, rather than on our desires, appeals, and the like. Spinoza advances this way and constructs a model of good and evil based on his model of a free man, or a greatly rational mind: "So in what follows I shall mean by 'good' that which we certainly know to be the means for our approaching nearer to the model of human nature that we set before ourselves, and by 'bad' that which we certainly know prevents us from reproducing the said model" (Spinoza, 2002a, p. 322).

Good and evil are thus ethical constructs with normative power similar to the concept of human nature. But this is not a common ethical meaning which people normally ascribe to these terms. Surely when a person terms something good, s/he needs not have a concept of human nature guiding his/her action. Yitzhak Y. Melamed explains that according to Spinoza, when people say that a certain act or certain event is evil, what they actually do is compare it with a certain kind of perfection it could have had, while also admittedly judging that it could have been better. Evil, then, is merely a privation of a more perfect state (Melamed, 2011, p. 157).

Spinoza illustrates this using the Garden of Eden, specifically concerning Adam's fall. In one of his letters, he replies to Willem van Blyenbergh's question whether Adam's decision (to eat the forbidden fruit and deceive God) was good or bad, and whether or not he was simply executing God's will. Spinoza responds that Adam's decision was neither evil nor –

---

placed upon him and where he tries to overcome his passions by recognizing them as part of himself. Such a concept is presented, for example, by Matthew Homan (2015).

[3] This strongly resembles the practical purpose of Kant's categorical imperative, one of possible final statements of dogmatic rationalist ethics. However, since Kant's relation to Spinoza has been spectacularly overlooked over the years, I do not engage in comparing Spinozian and Kantian ethical systems, though some interesting parallels definitely seem to come forward. In recent years, some progress regarding the relationship between these two great rationalists has been made by Omri Boehm (2014), who argues that at the very least, the pre-critical Kant was likely a Spinozist.

improperly speaking – against God's will, because in the end God must have been the cause of it, as he is the cause of everything. But distinguished evil lies in the privation of a more perfect state, which Adam was bound to lose because of his actions (Spinoza, 2002e, p. 809). How are we supposed to judge Adam's action, then? We cannot adequately judge his action of deceiving God according to his motive, because he was the one who was deceived in the first place, and thus in the moment of the said action he was deprived of a large part of his rationality (knowing the truth). If he was not rational enough, the influence of obligations which would normally apply to him – namely improving his rationality by committing rational acts – declines. So, strictly speaking, his action may have been contradicting in itself, because it was based on deceit, but we shall not perceive it as contra-obligatory, because it was not based on evil motives.

We might say that good motives are based on adequate understanding; but what makes *an act* good? When we cannot adequately judge an act according to its motive, we can still surely judge it by means of something else. In the case of Adam, we can definitely judge his actions by the consequences it produced, i.e., the privation of a more perfect state. In Spinoza's ethics, actions seem to be measured according to one fundamental criterion: whether they *consequentially* increase or decrease perfection. If we define human perfection as the complete activity of the mind and body funded by the intellect, then actions are morally good when they produce consequences that increase such intellectual activity of a moral agent, and morally bad when they decrease such activity. Only actions of a moral agent that not only motivationally, but also consequentially affirm his rational and intellectual nature are thus termed to be good. A particular act is then perfectly morally good when it is based on good motives (i.e., adequate understanding), and when it simultaneously produces consequences that increase perfection and evade privation. Formulated as an obligation, this Spinozian concept bears striking resemblance to the utilitarian principle of maximizing utility, which Jan Narveson states as: "We ought always to [sic] maximize the good, as each person sees it, so far as possible" (Narveson, 1970, p. 276). However, it is necessary to change the part of "as each person sees it" to "according to each one's essence".

We can see that there is a distinctively pronounced component part of Spinoza's moral philosophy that could be likened to consequentialist normative-ethical thinking. According to Ján Kalajtzidis, consequentialist ethical theories are those that evaluate and judge the actions of a moral agent according to their consequences; nevertheless, he stresses that consequences are just one of many ways of evaluating acts, though in consequentialism it is the most important one (Kalajtzidis, 2013, p. 163). Vasil Gluchman differentiates between utilitarian and non-utilitarian consequentialism, that diverge at the following moments: a) non-utilitarian consequentialism (NC) avoids the reduction of consequences to an action, as in utilitarian consequentialism (UC), and also considers the consequences of a motive, an attitude, or an intent; b) the structure of values in NC is more broadly conceived than in UC, not reduced to utilitarian values; c) UC considers as right only such an action that produces the best possible consequences (maximizing principle), while in NC an action can be termed right even when it produces "only" a prevalence of good consequences. Another dividing moment may be the refusal of the impartiality principle of UC by NC (Gluchman, 1995, p. 53).

Which consequentialism would Spinoza prefer – UC or NC? There are many moments linking him to utilitarianism, for example his methodical use of eudaimonistic, hedonistic or utilitarian approaches in solving ethical questions, as Gluchman observes (Gluchman, 1996, p. 72). However, I fully agree with Federico Zuolo and arguments regarding utility in Spinoza presented in his recent work *Nature and morals* (2016), in which he argues that for Spinoza, the utility of an action is always associated with one's power of preserving his existence, i.e., with his *conatus*, and that ethical life should be understood only in terms of relative increasing and decreasing of this power. Since the perfection of *conatus* is identical with perfection of

mental and physical activity, and humans are most active – and eternal – when they adequately understand, the distinguished utility of an action is always linked to the intellect, which is the source for the mind's power to exist in eternity. Spinoza's conception of utility was more metaphysical or epistemological utilitarianism, than the ethical form of it.[4] There are many situations in which we have the opportunity to increase the utility of our actions by using methods that are contrary to our rational essence, and I believe I have sufficiently demonstrated that Spinoza would definitely not encourage them. Spinoza's ethical theory is perfection-oriented, but does not ethically place one's own perfection prior to the perfection of the world. One's action does not only increase or decrease one's own perfection, but also social or natural perfection, and these perfections, when we specify them as values, do not depend upon the perfection of our intellect. I believe, then, that it is adequate to consider Spinozian consequentialism as a form of NC.

…and ethics of social consequences

Let us take a closer look at what a specific type of non-utilitarian consequentialist ethical theory might look like. I have chosen ethics of social consequences, which is probably the most potent consequentialist ethical theory in our region. Originally conceived by the Slovak philosopher Vasil Gluchman, ethics of social consequences refuses the maximizing principle of UC and works within broader ethical contexts. The determining criterion of morality in this theory is positive social consequences, i.e., the totality of consequences with positive character or influence resulting from the actions of moral agents. Secondary criteria used as a means for measuring the consequences are also present – the motives and intentions of actions – however, they are inseparably bound to the consequences they lead to through actions (Gluchman, 1995, p. 85). Gluchman defines positive social consequences as a relative concept that can have different, even almost seemingly ambivalent content under different circumstances. One cannot say, for example, that unemployment is always a negative phenomenon with regard to society, because he has to recognize its effects in respect to concrete people and their lives, fates, plans, interests etc. (Gluchman, 2003, p. 17). Such a relative concept of positivity or negativity of consequences echoes with Spinoza's understanding of the relative nature of good and evil and their subjective origins.

Ethics of social consequences presents a dualistic account of moral evaluation of actions: one is based on the theory of moral (or the theory of value), the other on the theory of right. According to Kalajtzidis, the theory of good conceptualizes what is valuable and what we should aspire to, while the theory of right tries to stabilize what one should choose, or which option (out of at least two of them) is the right one (Kalajtzidis, 2013, p. 160). So from the viewpoint of these evaluating standpoints, an action is considered moral if there is a maximum or a greatly significant prevalence of positive over negative consequences, and is considered right if the prevalence of positive over negative consequences is less significant. If there is a maximum or greatly significant prevalence of negative over positive consequences, and action is considered immoral, and is considered wrong if there is a more minor prevalence of negative consequences over the positive ones (Gluchman, 2017, p. 58). It seems that these evaluating standpoints make no place for considering motives as a criterion of morality or moral content of an action, which would drastically differ from Spinoza's view of our

---

[4] Most utilitarian aspects of Spinoza's ethics derive from his epistemological or intellectual egoism based on one's *conatus* and the power of knowledge in preserving one's being. However, I fully agree with Herman De Dijn (1996) that within Spinoza's account of morality, this metaphysical egoism is not compatible with ethical, utilitarian egoism. The basic principle of egoism, preserving one's being at any cost, is not ethically advised by Spinoza. In *Ethics*, for example, he argues that reason forbids us from deceiving other people even though it would free us from the danger of imminent death (Spinoza, 2002a, p. 357). So preserving one's being does not seem to be the supreme utilitarian goal, nor does one's death seem to be the worst possible moral consequence.

obligations towards the intellect. Gluchman, however, reacts to this possible objection by considering actions as moral or immoral, praiseworthy or blameworthy based on the intentions of moral agents (Gluchman, 2001).

To put it most simply, when taking motives into account, ethics of social consequences distinguishes between: 1. moral, right, and wrong action, in case of an action being based on good motives, and 2. immoral, wrong, and right action, in case of an action being based on bad motives (Gluchman, 2008, p. 15). We can thus see that even though this is theory proposed as consequentialist, its concept of moral good (or the idea of good, to put it in Spinozian terms) somehow depends on what the moral agent *wills* to do – and *why*. The "why" of the action makes up its morality; the "what" of the action determines its rightness or wrongness. If we apply Spinoza's demand for an increase in perfection to the claim that the rightness or wrongness of an action depends on the measure of positive or negative consequences it produces, we can specify the criteria for evaluating an action as following:

1a) an action is *moral* if it's based on good motives, that is, on adequate understanding (ideas), such as intuition, reason, or good passions;

1b) an action is *immoral* if it's based on bad motives, that is, on inadequate understanding (ideas), such as bad passions;

2a) an action is *right* if it causes the prevalence of effects (consequences) that increase perfection over effects that decrease it;

2b) an action is *wrong* if it causes the prevalence of effects (consequences) that decrease perfection over effects than increase it.

I believe that this summarizing account of two different evaluating standpoints respects and does justice to both Spinoza's ethics and ethics of social consequences. In a Spinozian view, it is as much good and desirable to be the adequate cause of one's activity, and thus perfect the intellect and act according to adequate motives, as it is good and desirable to be the cause of an action that causes effects of increasing perfection, i.e., positive consequences. This is the essence of the ethical indissolubleness of theoretical and practical, or, adequate understanding and its active realization. Ethics of social consequences also hints at this by conceptually dividing the motivational and consequential aspects of moral evaluation, and I believe that such a coherent ethical vision is a necessary precondition for establishing adequate ethical theory which would support adequate moral practice.

As Gluchman correctly points out, there are two stages of understanding of the good in Spinoza's ethics: at the first stage there is a relativistic concept of good, touching mainly practice, with utility regarding one's essence as its fundamental criterion. Another concept of good is the "absolute", objective good, realized as the intuitive cognition of God (Gluchman, 1997, p. 116). In a Spinozian view, subjective and objective concepts of good are both simply normative tools usable in the process of achieving one supreme ethical goal: the fullest activity of one's existence. In my opinion, ethics of social consequences shares this attitude towards morality and ethics with Spinoza. Considering the consequences of one's action is nothing but a specific mode of rationality, which itself is nothing but a specific mode of thinking. Rationality is, therefore, understood as an instrument for moral thinking and judging, and in relation to moral agency, it is always subjectively good.[5] Objective good is characterized by Gluchman as a result of a wide portfolio of human activities aimed at self-perfection and perfection of the social community a moral agent belongs to (Gluchman, 1995,

---

[5] Thus we can say that in relation to moral agency, considering the consequences of one's action in the process of moral thinking and judging is *good in itself*. However, Gluchman advises to understand rationality as an *end in itself*, because it is only an instrument used to realize the good, or "in the battle against evil" (Gluchman, 1997, p. 60).

p. 91). Perfection, thus, is the ultimate ethical goal, and in relation to the moral agent, freedom, accompanied by rational self-governance, is its highest degree.[6]

Conclusion

In a Spinozian view of morality and human life, it is necessary for a moral agent to actively participate in the world in order to make it more perfect, and thus also be more perfect. Actively participating in the human way means being helpful and useful to others by being guided by reason, and educating others that they live well and true to their essence only when they live under the sway of their own reason (Spinoza, 2002a, p. 359). Rational obligation of active participation is also present in ethics of social consequences, for example in the form of the value of (human) dignity, which, according to Júlia Polomská, motivates and obliges the moral agent to be active and to strive for good, and to act in accordance with moral requirements valid in society (Polomská, 2018, p. 145). In both theories, such obligations are prescriptive only to those who are rational.

I believe I have demonstrated the similarity of some elements of Spinoza's normative ethics to the prescriptive aspects of ethics of social consequences. It is not necessary, nor would it be accurate to term Spinoza as a consequentialist, because that would be equal to accusing him of preferring the right over the moral, or vice versa, which he never did. Ethics of social consequences, on the other hand, understandably prefers the right over the moral, but it does not completely disregard the motivational and intellectual moments of one's morality; it would be more useful, though, theoretically as well as practically, if it articulated its position in this regard more conclusively. However, focus on the consequences is not the only conceptual similarity found in both theories: the obligatory rational effort, emphasis on freedom as the final end, the concept of activity and agency of human beings, the theory of right and the theory of moral, the dualistic understanding of good, and the instrumental understanding of rationality are all shared by these two. To me, these similarities and aspects of said theories seem consistent and solid enough to use them in a reformulation of a complex contemporary ethical theory, a specific form of consequentialism funded by Spinoza's ontology and meta-ethics. The practical functionality and applicability of said theory is to be examined, but the practical potential of ethics of social consequences already seems to be sufficient.[7]

According to this account, understanding establishes the desired action to be good, making it – through its motive – moral in its core. Nevertheless, such understanding must be adequately reviewed in reference to practice to create the right course of action. "A free man" must be aware of the inner causes of his, making him willing to perform a certain action, but he must also be aware of the causal and other relations taking place outside of his mind, which also means being aware of the fact that our actions, whatever their background might be, directly (or indirectly) affect the reality of objective existence and irreversibly become a part of it. Such a man is thus a consequentialist just as much as a principialist. I believe that through Spinoza's approach, it is possible to weaken the boundaries between principialist and consequentialist aspects of normative ethics, which could be productive in terms of broadening moral consideration, and by that, broadening human intellect. And ethics of social consequences, as a dynamic, open, and progressive theory, seems to be heading just this way.

---

[6] Freedom here refers to the concept of moral freedom in ethics of social consequences and the concept of freedom as blessedness in Spinoza's ethics. According to Gluchman, moral freedom lies in moral agent's abilities and faculties of actively creating, choosing, and realizing moral goals and values (Gluchman, 1997, p. 52). Spinoza's concept of freedom is identical with the ideal of a free man, or greatly rational mind, which I have examined sooner in the paper.

[7] Most recent practical applications of ethics of social consequences and the challenges that accompany them are to be found in edited volume *Ethics of social consequences: Philosophical, applied and professional challenges* (Gluchman, 2018).

References
BOEHM, O. (2014): *Kant's Critique of Spinoza*. New York: Oxford University Press.
CARRIERO, J. (2011): Conatus and Perfection in Spinoza. In: *Midwest Studies in Philosophy*, 35(1), pp. 69–92.
DE DIJN, H. (1996): *Spinoza: The Way to Wisdom*. West Lafayette: Purdue University Press.
DE DIJN, H. (2004): Ethics IV: the ladder, not the top. The provisional morals of the philosopher. In: Y. Yovel & G. Segal (eds.): *Ethica IV: Spinoza on Reason and the 'Free Man'. Papers Presented at the Fourth Jerusalem Conference*. New York: Little Room Press, pp. 37–56.
GLUCHMAN, V. (1995): *Etika konzekvencializmu* [*Ethics of consequentialism*]. Prešov: ManaCon.
GLUCHMAN, V. (1996): *Etika sociálnych dôsledkov a jej kontexty* [*Ethics of social consequences and its contexts*]. Prešov: PVT.
GLUCHMAN, V. (1997): Spinoza's God and good. In: U. Nembach, H. Rusterholz & P. M. Zulehner (eds.): *Informationes Theologiae Europae: Internationales ökumenisches Jahrbuch für Theologie*. Frankfurt am Main: Peter Lang, pp. 111–120.
GLUCHMAN, V. (2001): Teória správneho v etike sociálnych dôsledkov [Theory of right in ethics of social consequences]. In: *Filosofický časopis*, 49(4), pp. 633–654.
GLUCHMAN, V. (2003): *Human being and morality in ethics of social consequences*. Lewiston: The Edwin Mellen Press.
GLUCHMAN, V. (2008): *Etika a reflexie morálky* [*Ethics and reflections of morality*]. Prešov: FF PU.
GLUCHMAN, V. (2017): G. E. Moore and theory of moral/right action in ethics of social consequences. In: *Ethics & Bioethics (in Central Europe)*, 7(1–2), pp. 57–65.
GLUCHMAN, V., ed. (2018): *Ethics of Social Consequences: Philosophical, Applied and Professional Challenges*. Newcastle upon Tyne: Cambridge Scholars Publishing.
HOMAN, M. (2015): Rehumanizing Spinoza's free man. In: U. Goldenbaum & Ch. Kluz (eds.): *Doing without free will: Spinoza and contemporary moral problems*. London: Lexington Books, pp. 75–96.
HÜBNER, K. (2014): Spinoza on being human and human perfection. In: M. J. Kisner & A. Youpa (eds.): *Essays on Spinoza's Ethical Theory*. New York: Oxford University Press, pp. 124–142.
KALAJTZIDIS, J. (2013): Ethics of social consequences as a contemporary consequentialist theory. In: *Ethics & Bioethics (in Central Europe)*, 3(3–4), pp. 159–171.
LEBUFFE, M. (2007): Spinoza's Normative Ethics. In: *Canadian Journal of Philosophy*, 37(3), pp. 371–391.
MELAMED, Y. Y. (2011): Spinoza's Anti-Humanism: An Outline. In: C. Fraenkel, D. Perinetti & J. E. H. Smith (eds.): *The Rationalists: Between the Tradition and Innovation*. New York: Springer, pp. 147–166.
NARVESON, J. (1970): Utilitarianism and moral norms. In: *The Journal of Value Inquiry*, 4(4), pp. 273–282.
POLOMSKÁ, J. (2018): Human Dignity within Ethics of Social Consequences. In: V. Gluchman (ed.): *Ethics of Social Consequences: Philosophical, Applied and Professional Challenges*. Newcastle upon Tyne: Cambridge Scholars Publishing, pp. 137–183.

SPINOZA, B. (2002a): Ethics. In: B. Spinoza: *Complete works*, ed. M. L. Morgan, trans. S. Shirley. Indianapolis & Cambridge: Hackett Publishing, pp. 213–382.

SPINOZA, B. (2002b): Principles of Cartesian Philosophy and Metaphysical Thoughts. In: B. Spinoza: *Complete works*, ed. M. L. Morgan, trans. S. Shirley. Indianapolis & Cambridge: Hackett Publishing, pp. 108–212.

SPINOZA, B. (2002c): Short Treatise on God, Man, and His Well-Being. In: B. Spinoza: *Complete works*, ed. M. L. Morgan, trans. S. Shirley. Indianapolis & Cambridge: Hackett Publishing, pp. 31–107.

SPINOZA, B. (2002d): Theological-Political Treatise. In: B. Spinoza: *Complete works*, ed. M. L. Morgan, trans. S. Shirley. Indianapolis & Cambridge: Hackett Publishing, pp. 383–583.

SPINOZA, B. (2002e): The Letters. In: B. Spinoza: *Complete works*, ed. M. L. Morgan, trans. S. Shirley. Indianapolis & Cambridge: Hackett Publishing, pp. 755–959.

ZUOLO, F. (2016): Nature and morals: solving the riddle of Spinoza's metaethics. In: *Revue philosophique de la France et de l'étranger*, 141(1), pp. 23–40.

Patočka, Charter 77, the state and morality:
"May it all be for the benefit of the community!"[1]

Ľubica Učník[2]

Abstract
In this paper, I will argue that Patočka's decision to become a signatory and one of the spokesperson of Charter 77 was both deeply informed, and in fact necessitated, by his whole philosophical understanding. I will suggest that the importance of Patočka's contribution to Charter 77 goes beyond the original aim of the declaration, pointing to the broader significance of the moral and political crisis in a society reduced to the sphere of instrumental rationality. For Patočka, to think about humans and their existence in the world is irreducible to instrumental rationality.

Keywords: Patočka, Charter 77, truth, means and ends practical rationality, instrumental rationality, morality

> „No society, no matter how well-equipped it may be technologically, can function without a moral foundation, without convictions that do not depend on convenience, circumstances, or expected advantage. Yet the point of morality is to assure not the functioning of a society but the humanity of humans. Humans do not invent morality arbitrarily, to suit their needs, wishes, inclinations, and aspirations. Quite the contrary, it is morality that defines what being human means" (Patočka, 1989/1977, p. 341).

In 1976, the government of the Czechoslovak Socialist Republic ratified, along with other states, the Covenant on Civil and Political Rights, which was proposed by the United Nations. It was "[a]dopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966" and it came "into force 23 March 1976, in accordance with Article 49" (United Nations, 2017). An informal civic movement was formed to use this occasion to draw attention to the persecution of citizens in the Czechoslovak Socialist Republic in violation of the Covenant, by releasing Charta 77; which called upon the government to uphold the Covenant's principles. The Czech phenomenologist Jan Patočka was both a signatory of Charta 77 and one of three spokespersons to represent this civic movement.

In this paper, I will argue that we can think about Charta 77 in two different ways. On the one hand, Charta 77 is a particular instance of a political action in a particular political situation; and on the other hand, as Patočka also thought, it is a confrontation with the deeper meaning of the crisis of society, transcending its particularity. I will take up the side of its universal aspiration and significance, which is not tied to its particular historical milieu. Hence, I will not consider its historical importance, but its universal implication.[3] To put it differently, the particular instance of Charta 77's formulation is concerned with the Czechoslovak socialist government of the time and its non-compliance with the treaty on human rights. Patočka of course concurs with this aim, but he extends his concerns to assert that the aim of Charta 77 is to achieve "subordination of politics to the law, and not the law to

---

[1] The title for this paper is taken from a recently published book containing documents on Jan Patočka from the Archives of the Czechoslovak State Security Service (Státní bezpečnost) (Blažek, 2017).

[2] Murdoch University (Australia); email: L.Ucnik@murdoch.edu.au

[3] For a discussion on Charta 77, see, for example, Kraus, Blum, Matuštík, Bolton, Skilling, Jarvinen (Kraus, 2007; Blum, 2005; Matuštík, 2007; Bolton, 2012; Skilling, 1981; Jarvinen, 2009).

politics, as is currently the case" (Blažek, 2017b, 4 March 1977, D 57, p. 215). In other words, Patočka's position is not limited to a particular instance, relating to and defining the Czechoslovak government's abuse of the legal system; he also invokes a general rule regarding an important linkage between any and every government in relation to the law of the State. There is a crucial difference to account for: *either* the State can define and change the law arbitrarily, based on the ruling Party's preferences or lobbyists' influence on the formulation of policies, *or* define the parameters within which state policy can be formulated.

In what follows, I will use Patočka's philosophical reflections on the problematic confusion between instrumental politics and morality that Charta 77 addressed, and will supplement them with his other writings, to consider the *present* crisis in the light of the history of ideas.

Ivan Chvatík suggests that Patočka's lifelong struggle is a reflection on the crisis of European humanity (Placák, 2017a, p. iv): Patočka follows, extends and changes Edmund Husserl's thinking (see Husserl, 1970). Chvatík also notes that, at the end of his life, Patočka's reflections were about 'post-Europe', which we now usually refer to in terms of 'globalisation' (Placák, 2017a, p. iv). There is no doubt that science and technology – two intertwined successors of European philosophy – have conquered the world. The problem is that these two inheritors have appropriated only a part of their inheritance, forgetting that the victory of technical solutions was originally based on a European spiritual foundation, which has become overlooked and eclipsed in the contemporary world. The result is a one-sided techno-scientific rationality that should concern us all (see also Patočka, 2002a, p. 9).

In this paper, then, reflecting on today's society and its framing-in by the culture of cybernetics, algorithms and social media – along with their ostensible propagation of 'post-truth' derived from alternative or false 'facts' – I will suggest that the problem of techno-scientific reasoning, stripped of its inner connection with the original spiritual foundation, is also an issue of truth, as well as an issue of morality; leading to the issue of human existence. According to Patočka, "it is morality that defines what being human means", not the other way around (Patočka, 1989/1977, p. 341).

Charta 77

The year 2017 marks the 40th anniversary of the publication of Charta 77, which led to Jan Patočka's death (1907–1977), following interrogation by the State Police. According to Michael Kraus, Charta 77 redefined "[W]estern notions of civil society" (Kraus, 2007, p. 136), whereby, in the words of Barbara Falk, it "drew a line between politics and morality that effectively changes our perspective on politics" (Kraus, 2007, p. 136). From this position, Charta 77 showed a discordance between politics and morality – politics, which has been the space of violence; and morality, which has become superfluous to 'real' politics, thereby ignored and relegated to 'outside' of the instrumental sphere of government.

Charta 77 was released in January 1977. In the accompanying essay, "The Obligation to Resist Injustice", Patočka recalls the crisis at the heart of techno-scientific rationality, when he writes, "If human development is to match the possibilities of technical, instrumental reason, if the progress of knowledge is to be possible, humankind…[needs] something that in its very essence is not technological, something that is not merely instrumental: we need a morality that is not merely tactical and situational but absolute" (Patočka, 1989/1977, p. 340).

There are two ways to approach Charta 77 and Patočka's essay. Either these texts can be seen as assertions of the so-called metaphysical language of absolute morality and human rights; or it might be argued that Charta 77 did not describe the pathological symptoms of 'really existing socialism' by revoking the empty metaphysics of human rights and morality, but rather, productively inserted into the midst of human affairs – in the stifled atmosphere of this 'really existing socialism' – different ways of thinking and understanding the world in the

late 1970s. Patočka's other texts can be seen in this light too. Thus, in today's world, to reflect on Patočka's claims regarding the importance of morality for human society is to recognise his continuous attempt to open and take up the possibility of creating a different understanding of the present. Such an understanding can help us to reconfigure techno-scientific reasoning in a world where the absolute, divine ground is no more, leaving human moral conduct supposedly without firm ground. To reflect on Patočka's understanding of 'morality' is to take up the history of ideas and, thereby, also to reflect on his writing as an active ingredient in forming new ways of thinking and living.

The crisis of the state

Patočka was one of the three spokespersons of Charta 77 (with Jiří Hájek and Václav Havel). As Cerwyn Moore reminds us: "Patočka's decision to take an active role as a spokesperson in Charta 77 placed him in a dangerous position at the forefront of the Czechoslovak dissident movement" (Moore, 2010, p. 80). The recent publication of documents on Patočka amassed by the State Police reveals their level of knowledge related to his health. His personal doctor, Vlastimil Ježek, an agent of the State Police from 1974 under the cover name 'Kliment', (Blažek, 2017a, p. 20; Placák, 2017b, p. ii) exposed the history of Patočka's ailments, declaring that he was at risk of heart attack, stroke, and so on, "which can happen anytime" (Kliment, 12 Feb 1977, D 48, p. 188). Hence, the incompatibility between State actions and morality was starkly brought to the fore by Patočka's death. Patočka's exhaustion, caused by the State Police's investigation into his interview with the Dutch foreign minister, Max van der Stoel, on 1 March 1977 exacerbated his chronic bronchitis, leading to his death. As the released documents establish, the State Police was aware of Patočka's condition. The final report simply confirmed the expected end of their actions: "Medical report – Conclusion: Advanced chronic ischemic heart disease. Chronic bronchitis. Stroke" (doc. MUDr. Albert Válek, Dr.Sc, 14 March 1977, D 67, p. 236).[4]

Is it possible to trace a link between the actions of the State and Patočka's understanding of moral action? What was Patočka's position on morality, which he expounded in the texts accompanying Charta 77? Were his philosophical convictions related to his action as one of the signatories of Charta 77?

I will argue that Patočka's decision to become a signatory and one of the spokespersons of Charta 77 was deeply informed by his whole philosophical understanding;[5] a decision that led to repeated investigations, exhaustion and eventually his death in hospital a few days after a day-long police interrogation.[6] Ludwig Landgrebe offers a description of both Patočka's death and his involvement in the political at the end of his life, which I propose here to follow and substantiate, "Patočka has chosen a fate, for which Socrates was the great model. In the beginning of philosophy, Parmenides spoke of the signs which stand on the difficult path to truth, Patočka's death has placed one such sign" (Landgrebe, 1977, p. 290).

Patočka's philosophy and his reflections on morality show their continuing relevance today. He clearly objects to the designation of the signatories of Charta 77 as dissidents: during his interrogation on 12 January 1977, he notes that they are not followers of Prague

---

[4] The more detailed record of Patočka's death is: "Medical report – Conclusion: Acute ischemic heart disease. Atrial fibrillation. Chron. bronchitis. Susp. embolism a. cerebi media. Hemiplegia. Aphasia" (doc. MUDr. Albert Válek, Dr.Sc, 14 March 1977, D 68, p. 238).

[5] For a similar claim, see also Petr Blažek and Ivan Chvatík (Placák, 2017b, pp. ii–iii; Placák, 2017a, p. iv).

[6] In 1976, Patočka signed a letter of protest against the prosecution of members of the underground group, *The Plastic People of the* Universe (Placák, 2017a, p. v). The prosecution of the group and opposition to it led to the formulation and subsequent publication of Charta 77. Patočka famously said that he could not listen to their music, but he would do whatever it took to defend their right to critique the government (see Placák, 2017b, p. ii; Patočka, 2006/1976; draft of the translation: Patočka, 2017).

1968 politics, and are not dissidents.[7] They are a part of politics, and not outside of it: Charta 77 does not aim to interfere in the politics of the Czechoslovak government because its goal is "to participate in public critique" (12 Jan 1977, D 139, p. 453). In other words, the publication of Charta 77 aimed at opening up the space of debate that was closed in socialist Czechoslovakia. Yet, Patočka's critique is not simply a critique of socialism per se, although it is also that. Patočka recognises a larger context: that of this particular crisis as one case, among many others, of the overall crisis in our society; which is the outcome of the problematic nature of morality and politics in a world where God is dead, as Nietzsche announced (Nietzsche, 1974/1882, §125, pp. 181–182). To put it differently, Patočka attempts to think through the loss of transcendence that had previously grounded our finite human morality, and his starting point on this road is Socrates, "a discoverer of human historicity" (Patočka, 2007/1948, pp. 23–24).

Politics and the state

To reflect on Charta 77 is to realise that the incompatibility between the actions of government, law and morality is not only a defining feature of the (now non-existent) 'real socialism', but is also a problem for the very much existing 'real liberalism'.

In the domain of politics as it is 'practised' today in the sphere of instrumental rationality, we have forgotten that 'planned' ends are not the same as 'human ends'. Discussing Patočka's *Heretical Essays*, Paul Ricœur explains that "politics is always of another order than economic management…[and] the end of politics is nothing other than life for the sake of freedom, not life for the sake of survival or even for well being" (Ricœur, 1996, p. viii). An important note should be inserted here. Ricœur's formulation of politics harks back to Patočka's and Hannah Arendt's texts and their conception of the *polis* (Patočka, 1996; Arendt, 1998/1958). On this interpretation, politics is the "sharing of words and deeds", as Arendt formulates it (Arendt, 1998/1958, p. 197). It is a *safe* space for debate, where citizens can present their different points of view and together consider their present situation. It is a space for rational, although agonistic, decision-making, as we would say today. In contrast, current politics is concerned with the management of the State relying on numerous experts and not on debate with citizens,[8] who have now been designated as clients of the State. Citizens – which Charta 77 aimed to bring back into debate with the State – seem to have disapeared altogether.[9] Politics is reduced to instrumental economic considerations, supported by changeable policies, to claim as its 'legal' domain only the fiscal management of the State. These policies are designed to be 'applicable' to the material domain, the domain of things.

Means and ends

To think about the difference between governing things and governing people, it is important to pay attention to the instrumental rationality that is a defining feature of our present day. Instrumental rationality is originally derived from the sphere of making. It is based "on the fact of purposiveness, on the model of *technē*, on the relationship between means and ends with which ordinary, routinely practical human life operates" (Patočka, 1989/1953, p. 180). Aristotle points out the difference between the sphere of human action and the sphere of things in terms of the difference between *praxis* and *poiēsis*; the latter being the sphere of *technē*, concerned with know-how regarding things, with production. Arendt explains the

---

[7] The understanding of the other Charta 77 signatories themselves as dissidents, or not, is not addressed here.

[8] For a similar position, see Rancière, 1999.

[9] It could also be pointed out that economic inequality, which is becoming very visible these days, or the movement "Black Lives Matter" could lead to the renewal of debate concerning the human rights of all citizens in the State. Indeed, it could lead to questions relating to the designation of citizens as clients of the State and what the implications are for this innocuous substitution. This angle is outside of the present argument.

danger of conflating these two spheres by applying the model of production to human actions. Once human action is thought of on the model of 'production' – in other words, as something that can be achieved by 'planning' or producing – then "by applying the absolute – justice, for example, or the 'ideal' in general (as in Nietzsche) – to an end, one…makes unjust, bestial actions possible" (Arendt, 2005, p. 3, italics removed). In other words, if we posit that we can concretely achieve ideal justice in the world through proposing policies, we forget that this producible 'justice' can only be a particular instance of justice, which by this very gesture becomes an achievable end. We lose any historical consideration of what 'justice' means, as Socrates inquired a long time ago. The 'means' leading to this posited end become prioritised over the end, which we have, after all, already decided that we can produce. Arendt recognises this danger when she writes, "the 'ideal', justice itself, no longer exists as a yardstick, but has become an achievable, producible end within the world" (Arendt, 2005, p. 3, italics removed).

In the modern age, we have privileged and extended the side of practical rationality, whereby the production process does not end with the produced thing but, rather, the *process* itself becomes primary. The end is never really an end, but becomes a means for some other end. Hence, the 'means' are prioritised over 'ends'. Any means available are 'good' if we decide that the end is achievable. Where human actions are concerned, exporting democracy to Iraq is a recent example of the impossibility of planning an end as if we were dealing with the production of a vase.

In the production process, in the domain of things, when we decide to produce a vase, the process ends with the vase itself. The vase closes the process and the means are only an instrument to achieve this concrete end: they are a part of the process. On the other hand, *hou heneka*, 'for the sake of which' we do something – which is relevant to 'human ends', human existence, as Patočka says – is not of the same order. It is not possible to conduct human action in the same manner. There is no clear *particular end* of a 'process'. There are many possibilities open to us, and by choosing some, we close others. For Patočka, "life is a life in possibilities characterized by a relation to our own being; we project that for the sake of which we are, that *for the sake of* is the possibility of our life" (Patočka, 1998, p. 177, italics in original).

Means, in the sphere of human experience, are "directed at life, beautiful and good, and worthy of being sought for [their] own sake" (Taminiaux, 1997, p. 38), because *we are free* to take up the possibilities that we are – or ignore them – to fight for the good that cannot be a part of the world. There is no clear, achievable end. Good is something we strive towards, but cannot reach. It might guide us in our lives through our choosing from present possibilities, but those possibilities will lead to other possibilities. There is no end that we can predict. As Aristotle would have it, *praxis* is opposed to *poiēsis*; "*praxis*[,] being oriented toward living-well[,] is free because its desire is liberated from sheer necessities and usefulness" (Taminiaux, 1997, p. 37). Taminiaux explains that if we apply 'means' from the domain of things to the domain of humans, "life would remain imprisoned within an infinite circle of means and ends, we would merely choose something for the sake of something else" (Taminiaux, 1997, p. 37). In that case, the space of freedom would be reduced to determined 'options', however boundless, that we could select from, believing that they lead to a chosen end. Nothing new could happen in "this endless process of usefulness", which "would render every desire futile and vain" (Taminiaux, 1997, p. 37).

The discordance between politics and morality

The idea of human rights is nothing other than conviction that even states, even society as a whole, are subject to the sovereignty of moral sentiment: that they recognize something unconditional that is higher than they are, something that is binding even on them, sacred,

inviolable, and that in their power to establish and maintain a rule of law they seek to express this recognition (Patočka, 1989/1977, p. 341).

For Patočka, to think about humans and their existence in the world is irreducible to instrumental rationality. In the case of the State and its 'management by experts', human ends become problematic, because they are unpredictable. This is the point he makes when speaking of the law and the State. It is in the order of Socrates' question to Euthyphro: "Is the pious being loved by the gods because it is pious, or is it pious because it is being loved by the gods?" (10a) The issue is, as Plato shows in his dialogues, unquestioned tradition. Euthyphro simply does not know what justice is, what pious means or what good is – which he claims to defend. His parroting of the old, unquestioned precepts simply exposes his ignorance of his own actions, which he claims to understand.

Patočka makes clear in *Plato and Europe* that the "community is traditionally administered by certain rules. In a community that is administered as it should be justice rules. But this justice should not be apparent justice, meaning justice for the exterior, justice for the consequences of justice; rather, it should be justice for the sake of justice, because it is understood that justice is something good and right" (Patočka, 2002a, p. 104). Patočka's point is again general, concerning means and ends. If we accept that "right and justice [are] a matter of utility, an external utility, as a matter that can be put to a specific test" (Patočka, 2002a, p. 104), then we have already accepted that this is something we can produce, plan and achieve by *means* of experts. Justice as the idea guiding our understanding becomes unthinkable, since it is not something in the world. In our everyday world, we experience numerous cases of just or unjust actions, but the idea of justice is of a different order. We cannot experience it but we can think it and it can guide our conduct. The idea is not something positive, empirically testable. If we forget this side of our human experience, then justice – taken as something we can produce, measure and apply – becomes a matter of convenience, relative to the changeable wishes of the rulers of the day. There is nothing left to decide what is right and just: the yardstick that Arendt speaks about has disappeared. Yet, as Patočka notes, justice and *arête* (excellence/virtue) are what makes humans who they are: "what makes man in the good sense of the word" (Patočka, 2002a, p. 105). He expresses a similar sentiment in the supplementary text to Charta 77, which I have already cited: "it is morality that defines what being human means" (Patočka, 1989/1977, p. 341); it is an idea that we can strive towards and think about. However, the idea is not something that we can produce or plan (see Patočka, 1989/1953). If it was, morality would be always relative to our relative human ends. But where does the idea come from?

Throughout his work, Patočka confronts issues of morality, truth, politics and human living in the world, without the help of transcendence, in many different ways. 'Living in truth', the motto of Charta 77 popularised by Václav Havel (1989), is from Patočka's oeuvre. Again, we are looking at the difference between particular and general. Michael Kraus suggests that according to Havel and the other Charta 77 signatories, Václav Černý and Miroslav Kusý, Charta 77 aimed to bring into the open the pretension of the Czechoslovak government's "ideological façade of genuine socialism" and "to 'restore the moral backbone, revive the respect for law, justice, and human dignity'" (Kraus, 2007, p. 145). In contrast, for Patočka, "[t]he vision of living in truth" is a way of being able to give reasons for one's opinions while participating with others in a debate, where all accept being "corrected through a shared effort" (Patočka, 1989/1971, p. 223). For Patočka, morality, the commitment to justice and truth, is related to human action and responsibility. Responsibility is morality by another name; it means "a thousand-railed practice which nevertheless has a common sense, which we can…observe in acting" (Patočka, 2002b, p. 514, ellipsis in original). To be responsible means accepting that meaning is not secured, but that we have to search and fight for it. As he maintains, "[g]*iven certain circumstances,* [we] *could make at least the human world a world*

of truth and justice” (Patočka, 2002a, p. 36, italics in original). The key word is ‘human’. We can do no more.

   To return to his claim from the text published alongside Charta 77, where he speaks of ‘absolute morality’, we need to realise that for Patočka, this is not the Kantian imperative (Patočka, 2015/1977). In the last essay he wrote, he explains that moral imperative, without the guarantee of God, is not binding – as Fyodor Dostoevsky showed in his portrayal of Ivan Karamazov (Dostoevsky, 2004). What we have to accept is Socratic ‘learned ignorance’. Yet this does not mean that anything and everything goes: we must be able to give reasons for our claims and defend them in the company of others. As he writes in an unaddressed letter: “If there is a moral imperative, then it is to defend and generalize responsible life.” For Patočka, there is not “any purpose in human life that would be *beyond* this human decision-making” (Patočka, 2002b, p. 514, italics in original). There is no transcendence to secure our human, finite meaning. We are finite human beings and we will never reach the absolute. We must accept our lot and realise that our lives must be lived by accepting that all meaning is never final; that tradition can help us but it will always be shaken; and that there is neither God nor Platonic Ideas nor Absolute Spirit that can give us an anchor that would keep the keel of our life straight and secure. This is, as he says, to accept positively the question of Jesus on the cross (Patočka, 2002c/1973, p. 413): “My God, my God, why hast thou forsaken me?” (Matthew 27:46) It is to realise that there is no God and never was, and that if there was, the answer would be: ‘My son, I was never with you in the first place.’ We are in this world alone, without the security of transcendence, but not without community.

Socrates

We always live in a shaken situation, but with others. For Patočka, a possible response is the “solidarity of the shaken”. This is:

> “[T]he solidarity of those who understand. Understanding, though, must in the present circumstances involve not only the basic level, that of slavery and freedom with respect to life, but needs also to entail an understanding of the significance of science and technology, of that Force we are releasing. All the forces on whose basis alone can humans live in our time are potentially in the hands of those who understand. The solidarity of the shaken can say ‘no’… It will not offer positive programs but will speak, like Socrates’ *daimonion*, in warnings and prohibitions. It can and must create a spiritual authority, become a spiritual power that could drive the warring world to some restraint, rendering some acts and measures impossible” (Patočka, 1996, p. 135).

The ‘solidarity of the shaken’ makes the experience of Socrates our own: it is to say ‘no’ to the abuse of the law and distortion of truth by the State’s instrumental reasoning; to say ‘no’ to “the everydayness of the fact-crunchers and routine minds” (Patočka, 1996, p. 136); to say ‘no’ to abuse of the law and justice by refusing the instrumental explanation, while striving to give meaning to our lives. We need to accept that transcendence is no more, but we can search for new meaning through debate with others, by way of constant questioning of our cherished beliefs. It means taking responsibility for the world we live in.

   This is what Patočka means by historicity in relation to Socrates. For Patočka, history begins with the realisation that meaning is not given and is certainly not secure forever. Every meaning can be questioned – as Socrates practised with others. We must ask naïve questions in order to search for new meaning; but we must also give reasons for our own opinions in order that they pass the litmus test that others impose on us. After all, we live in this world; and we should finally try to live from our own human resources, by refusing to invent another transcendence that would secure our human responsibility. We can neither prevent another Socrates from being sent to death, nor guarantee another Patočka (not) being crushed by the

instrumentality of amoral government. But their deaths are also a sign, as Landgrebe said, that it is worth fighting for truth, justice and the law that applies to all of us, because we remember and keep fighting against this tyranny of instrumentality.

We must accept that without transcendence, meaning is never final, but this does not mean that there is no meaning. As Patočka said to his investigators: only through critique can we get things right. It is the duty of all of us to keep critiquing accepted meaning, otherwise we will end up at the mercy of *either* new tyrants *or* a society where 'everything goes' without any conviction on the part of its members. As he says, "no text whose content and purpose is the moral rehabilitation of society…can compromise this society" (as dictated to his interrogator on 12 Jan 1977, D 139, p. 452). He also acknowledges, as Socrates did a long time ago, that he took upon himself "this civic duty [because] he was convinced that if he did not do it himself, hardly anyone else would dare to do it". He did take up this call to fight for justice, although he was "aware of the fact that it will be a long-term affair and that he will hardly return to normal life" (as reported by the interrogator on 4 March 1977, D 57, p. 215). As Patočka wrote at another time, responsibility is "at the same time actuality, discipline (self-restraint), respect for others, and – wisdom". It is also "*formation* of one's self, the I, which was not there prior to the emergence of a responsible attitude" (Patočka, 2002b, p. 514, italics in original).

For Patočka, "[h]umans are in such a way that they simultaneously *are* and *ought to be*" (Patočka, 1998, p. 95, italics in original). According to him, we are historical humans, living in a situation that we were born into, but we are also "being[s] who [can] distinguish among that which is given, that which is lost and irretrievably gone, and that which does not yet exist except in the mode of unfulfilment in what is present" (Patočka, 1989/1953, p. 199). We have the ability to "struggle against the 'sheer reality', the reality that would impose itself on us as an absolute, inevitable, and invincible law" (Patočka, 1989/1953, p. 199). Knowing that life is ours only, there is no transcendence to give us guidance to our finite human ends. The world opens possibilities up for us, which we can take up; or we can refuse and pine for an outside guidance that can fill in our indecision with ends that are not ours. Or, we can realise that life is not easy and we have to fight for our own existence through a responsible attitude, recognising that we are responsible for the world where we live with others.

In a world without transcendence, there is no possibility of holding to something that is above and beyond our human life (as Kant's moral imperative would have it). There might not be a purpose in nature, nor in the world, but we can build a purpose into our own life. We can make binding human decisions from the meaning that has become shaken. History is this realisation that there is not, and cannot be, total meaning; but it is also a reminder that our search for meaning is never futile.

Conclusion

In this paper, I have argued that we should follow Patočka's understanding of Charta 77 as not only a document that confronts the misconduct of the Czechoslovak Socialist Republic in the 1970s, but also, and maybe primarily, as an attempt at general confrontation with the crisis of society. In Patočka's view, we need to confront the problem of techno-scientific reasoning stripped of its inner connection with the original spiritual foundation, which is also the problem of the transcendence that has become unthinkable in today's world. The problem of truth and morality is also a crisis in the domain of the meaning of human existence. The questioning of the role of the State and the incompatibility between the actions of government, law and morality is relevant to today's world, where instrumental rationality is dominant – since the problem is even more acute than it was in the 1970s. All governments today seem to have forgotten that 'planned' and human ends are incompatible. As Patočka proposes, human existence in the world is irreducible to instrumental rationality. Yet, how can

we secure morality, truth and human meaning in a world without transcendence? His answer is Socrates and his learned ignorance: by questioning our inherited beliefs we can confront our shaken tradition and think anew what is important for humans. The solidarity of the shaken *might* help to bring the problems of truth, morality and human finite meaning to the fore, to help us to rethink them.

However, are those who can form the solidarity of the shaken really in possession of "[a]ll the forces on whose basis alone [humans can] live in our time" (Patočka, 1996, p. 135)? The excitement that Patočka felt with the uprising of students in the 1960s and the beginning of the 1970s seemed to point to a new spiritual beginning. He saw students as a new force coming into being, which could change the technical configuration of society.[10] According to him, the intelligentsia, in the form of engineers, could change the configuration of society. That moment passed, even in Patočka's lifetime, as he acknowledged.[11] In the world of today, mass communication separates us by accumulating our choices through clicks in the virtual world of the internet, while closing spaces where we could share our opinions with others. How, in this world of instant communication, can those who understand what is going on come together? This concern will have to be addressed in another paper.

References
ARENDT, H. (1998/1958): *The Human Condition*, 2nd ed. Chicago & London: The University of Chicago Press.
ARENDT, H. (2005): *The Promise of Politics*, ed. J. Kohn. New York: Schocken Books.
BLAŽEK, P. (2017a): Úvod [Introduction]. In: P. Blažek (ed.): *"Kéž je to všecko ku prospěchu obce!" Jan Patočka v dokumentech Státní bezpečnosti* ["*May it all be for the benefit of the community!" Jan Patočka in documents of Secret Police*]. Prague: Academia & Oikoymenh, pp. 9–23
BLAŽEK, P., ed. (2017b): *"Kéž je to všecko ku prospěchu obce!" Jan Patočka v dokumentech Státní bezpečnosti* ["*May it all be for the benefit of the community!" Jan Patočka in documents of Secret Police*]. Prague: Academia & Oikoymenh.
BLUM, P. R. (2005): An interview with Stanislav Sousedík on the Czech Republic before and after Charta 77. In: *Intellectual News*, 15(1), pp. 7–12.
BOLTON, J. (2012): *Worlds of Dissent: Charter 77, The Plastic People of the Universe, and Czech Culture under Communism*. Cambridge, MA: Harvard University Press.
DOSTOEVSKY, F. (2004): The Grand Inquisitor. In: F. Dostoevsky: *The Brothers Karamazov: A Novel in Four Parts with Epilogue*. London: Vintage Books, pp. 246–264.
HAVEL, V. (1989): *Living in Truth*, trans. P. Wilson and others, ed. J. Vladislav. London & Boston: Faber and Faber.
HUSSERL, E. (1970): *The Crisis of European Sciences and Transcendental Phenomenology: An Introduction to Phenomenological Philosophy*, trans. D. Carr. Evanston: Northwest University Press.
JARVINEN, J. (2009): *Normalization and Charter 77: Violence, Commitment and Resistance in Czechoslovakia*. Helsinki: University of Helsinki.
KRAUS, M. (2007): Did the Charter 77 Movement Bring an End to Communism? In: *New England Review*, 28(2), pp. 134–146.
LANDGREBE, L. (1977): Jan Patočka. In: *Philosophy and Phenomenological Research*, 38(2), pp. 287–290.

---

[10] Interestingly, a similar sentiment had already been expressed by Thorstein Veblen in his book *The Engineers and the Price System*, from 1921, with a very different hope, needless to say (Veblen, 2001/1921).
[11] For a discussion on Patočka's hope concerning the intelligentsia, see "Translators' Preface" (Patočka, 2016a; Patočka, 2016b).

MATUŠTÍK, M. (2007): 'More than All the Others': Meditation on Responsibility. In: *Critical Horizons*, 8(1), pp. 47–60.

MOORE, C. (2010): Jan Patočka and Global Politics. In: C Moore & C. Farrands (eds.): *International Relations Theory and Philosophy: Interpretive Dialogues*. London: Routledge, pp. 80–146

NIETZSCHE, F. W. (1974/1882): *The Gay Science: With a Prelude in Rhymes and an Appendix of Songs*, trans. W. Kaufmann. New York: Vintage Books.

PATOČKA, J. (1989/1953): Negative Platonism: Reflections Concerning the Rise, the Scope, and the Demise of Metaphysics – and Whether Philosophy Can Survive It. In: E. Kohák (ed.): *Jan Patočka. Philosophy and Selected Writings*. Chicago & London: The University of Chicago Press, pp. 175–206.

PATOČKA, J. (1989/1971): Edmund Husserl's Philosophy of the Crisis of the Sciences and his Conception of a Phenomenology of the 'Life-World'. In: E. Kohák (Ed.): *Jan Patočka: Philosophy and Selected Writings*. Chicago and London: The University of Chicago Press, pp. 223–238.

PATOČKA, J. (1989/1977): The Obligation to Resist Injustice. In: E. Kohák (ed.): *Jan Patočka. Philosophy and Selected Writings*. Chicago & London: The University of Chicago Press, pp. 340–343.

PATOČKA, J. (1996): *Heretical Essays in the Philosophy of History*, trans. E. Kohák, ed. J. Dodd. Chicago & La Salle, IL: Open Court.

PATOČKA, J. (1998): *Body, Community, Language, World*, ed. J. Dodd. Chicago & La Salle, IL: Open Court.

PATOČKA, J. (2002a): *Plato and Europe*, trans. P. Lom. Stanford, CA: Stanford University Press.

PATOČKA, J. (2002b): Zodpovědnost [Responsibility. Fragment of a letter]. In: I. Chvatík & P. Kouba (eds.): *Sebrané spisy Jana Patočky, sv. 3* [*Collected Works of Jan Patočka, vol. 3*]. Prague: Oikoymenh, p. 514.

PATOČKA, J. (2002c/1973): Čtyři semináře k problému Evropy [Four seminars towards Europe's problem]. In: I. Chvatík & P. Kouba (eds.): *Sebrané spisy Jana Patočky, sv. 3* [*Collected Works of Jan Patočka, vol. 3*]. Prague: Oikoymenh, pp. 374–423.

PATOČKA, J. (2006/1976): K záležitostem Plastic People of the Universe a DG 307 [On the Matters of The Plastic People of the Universe and DG 307]. In: K. Palek & I. Chvatík (eds.): *Sebrané spisy Jana Patočky, sv. 12* [*Collected Works of Jan Patočka, vol. 12*]. Prague: Oikoymenh, pp. 425–427.

PATOČKA, J. (2007/1948): Věčnost a dějinnost [Eternity and historicity]. In J. Patočka: *Věčnost a dějinnost: Rádlův poměr k pojetím člověka v minulosti a současnosti* [*Eternity and History: Rádl's Ratio to the Concepts of Man in the Past and Present*]. Prague: Oikoymenh, pp. 19–123.

PATOČKA, J. (2015/1977): On Masaryk's Philosophy of Religion. In: L. Hagedorn & J. Dodd (eds.): *The New Yearbook for Phenomenology and Phenomenological Philosophy*, *vol. 14. Religion, War and the Crisis of Modernity. A Special Issue Dedicated to the Philosophy of Jan Patočka*, pp. 95–135.

PATOČKA, J. (2016a): Intellectuals and Opposition. In: F. Tava & D. Meacham (eds.): *Thinking After Europe: Jan Patočka and Politics*. London: Rowman & Littlefield International, pp. 7–21.

PATOČKA, J. (2016b): Intellectuals and Opposition: Alternative End. In: F. Tava & D. Meacham (eds.): *Thinking After Europe: Jan Patočka and Politics*. London: Rowman & Littlefield International, pp. 23–26.

PATOČKA, J. (2017): On the Matters of The Plastic People of the Universe and DG 307, trans. J. Majernik. Draft, pp. 1–3.

PLACÁK, P. (2017a): Kacířské eseje čili Samizdat z ministerstva financí: Rozhovor Babylonu s Ivanem Chvatíkem nejen o Patočkovi [Heretical Essay or Samizdat from the Treasury: Interview by Babylon with Ivan Chvatík not only about Patočka]. In: *Babylon: Studentský list pro seniory (Literární a výtvarná příloha)*, 26(2), pp. iv–vi.

PLACÁK, P. (2017b): Život, smrt a pohřeb filosofa: Rozhovor Babylonu s historikem Petrem Blažkem o Janu Patočkovi [Life, Death, and Funeral of the Philosopher: Interview of Babylon with historian Petr Blažek about Jan Patočka]. In: *Babylon: Studentský list pro seniory (Literární a výtvarná příloha)*, 26(2), pp. i–ii, vi.

PLATO (1997): Euthyphro. In: J. M. Cooper (ed.): *Complete Works*. Indianapolis & Cambridge: Hackett Publishing, pp. 2–16.

RANCIÈRE, J. (1999): *Dis-agreement: Politics and Philosophy*, trans. J. Rose. Minneapolis & London: The University of Minnesota Press.

RICŒUR, P. (1996): Preface to the French Edition of Jan Patocka's Heretical Essays. In: J. Patočka: *Heretical Essays in the Philosophy of History*. Chicago & La Salle, IL: Open Court, pp. vii–xvi.

SKILLING, H. G. (1981): *Charter 77 and Human Rights in Czechoslovakia*. London: Harper Collins Publishers.

TAMINIAUX, J. (1997): *The Thracian Maid and the Professional Thinker. Arendt and Heidegger*, trans. M. Gendre. Albany: State University of New York Press.

UNITED NATIONS. (2017): *International Covenant on Civil and Political Rights*. United Nations Human Rights Office of the High Commissioner 2017, [online] [Retrieved 16 December 2017]. Available at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx.

VEBLEN, T. (2001/1921): *The Engineers and the Price System*. Kitchener: Batoche Books.

Ethico-political engagement and the self-constituting subject in Foucault

Lenka Ucnik[1]

Abstract

Foucault is critical of the tendency to reduce all social and political problems according to predetermined ends and verifiable procedures. For Foucault, philosophical activity is a condition of possibility for the articulation of the question of the self. Inspired by his work on the desiring subject, Foucault begins to explore the ethical and political implications of self-care for modern day concerns. He presents an account of self-care that centres on developing an attitude that questions the personal relationship to truth, and puts to test those ideas and truths held most dearly. Processes of self-care evaluate the consistency between those truths a person regards as necessary and a person's actions in the world. Interested in the ways in which people see themselves as subjects, Foucault directs his attention to the connection between systems of knowledge, power, and practices of the self. Crucial to Foucault's process is the recognition that the self-subject is not given and does not have ontological precedence, and that subjectivity is transformable. By finding the lines and fractures in external and internal modes of objectification Foucault hopes to open up the space of freedom to bring about transformative events. The care of the self serves as a form of critique and resistance where it is both a way of living and acting in the world, and a critical response to a particular time and place.

Keywords: Foucault, ethics, politics, aesthetics, care of the self, subjectivity, freedom, transformation

Foucault's account of the subject is often criticised on three main fronts: (1) that his notion of subjectivity is defined entirely by external knowledge and power relations, lacks autonomy and precludes the possibility for resistance. According to this criticism, in the Foucauldian schema the possibility for personal resistance seems impossible because the subject is understood to be constituted solely by a complex amalgam of external forces; (2) Foucault's attempt to develop an account of self-constitution in his later work on the care of the self goes against his earlier claims on subjectivity referred to in point 1, and amounts to nothing more than an overemphasis on selfishness and self-obsession. Regarding this second argument, some critics consider it contradictory to have an understanding of subjectivity that is both externally and internally constituted. Furthermore, others, predominantly from the Anglo-American tradition, consider Foucault's description of self-care to be, at best, a modern form of dandyism and, at worst, a frightening obsession with an aesthetics of self-creation that could have potentially dangerous results. The underlying fear with this line of attack is that without recourse to a prevailing moral structure the idea of the self to be worked upon like an artwork could easily transform into a politics that treats the masses as raw material to be moulded for diabolical ends; (3) finally, Foucault's interpretation of subjectivity fails to adequately engage with the role of the other (or others). This third point, considers Foucault's care of the self to be inadequate because of its failure to provide a satisfactory account of the important relationship between the self and others.

In this paper, I will contest the first and second line of criticism and claim that the idea of resistance has always been key feature throughout Foucault's work, and that there is no contradiction in his early and late account of subjectivity. I will not directly discuss the third criticism concerning Foucault's lack of engagement with the other however, in my discussion on the first two points I will minimally allude to the possibility that Foucault's account of the

---

[1] Monash University (Australia); email: lenka.ucnik@monashcollege.edu.au

self does take into account the relationship between the self and others in some respect. Nonetheless, I do acknowledge that regardless of my claim that Foucault does include the role of the other in his conception of the self, it is not as easily countered as the first two points. Due to a lack of any detailed discussion on Foucault's part regarding the self and the other, to argue for or against his failure on this front comes down, in part, to interpretation rather than solid, irrefutable argument. Leaving the issue of the other to one side, my primary aim in this paper is to demonstrate that the possibility for resistance is a central theme throughout Foucault's career and that prior to the 1980s this was predominantly implicit. Only in his final work on the care of the self does Foucault directly discuss resistance and freedom framed in terms of processes of self constitution and its effects on ethical and political action.

To clarify the relationship between self-care, self constitution and ethico-political engagement (resistance), I first look at Foucault's interest in the question of self-constitution and ethico-political practice. I then outline the influence of Pierre Hadot's work on Foucault's care of the self and contrast Hadot's account of philosophy as a way of life with Foucault's aesthetics of existence. I then expand the idea of the relationship between an aesthetics of existence and the subject of ethics more broadly to demonstrate how ethics, in Foucault, becomes the mediator between the subject and knowledge–power, as well as being the site for personal resistance to external forces. Elaborating on Foucault's conception of freedom I demonstrate how, in his ethics of self-care, Foucault attempts to discover transgressive modes of thinking and living that are not simply products of normalizing forces (or "power" to use Foucault's term). Following this, I compare Foucault's notion of an aesthetics of existence with more "traditional" accounts of moral behaviour. As part of this comparison, I consider a common criticism of Foucault—that his account of ethics is merely an obsession with the self, amounting to no more than a modern form of dandyism. This line of attack, in its refusal to consider any significant relation between the ethical and aesthetic, is limited in its capacity to understand Foucault's project—and more significantly, ignores the insights that the aesthetic dimension of the ethical can disclose. Finally, I connect all of these elements to highlight how a care of the self not only offers a possibility for a dynamic ethical account, but also presents an alternative view of ethico-political engagement more generally.

Ethico-political practice and the self-constituting subject

Foucault develops his interest in ethico-political practices of self-constitution while writing *The History of Sexuality*. During this time, he comes to realise that his historical account of sexuality and the sexual subject includes three modes of objectification that affect the constitution of subjectivity, and can only be understood relationally: truth, power and ethics (or individual conduct).[2] The first mode—truth—concerns the scientific formations that refer to sexuality. The second mode—power—deals with regulating systems of power and concerns practices of manipulation and examination. The third mode—ethics—concerns ways in which individuals establish a relationship to the self, to facilitate self-understanding and identify themselves as subjects of sexuality. Foucault recognises that he has explored the first two modes in detail in previous works, but the third mode on the self-constituting subject is noticeably lacking among the theoretical "tools" at Foucault's disposal. Acknowledging that any account of the experience of sexuality is incomplete without a critical and historical analysis of the desiring subject, Foucault turns his attention to this third mode of objectification—ethics.

Interested in the ways in which people see themselves as subjects, Foucault directs his attention to the connection between systems of knowledge, power, and practices of the self.

---

[2] "I tried to mark out three types of problems: that of truth, that of power, and that of individual conduct. These three domains of experience can be understood only in relation to each other and only with each other" (Foucault, 1989c, p. 318).

He aims to show that there is no single thing that is a "sexual subject" but that the experience of sexuality is an amalgam of external forces affecting the subjective experience, as well as internal forces leading people to recognise themselves as "this" or "that" kind of sexual subject. [3] In examining the history of sexuality as a form of experience rather than a behaviour, Foucault disrupts commonly held conceptions of the sexual subject and the experience of sexuality. Foucault says in an interview: "Let it be clearly understood that I am not making a history of mores, of behaviour, a social history of sexual practice, but a history of the manner in which pleasures desires and sexual behaviors have been problematized, reflected upon and thought about in Antiquity in relation to a certain art of living" (Foucault, 1989b, p. 294).

Foucault clarifies his interest in different "problematizations" does not mean the representation of a pre-existing object or the creation of an object through discourse, but a multitude of discursive and non-discursive practices that, "make something come into the play of the true and false, and constitute an object of thought" (Foucault, 1989b, p. 296). These different practices can come in the form of moral reflection, scientific knowledge, political analysis or the care of the self (among many others).

The apparent redirection of his work from knowledge and power to self-constitution and lived practice required Foucault to defend his interest in the care of the self against criticism that it undermines this earlier work. The crux of such criticism is that self-constitution appears to presuppose an autonomous, self-reflexive subject, which conflicts with his archaeological critique of humanism, and the genealogy of the production of "docile bodies" via disciplinary power relations (see *The Order of Things* and *Discipline and Punish*). The concern is not so much with whether there is, or should be, such a thing as the subject. The conflict arises from the view that an externally constituted subject and an autonomous subject with the capacity for critical transformation are incompatible. If the subject is the result of discourse and power relations, then it cannot critically self-transform—dissent and critique are not possible if subjectivity is the product of external structures and systems of control. Yet, I contend that explorations of self-care are an extension of his prior work, and do not contradict earlier arguments on the social and historical constitution of the subject. The subject of self-care remains culturally, socially and historically constituted; however, this does not equate to a passive account of subjectivity that is solely defined by external systems of power and control. The subject remains constituted in the knowledge/power networks, and the conditions for self-understanding remain historically tied to social and discursive practices. However, these conditions do not eliminate the subject's capacity for criticism, self-reflection and resistance (Oksala, 2005, pp. 4–70).

It is true that in numerous contexts Foucault describes subjectivity as the product of processes of systemisation, categorisation and disciplinary power relations. However, the recognition of these systems of control is intended to be liberating rather than confining. In an interview Foucault acknowledges that his work on structures of domination is frequently interpreted as oppressive with no real opportunity for resistance:

---

[3] While investigating the ways in which individuals' see themselves as subjects of sexuality Foucault becomes aware that sexuality is not a singular form of experience and wants to understand how the experience of sexuality, which is accessible to different fields of knowledge and linked to an apparently uniform system of rules and constraints, is constituted. In *The Use of Pleasure* and *The Care of the Self*, Foucault uses sexuality and the desiring subject as examples of self-constitution, and explores ways the desiring subject is organised throughout antiquity. Although almost the same prohibitive codes exist in fourth century B.C. Athens as do at the beginning of the Roman empire, Foucault shows that the way these prohibitions integrate with the subject of sexuality are completely different. This is not to suggest that pre-Christian sexuality is less restrictive than post-Christian accounts. Later themes of Christian austerity are clearly present in Pagan ethics, but the relationship between these themes and the desiring subject is different. A crucial distinction is the Greeks' privileging of techniques of the self over actual rules for sexual conduct.

"I think that in the public's eye I am the one who has said that knowledge has become indistinguishable from power, that it was only a thin mask thrown over structures of domination and that the latter were always oppression and inclosure, etc. On the first point I will respond with a burst of laughter. If I had said that, or wanted to say, that knowledge was power I would have said it, and having said it, I would no longer have anything to say, since in identifying them I would have had no reason to try and show their different relationships. I directed my attention specifically to see how certain forms of power which were of the same type could give place to forms of knowledge extremely different in their object and structure" (Foucault, 1989b, p. 304).

In revealing external modes of objectification, even before his "ethical turn", Foucault reveals that systems are not innate, timeless and unchanging, but rather something to be questioned and transformed. As he says in the same interview, "[t]he work of the intellectual is not to mould the political will of others, it is …to re-examine evidence and assumptions, to shake up habitual ways of working and thinking". Instead of "moulding" the will of others Foucault participates in "the formation of a political will" by analysing and re-valuating rules and institutions (Foucault, 1989b, pp. 305–306). Similarly, in pointing out that subjectivity is not innate and unchanging, he is not denying the existence of the subject altogether or reducing it to a passive construction governed solely by external forces. By showing the subject is constructed by external forces, Foucault opens new lines of critique about the meaning of subjectivity—but these lines of critique do not preclude freedom and autonomy.

Foucault's work on knowledge, power and ethics aims to affect the understanding of social reality rather than denying the existence of the subject altogether (Patton, 1998, p. 65). Even in his account of docile bodies, often mistakenly taken to mean that personal agency and self-constitution are always nothing but illusions, Foucault alludes to possibilities for transformation.[4] In revealing external contingencies he undermines the "timeless authority" of universal truths, and opens a space for critique, transformation and resistance (McWhorter, 1999). It is possible to draw on fragments from past works on his discussions on the "death of man", or the formation of docile bodies, or interpret them in isolation, and argue that Foucault presents conflicting accounts of subjectivity (Said, 1996; Fraser, 1989; Hacking, 1986; Dews, 1989; Habermas, 1996). However, Foucault's arguments on systems of knowledge, power, and self-constitution are all different ways of approaching the same problem: to critically assess the meaning of governing systems of truth and offer possibilities for change.

Freedom, for Foucault, lies in the attempt to identify alternative discourses to those that constitute subjectivity, and to shape life in the continual response to forms of government and self-government. It is the basis for challenging effects of power and domination and, although there is no end, freedom is most certainly a revolt within practices. As he says:

"Nothing is more inconsistent than a political regime that is indifferent to truth; but nothing is more dangerous than a political system that claims to prescribe the truth. The function of "free speech" doesn't have to take legal form, just as it would be in vain to believe that it resides by right in spontaneous exchanges of communication. The task of speaking the truth is an infinite

---

[4] Being conditioned by knowledge/power networks does not limit the subject to passive classification and manipulation; there is always capacity for movement and change. Paul Patton, positioning himself against critics such as Jürgen Habermas, Ian Hacking and Nancy Fraser, calls this subject the "human material". Jürgen Habermas, Ian Hacking and Nancy Fraser argue respectively that there is no conception of the properly human subject only an "arbitrary partisanship that cannot account for its normative foundations", and that "he has given no surrogate for whatever it is that springs eternal in the human breast", and because of a lack of normative criteria for judgement there is no way of distinguishing between power that does and does not involve domination (Habermas, 1987, p. 276; Hacking, 1986, p. 40; Hoy, 1996, Walzer, 1996, Dreyfus & Rabinow, 1996, Habermas, 1996; Fraser, 1989, pp. 32-33).

labor: to respect it in its complexity is an obligation that no power can afford to short-change, unless it would impose the silence of slavery" (Foucault, 1989b, p. 308).

Foucault's freedom, including free speech, simultaneously affects and is affected by varying power relations. Freedom is not a transcendent idea but something that is historically changeable, and exists in relation to forms of knowledge and power. Freedom as personal agency manifests in a lack of complicity rather than as essential autonomy. It is the concrete capacity to say 'No!' (O'Leary, 2002, p. 159).

The influence of Pierre Hadot's philosophy as a way of life

Foucault is critical of the tendency to reduce all social and political problems according to predetermined ends and verifiable procedures. For Foucault, philosophical activity is a condition of possibility for the articulation of the question of the self. For him, every judgment or evaluation is a particular historical event, which leads to the possible re-imaginings of current configurations. Transformative possibilities open up in the recognition of the historicity of the question itself. Foucault believes that criticism should be conducted as a historical investigation into "a way of thinking and feeling; a way, too, of acting and behaving" (Foucault, 1997, p. 309). It is what Foucault claims the Greeks called *ethos* and it is what he terms a care of the self (Foucault, 1988; 1989a). Self-care is not an abstract conception, or a guide for action, but rather it is what he refers to as a critical attitude.

Distinguishing between morality and ethics, Foucault posits that morality is a set of culturally imposed norms enforced onto individuals, whereas ethics concerns questions about how to act, and does not necessarily rely on universal principles. In short, ethics is an active experience and practice, and morality a system of rules. Foucault argues that the moralisation of individuals has expanded to the moralisation of the masses; yet to overcome such a morality does not necessarily result in eliminating ethical questioning all together. In discussing the care of the self, Foucault describes two main types of moral systems: the first is externally enforced, asserts authority, and emphasises moral codes that reference appropriate behaviour according to a law or a set of laws. Foucault provides the Abrahamic religions as examples of the first type of moral system. The second type of moral system focuses on self-relational ethical practices, where basic rules and codes for behaviour are secondary to the attention on the formation of self within interconnected relationships through techniques and exercises. In this system authority is self-referential and takes a therapeutic or philosophical form. Despite separating ethics and morality, Foucault acknowledges the two are not mutually exclusive. Nevertheless, the contrast is instructive in that it highlights a different approach to understanding the ethical subject (Foucault, 1992, pp. 27–29; Rabinow, 2000, pp. xxvi–xxvii).

Foucault sees in the alignment of the ethical and political subject a possibility for change. In his conception of the care of the self ethics and politics are intertwined—presenting a dynamic, critical relationship as a way to think differently about ethical and political engagement. By changing one's comportment in the world in relation to the self and others, Foucault wants to change the nature of ethical and political thought. As such, he explores ethics as a form of moral subjectivation and as a form of self-constitution, and offers different possibilities for regarding not only the history of sexuality, but also the ethical—and by extension political—subject (Davidson, 2005; Foucault, 1992, pp. 29–30; Rabinow, 2000, p. xxvii). Rejecting a relationship to ethics that is grounded in the established morality of the eternal values of Good and Evil, right and wrong, Foucault becomes attracted to ancient relations of the self that combine regulation and structure with openness and changeability.

In particular, Foucault is interested in Pierre Hadot's interpretation of ancient texts, and the emphasis on the importance of what he terms spiritual exercise. Hadot begins from the premise that it is important to situate ancient thinkers in the "living praxis from which they emanated", rather than assuming they are attempting to construct systems in the same way as

modern philosophers (Hadot, 1993, p. 8). According to Hadot, a fundamental aspect of this lived praxis is the oral dimension of ancient philosophy, from which the written philosophical works of antiquity are never entirely free. This lived discourse is intended to produce a particular psychic effect in the reader or listener, and not simply to pass on information. As such, dialogical learning equates to being able to philosophise. Hadot posits that a Socratic dialogue is actually a spiritual exercise that calls on a person to pay attention to and care for themselves. Self-knowledge is only possible through a relationship with the self and constitutes the basis of all spiritual exercises. According to Hadot, such spiritual exercises are central to understanding ancient philosophers' writings and their philosophical discourse. Theory is not posited as an end in itself, but is always in the service of ascetic practice. As such, the significance and aim of ancient philosophical discourse is conditioned by the attempt to transform individuals' lives by providing a philosophical art of living.

Foucault uses this idea, of philosophy as an art of living, as the basis for his account of techniques aimed to develop a personal relationship to ethics that is not reliant on universal principles. Although there are guiding principles concerning techniques of the self, for the most part the rules and principles of these techniques, and the form that is given, is personally invented. Unlike the ancient models of self-care that Hadot presents, Foucault does not offer specific practices or guidelines. Foucault's practices of self-care are unspecified, and revolve around notions of personal responsibility, accountability, and a consistency between the truths a person holds publicly and privately, as well with words and deeds. As he says, "the care of the self can be centred entirely on oneself, what one does, on the place one occupies among others" (Foucault, 2000b, p. 295).

Yet, the reduction of practices of the self to ethical exercises alone in *The Use of Pleasure* and *The Care of the Self* troubles Hadot. For him, ancient exercises need to be understood in relation to three major areas of philosophy: dialectic (or logic), physics and ethics (Hadot, 1993, pp. 18–29). According to Hadot, in Foucault's reduction of the art of living to ethics alone it is impossible to properly understand the spiritual exercises of antiquity. It is true that ancient ethics puts the rules of life into practice by setting out the principles, distinctions and definitions of virtues and vices as well as a lived ethics, but logic and physics also share these dual elements of theory and practice. For instance, logic concerns propositions, syllogisms, various ways of refuting sophism, and exercises to learn to apply abstract rules, but there is also a lived logic that consists of not consenting to falsities. Again, physics comprises both the theoretical and the lived experience; the latter involving a cosmic consciousness that brings pleasure to the soul. Hadot believes that, in reducing the care of the self to personal ethics, Foucault's account of ascetic practices becomes too narrow. No room remains for a broader consciousness, through which the philosopher can view their relationship to the world. Hadot contends that, by not allowing the self to become aware of its belonging to a whole, Foucault is unable to see the full scope of ancient spiritual exercises where physics, logic and ethics all play an equal part in self-transformation. Hadot writes: "It is quite true that… the ancients did speak of an "art of living". It seems to me, however, that the description M. Foucault gives of what I had termed "spiritual exercises," and which he prefers to call "techniques of the self," is precisely focused far too much on the "self," or at least on a specific conception of self… In fact, the goal of [ancient] exercises is to go beyond the self, and think and act in unison with universal reason" (Hadot, 1995, p. 207).

Hadot is correct in pointing out Foucault's omission of logic and physics from his account of the care of the self. Yet, it seems unlikely that having read Hadot, along with his own meticulous research of ancient texts, Foucault would be completely ignorant of the role of physics and logic in ancient thought and practices of the self. Perhaps logic and physics are not an issue for him because he has already covered what he might see as the equivalent of these two dimensions in earlier work on knowledge and power. Furthermore, Foucault's

project on self-constitution is not a revival of self-care presented in antiquity but an exploration of practices that might offer new possibilities for current amalgamations of the subject of ethics. A comment Paul Veyne makes, in relation to an unrelated conversation on Foucault's ideas of self-care, demonstrates that Foucault is aware of the idea of a lived physics and logic, but does not consider it to be all that important for his particular project. Following an exchange with Foucault, Veyne says, "[o]ne day when I asked Foucault: 'The care of the self, that is very nice, but what do you do with logic, what do you do with physics?', he responded: 'Oh, these are enormous excrescences!'" (Veyne, 1991 cited in Davidson, 1995, p. 25; Oksala, 2005, pp. 166–168). Additionally, as Foucault says in "The Return of Morality":

> "…I believe that this "fishing around" that one undertakes with the Greeks it is absolutely necessary not to fix the limits nor establish in advance a sort of program that would permit one to say: this part of the Greeks I accept, that other part I reject. The whole Greek experience can be taken up again in nearly the same way by taking into account each time the differences in context and by indicating the part of this experience that one can perhaps save and the part that one can on the contrary abandon" (Foucault, 1989c, p. 325).

Hadot is perhaps correct in his assertion that, to grasp the centrality of ancient spiritual exercises, it is important to include all three areas of philosophical practice. Yet, as is the case with all of Foucault's explorations, he never wants only to understand a way of thinking in the past and reapply it to modern problems. He wants to see how ideas change over time in order to rethink or problematise current issues. Just as modern music takes sounds from the past to create something different yet related, Foucault takes past ideas and ways of thinking and applies them to the present. His interest is in not in learning to play a particular composition note for note, but to look for various ways of approaching the song using current methods, drawing out the similarities and differences, and in the process perhaps revealing something new.[5] Each era offers different perspectives, worldviews, problematics and concerns that have the potential to reframe current issues, perhaps in such a way as to transform them altogether. Unwilling to accept the current arrangement of dominant systems, Foucault searches for alternative forms of resistance to highlight alternate conceptions of the self and world and to put into question current modes of subjectivation. As he says in one of his later interviews, "The search for styles of existence as different as possible from each other appears to me to be one of the points around which contemporary research could be initiated in particular groups in the past. The search for a form of morality that would be acceptable to everyone –in the sense that everyone would have to submit to it– strikes me as catastrophic" (Foucault, 1989c, p. 330).

Foucault contends that techniques of the self, understood as shaping the continual work of self-critique, analysis and transformation, offer an alternate approach to modern moral systems. Arguing that external moral codes have lost authoritative control with the decline of modern religions Foucault suggests, legislative dictates govern much of what is deemed socially acceptable. However, legal intervention into moral and personal affairs is not necessarily a suitable approach to governing personal behaviour. Inspired by Hadot's philosophy as a way of life, Foucault's "aesthetics of existence" is an approach to ethics (and politics) that is not intrinsically grounded in prescriptive codes based on religious or legislative structures.[6] Foucault reconceptualises an ethical subject that critically evaluates

---

[5] In any case, despite my claim that Foucault is not interested in all aspects of ancient practices of the self, Hadot is correct when he says: "[t]hese differences [in their interpretation of the care of the self] could have provided the substance for a dialogue between us, which, unfortunately, was interrupted all too soon by Foucault's premature death" (Hadot, 1995, p. 206).
[6] Laws against sexual misbehaviour were limited and not severe.

personal behaviour, actions and judgments independent of externally constituted criteria, which ideally could lead to a different form of political thinking. In an interview, when asked about the connection between the care of the self and politics, Foucault responds by saying:

> "I admit that I have not got very far in this direction, and I would much like to come back to more contemporary questions to try to see what can be made of all this [whether the care of the self can be located at the heart of a new form of political thought] in the context of the current political problematic. But I have the impression that in the political thought of the nineteenth century – and perhaps one should go back even farther, to Rousseau and Hobbes – the political subject was conceived of essentially as a subject of law, whether natural or positive. On the other hand, it seems to me that contemporary political thought allows very little room for the question of the ethical subject" (Foucault, 2000b, p. 294).

Aesthetics of existence - a never-ending practice

In contrast with a view that casts subjectivity as unchanging and fundamental, the formation of Foucault's particular kind of subject—a process he refers to as subjectivation—is the result of a complex set of forces acting and reacting upon one another. Modes of subjection are inescapable because, at any given time, there is always a set of historically contingent characteristics and capacities defining how a self-subject is understood, and how she understands herself. Modes of subjection are whatever is internalised and comes to inform the constitution of the ethical subject; this could be holy writ, reason, or political conviction to name a few. Foucault identifies three key factors that constitute the ethical subject[7]: ethical substance, modes of subjection (internal and external forces of knowledge and power) and ascesis (technique). The particularities of these modes of subjectivity govern a person's thinking and actions, and range from such things as forms of sexual identity to how people are brought to embrace the ideals of a socio-cultural milieu.[8] Yet, recognising such modes as contingent, albeit necessary, allows for a critical engagement with subjectivity that opens a possibility for transformation.[9] Foucault's care of the self is one such attempt to reconfigure current arrangements concerning the subject and its relationship to ethics.

Crucial to Foucault's process is the recognition that the self-subject is not given and does not have ontological precedence, and that subjectivity is transformable. This notion of the self-subject as a form to be worked upon and transformed brings me to Foucault account of ascesis or technique. The fundamental point of ascetic practices is that they establish a transformative relation to the self. As such, constant work is necessary to question, shape and transform the self-subject. Examples of asceticism can be moderating acts, self-deciphering, or analysing desires. It can also involve the breaking down of commonly held truths and ideas regarding the world and self. However, unlike the ancient Greek practices that Hadot presents, where there are publicly acknowledged established practices, Foucault advocates developing

---

[7] Ian Hacking includes a fourth element, a teleology – the kind of being to which we aspire when we act ethically (Hacking, 1986).

[8] For example, identifying, and being identified, as homosexual includes a multiplicity of practices that define this "subjectivity", and are simultaneously imposed internally by oneself and externally by the time, place, society, culture, sub-culture and so forth. In an interview with a French gay magazine, Foucault suggests that homosexual subcultures offer the possibility for new forms of subjectivity. Foucault says in an interview, "…[it's] possible that gay culture will be not only a choice of homosexuals for homosexuals – it would create relations that are, at certain points, transferable to heterosexuals" (Foucault, 2000b, p. 160).

[9] Foucault rejects the standard Cartesian model of subjectivity that has come to be the overriding model of subjectivity in modernity. Yet, despite his opposition to such modern configurations, Foucault rejects the possibility of discarding subjectivity—understood as a set of contingent correlates—altogether. Foucault does not deny the subject exists, but he does not see it as a "sovereign, founding subject", or a "universal form of subject that is found everywhere". Modes of subjection that define forms of subjectivity are inescapable, but this is not the same as saying the subject is passively defined. As such, his depiction of a thoroughly constituted subject does not preclude the possibility for self-constituted agency.

techniques that are broad in scope and that differ between people. The key element is that such techniques contribute to an ethics of self-transformation, and are not just learned practices that are repeated unthinkingly. Foucault's self-care is continual, critical, self-transformation that can manifest in practices as varied as sadomasochism[10] and genealogical critique.

Yet, sadomasochism and genealogy are not in themselves key features of Foucault's conception of ethics as self-care. Not every person interested in sadomasochism is caring for the self, and nor is every person caring for the self engaging in sadomasochism—and the same goes for any other practice. The question that ultimately interests Foucault is—how is it possible, outside of dominant institutional frameworks, to build new forms of affective relationships? The essential feature is an attitude towards the self that embraces the contingency and necessity of subjectivity, and regards the subject as a malleable form. There is a necessary connection between ethics and an attitude towards existence that involves both a critical attitude to the world, and a compulsion to face the task of self-creation that re-imagines and transforms modes of behaviour and ways of thinking (Foucault, 1997, pp. 317–320). Truth, subject, and ethics are all viewed as processes aimed to destabilise ossified structures and prevent the imposition of others. Just as with his notion of truth, the ethical subject for Foucault is a process that embraces contingency, and aims at transformation through a number of different paths. Transformation is not an end in itself.

The relationship between ethics and aesthetics manifests through technical and ascetic practices, whereby ethical practice is principally a matter of self-critique and development, and not located in a universal form of the subject. Self-care is the awareness that truth emerges through practice and is not a static essence or pre-given nature (Foucault discusses this in "The Ethics of the Concern for the Self" among other texts). Through processes of reasoned self-critique acted out in physical and mental practices, commonly held ideas, rules and codes are put into question—and affirmed as necessary, transformed, or discarded altogether. A critical attitude between the self and externally posited truths is a foundation for ethical and political engagement, because these truths guide decisions, and extend beyond the self to affect individual judgments of events and actions. It is this idea of truth through practice, rather than as a pre-given foundation, that Foucault sees as offering a possibility for a different account of ethical and political agency.

An aesthetics of existence relates to a development of the ethical subject that is not a matter of learning, internalising, and formalising a set of externally imposed norms that are equally applicable to all (Foucault, 1992, pp. 251–253). To be just and good is tied with enhancing a relationship with the self where people freely work out, invent and select the important principles to guide their life and actions.[11] In caring for the self, a person embraces the never-ending labour necessary in the art of living, so as to understand the relationship between truth and the self. By confronting one's life to look at what has been, and will be done, practices of self-care enable an understanding of personal ethical existence that is necessary to learning what it means to be just and virtuous. The art of living is a never-ending process with no definite starting-point or ultimate end.[12] Yet this type of self-care is, for Foucault, central in understanding what it means to live and act ethically because, even if the answers given are not timeless and unchanging, only by thinking about what it means to act

---

[10] Foucault is interested in the various practices in the gay scene, such as Sado-Masochism and how these contributed to a different view of the gay self-subject.

[11] Foucault elaborates this point in what he describes as the "three great arts of conduct" that are developed in ancient Greek thought: dietetics, economics, and erotics. These techniques do not posit universally applicable principles, but comprise exercises that a person chooses to incorporate into life. The various techniques, methods and exercises aid the development of the art of self-conduct and of the ethical subject (Foucault, 1992, p. 251).

[12] As discussed, for the Greeks the care of the self does have an end, in that it is a necessary condition for political life and the governance over others. For the ancient Romans, care of the self is an end in itself.

justly can a person become more just; only by contemplating virtue is it possible to become virtuous.

Foucault's self-analysis, or aesthetics of existence, is an active process and involves continual adjustment in light of the changing circumstances that affect personal comportment within, and towards, the world. It should not be interpreted to imply the existence of a hidden unconscious, or subconscious truth, to be discovered deep within the subject. There is no "hidden truth" or unified "I". The relationship between truth and the self consists in the interplay between structures of knowledge, and active self-constitution within a particular historical context. Access to the truths inherent in a person's life and world is achieved through active processes of self-analysis, rather than the adherence to static rules. Focusing on the relationship between codes of conduct and the self, it is up to each person to come to terms with what a just life entails; an activity that consists of far more than following a system of rules. A fundamental aspect of this questioning is that it implies a view that ethical practice concerns the form of a person's life, rather than achievement of some ultimate purity or unity, the definition of which is always historically contingent. It is in this connection between ethics and aesthetics that Foucault offers a reconceptualization of the ethical subject. It is also this connection between ethics and aesthetics that has exposed Foucault to numerous attacks, suggesting the care of the self is a form of self-obsession. Yet, I argue, such attacks on Foucault's practices of the self are based on a misunderstanding of what is meant when Foucault talks about the "form" of a person's life.

Is self-care selfishness?

In several interviews during the early 1980s Foucault laments the fact that art has become something related only to objects; he corrects this restricted view of art by claiming that people need to live life as if it were a work of art: "What strikes me is the fact that, in our society, art has become something that is related only to objects and not individuals or to life. That art is something which is specialized or done by experts who are artists. But couldn't everyone's life become a work of art? Why should the lamp or the house be an art object but not our life" (Foucault, 2000a, pp. 260–261).[13]

Foucault contends that in modernity moral principles have become disconnected from the practice of self-care. This idea of the *bios* as a material for art is something that fascinates Foucault. When speaking about his later work on ethics and the care of the self, Foucault regularly returns to this process of living self-creation, where life is continually shaped and moulded. Yet what does living like a work of art mean, precisely? Surely, Foucault is not simply suggesting that in the absence of universals we concentrate on giving our lives the most beautiful form possible? After all, if this is his proposal, standard problems emerge in relation to the definition of such a beautiful artwork, as well as in relation to the capability of passing judgment over this beauty.

To hold to a division between art, ethics, and knowledge is common in modernity, with Kant being one of the first to enunciate that beauty exists independently of science or ethics. Consequently, the idea of an ethics as an aesthetic process of living self-creation has met with much hostility. In fact, as some of the criticisms mentioned in the introduction demonstrate, to advocate for a care of the self has been regarded by some as synonymous with self-absorption, and opposed to morality as commonly conceived. However, I contend, Foucault's care of the self *does not* mean selfishness and to equate it with a notion of concern only for oneself is mistaken. The care of the self is always regarded in relation to others. The self in this model does not exist in isolation, and nor does it disregard the wellbeing of others. On the

---

[13] As I will argue later in this section Foucault's sloppiness in distinguishing between art as *travail* (process/style) rather than *oeuvre* (product/object) opens him up to some superficially valid, but generally unwarranted criticism.

contrary, the care of the self always presupposes a concern for the development of others and to view self-care as an escape from rules of ethical conduct, in favour of personal needs, beauty and desires is a fundamental misunderstanding. A misunderstanding that results from unanalysed exclusion of practices aimed at developing a relationship between self and truth through self-analysis and critique.

The fear underlying this line of attack is that without recourse to a prevailing moral structure, such as Aristotelian virtue or Kantian duty, the idea of the self as artwork easily transforms into a politics that treats the masses as raw material to be moulded for diabolical ends; Nazism and Fascism are the readily employed examples to support this case. The primary concern of this critique is that the beautiful illusion of aesthetic expression takes priority over principles of political right. Richard Wolin, among others, sees Foucault's emphasis on aesthetics as a kind of immorality that points towards a "politics of nihilistic catastrophe" (Wolin, 1986, p. 85).[14] His primary fear is that approaching life as aesthetic expression could have catastrophic implications because of the abandonment of any grounds for what is right, with the possible outcome of an amoral free-for-all.

I contend that this line of criticism is more a reflection of the critic's assumptions about the nature of morality than a direct engagement with Foucault's work on practices of the self. I am not by any means suggesting Foucault's ideas are without problems but, as I will show, many of the attacks on this front arise from a need to defend a particular moral system rather than from a genuine debate with Foucault's ideas. Andrew Thacker, for example, demonstrates this view when he argues that Foucault confuses the ancient Greek and Kantian sense of aesthetics. He argues that the two approaches are incongruous because the ancient Greek form of aesthetics relates to perception—for example to be seen to be living a good life—and is interconnected with social and ethical practices. The Kantian understanding of aesthetics, however, relates to matters of taste, characterised by disinterested delight, where aesthetics serves no ends other than its own. The possibility of some "semantic slipperiness" is initially an interesting observation until it becomes evident that Foucault's "confusion" emanates from Thacker's refusal (or inability) to let go of his Kantian understanding of aesthetics. His Kantianism guides his subsequent attack of Foucault's aesthetics of existence—when quoting Foucault's use of aesthetics, Thacker remarks that Foucault's use is "clearly not recognisably Kantian" because the autonomy of the aesthetic is negated and subjective aspects rather than universal codes inform the ethics (Thacker, 1993, p. 14).

Thacker's argument, along with others like Wolin and Peter Dews, rests on the premise that aesthetics and ethics are incompatible and any attempt to combine the two is dangerous. Dews argues that it would be anachronistic to fuse Kantian and ancient Greek aesthetics. The key point in this line of criticism is the necessity to keep the ethical and aesthetic realms separate, because modern day conceptions of aesthetics do not contain ethical or social practices (Dews, 1989, p. 37; Thacker, 1993, p. 14). For example, Thacker claims that today it is impossible to capture the ancient concept of aesthetics because art objects contain no intrinsic ethical meaning. For Wolin, an aesthetics of existence may lead to good relations between interlocutors through discussions of what actions are considered beautiful, stylish and good, but its application to spheres other than artistic practice could result in praising actions that are manipulative and predatory (Wolin, 1986, pp. 79, 84). Terry Eagleton expands on this concern, suggesting that without moral codes it is impossible to approve or disapprove of an action that is aesthetically appealing. He puts the problem this way: "what would a stylish rape look like?" He argues that the best to hope for is an aesthetics of existence based on autonomy and not ethics (Eagleton, 1991, p. 394). Without principled guidelines there is no way to determine between what is and is not an ethical act. The problem with an aesthetics

---

[14] Timothy O'Leary presents a counter argument to Wolin's views (O'Leary, 1996).

of existence, as it is understood within all three of these critiques, is that it cannot provide a necessary framework by which to condemn certain acts as wrong.[15]

This raises the broader issue, mentioned earlier, concerning not only morality and ethics but the significance of any criteria, internal to an aesthetic practice, by which to judge something as significant. Foucault turns to ancient ideas of the self to demonstrate the limits of, and find alternatives to, standard approaches to universally applicable moral systems. As I mentioned earlier, Foucault's self-care is not amoral or context free. Practices of self-care always exist in relation to universal ideas such as justice or virtue, but these ideas are not in themselves beyond critique. Furthermore, a personal relationship to truth, as this relates to the understanding of universal principles, does not exist independently of the world and others. Such truths guide and facilitate a person's actions and judgments. However, these "truths", which serve as an ethical orientation, are not timeless and beyond question. The care of the self is a practice that continually assesses, reaffirms and discards the foundations that provide meaning and guidance, and although these "personal truths" appeal to universal ideals, they are not universally applicable to all at all times and, as such, no action can be said to be inherently bad or good, and no idea of virtuous acts is beyond critique.

Thacker, Wolin and others set up their attacks by locking Foucault's work into a space he is trying to disrupt. Each assumes their ethical framework as beyond critique, and regards any attempt to question this premise as a dangerous deviation. Thacker, Wolin, Dews and Eagleton do not entertain the possibility of developing a different kind of ethical attitude. Instead, each attacks Foucault's aesthetics of existence, made manifest through practices of self-care, as simply a concern with beauty and style, regardless of the nature of the actions (as in Eagleton's appeal to the "Foucauldian possibility" of a "beautiful rape"). Interestingly however, in Thacker's critique, despite his principled rejection of self-care he demonstrates a momentary awareness of Foucault's project. After "demonstrating" the disastrous consequences of Foucault's aesthetics of existence, based on modern conceptions of aesthetics, Thacker states that the best Foucault can hope for by looking back to the ancient Greeks is a reminder that our present configuration of ideas is not set in stone and is capable of rearrangement. Yet just as quickly as he suggests present configurations of thought may not be timeless, Thacker casts this "absurd" notion aside. The result is that Thacker engages with the idea of aesthetics from one perspective and does not entertain the possibility that perhaps his own "configuration of these various realms is not set in stone" (Thacker, 1993, p. 15).

By ignoring Foucault's actual account of the care of the self, critics of his aesthetics of the self appeal exclusively to an understanding of aesthetics that is separate from any ethical structure. This restricted view of aesthetics allows them to equate the care of the self with selfishness, and conclude that the striving for beauty, at best, is ethically blind and, at worst, leads to horrendous actions. At no time do any of these criticisms engage with the conception of self-care and aesthetics that Foucault presents. This critique of Foucault's self-care rests on a fundamental failure to understand the challenge of living a life of continual, critical self-creation that Foucault puts forward as an alternative to morally prescriptive systems. Rather than explore the possibilities of different ethical systems, Thacker and the others set up attacks to allow them to reaffirm the superiority and necessity of a universal ethics.

To explain the criticism Foucault faces from thinkers like Dews, Thacker, Wolin and Eagleton, Arnold Davidson points out that in most Anglo-American moral philosophy, developing a relationship with the self is not considered ethically relevant (Davidson, 1996, pp. 231–232). When such relations do appear, they generally concern the question of personal

---

[15] Taylor, Walzer, Fraser and perhaps the best known critic, Habermas, present the dangers of Foucault's lack of normative guidelines. Habermas and Foucault were set to have a debate on this very topic but unfortunately due to Foucault's untimely death this never took place (Taylor, 1996; Walzer, 1996; Fraser, 1989; Habermas, 1987).

duties, usually presented as a list of prohibitions. Additionally, discussions of such duties are always limited, and considered of less importance than the duties towards others, since the latter are seen to be more complex and numerous. Davidson cites Alan Donagan as an example of this approach. Davidson claims that, after proposing a fairly traditional list of prohibitions against self-mutilation, suicide and diminishing health, Donagan attempts to determine how demanding these duties are and when exceptions are permitted. Yet, despite presenting a work that primarily concerns a discussion about self-directed duties, Donagan nonetheless opens with the claim, "[a]s we shall see, the relations which human beings can have to one another are more complex than those they can have to themselves" (Donagan, 1977, p. 76).

Such standard approaches to moral philosophy, which predominantly concern ethical codes and ignore the role of self-relation in ethical judgment, is evident in the above critiques of Foucault's idea of an aesthetics of existence. For critics from the Anglo-American tradition, bound by its appropriation of Kantian moral philosophy, the only relevance a relationship to the self can hold is in the desire to make the moral code complete, and in the wish to know what specific personal duties (if any) a person has. Yet from Foucault's perspective, there is little difference between these Kantian heirs and Schopenhauer's claim that there are indeed no such duties at all, because both ethical approaches ignore the multifaceted and complex relationship to the self. As Davidson concludes:

> "Even if our *duties* to others are more complex than our duties to ourselves, our relations to ourselves have all the complexity one could ever hope for, or fear. By showing how to embed our relations to ourselves in a grid of ethical intelligibility, Foucault has helped to articulate the kind of complexity these relations actually embody. Unless moral philosophers supplement their discussions of moral codes with ethics *a la* Foucault, we will have no excuse against the charge that our treatises suffer from an unnecessary but debilitating poverty" (Davidson, 1996, pp. 231–232).

Foucault reveals the complex nature of ethics by suggesting that perhaps the application of moral codes is not necessarily the same as acting ethically, and nor should ethics be reduced to the adherence to universal moral codes. As Davidson's argues, the "grid of ethical intelligibility" encompasses a diverse range of relations that are not so readily reduced to a duty toward others.

In defending Foucault against criticisms such as those put forward by Wolin, I point out that Foucault's idea of "art" must not be approached as if it were a finished product (as in a "beautiful rape"), but as an ongoing process. The art of life is not the completion of a final object, but the process of artistic creation. Timothy O'Leary makes a similar point when he suggests that although Foucault uses the conventional French expression *oeuvre d'art,* his "work of art" would be better understood as *travail* (process) rather than *oeuvre* (product) (O'Leary, 2002, p. 127).

Art as process

In discussions on an aesthetics of existence, Foucault's use of "art" exists in the space between ancient notions of technique and modern ideas of art as beautiful objects. As Paul Veyne points out, in ancient Greece an artist is firstly an artisan and an artwork a work (Veyne, 1986, pp. 993–994). This notion of aesthetics is fundamentally different to Wolin's and Thacker's idea of aesthetic production because art-work here is taken as a verb and not a noun. In light of the distinction between art as process and art as object, perhaps Thacker's comment concerning Foucault's semantic slipperiness is valid. However, the "slipperiness" is not dues to Foucault's confusing the ancient Greek and Kantian sense of aesthetics, as

Thacker suggests, but rather in Foucault's shift between art as process and art as product, between art as technique and art as beauty.

Foucault's aesthetics of existence cannot be reduced to a mere concern with style, at the exclusion of the practice and work of living that is fundamental to his account of care. O'Leary's distinction between process and product is helpful in this regard because it more accurately reflects the concerns Foucault presents in his lectures on *The Hermeneutics of the Subject*. In these lectures Foucault provides varying accounts of care as an end in itself, and his repeated emphasis on self-care echoes Nietzsche's call for "long practice and daily work" (Foucault, 2000a, p. 351). In using the term "aesthetics", Foucault simultaneously references both technique, as in physical and mental practices, and beauty, such as an "aesthetically pleasing piece of art"; and it is precisely Foucault's failure to adequately highlight his movement between process and product, technique and beauty that leaves his account vulnerable to attack from critics such as Wolin (Foucault, 2000a, p. 348). Such critics focus on Foucault's aesthetics of existence in terms of the beauty of the finished product, and omit the continual process of work and development inherent in his account of self-care. However, fears such as Eagleton's concerning a "beautiful rape" are only possible if one refuses to acknowledge that the care of the self does not have the creation of a "beautiful" product as its end.

The idea of life as constant work forms the basis of Foucault's ethical subject. It is the form life takes, rather than the creation of a self-object that gives it meaning, and it is in this meaning that the ethical subject is constituted. In contrast to modern moral precepts, self-care does not posit a set of fixed rules that ought to hold equally to all people and situations. The care of the self is a process of self-analysis and development rather than an adherence to a strict set of universals, through which personal belief systems and the truths that provide meaning to the world are confronted. Foucault believes there are no *fixed* customs and norms that can universally dictate appropriate modes of behaviour, and neither is there a transcendental self to discover. To rephrase my earlier point, the care of the self evaluates the consistency between those truths regarded as necessary, and a person's actions in the world.

In light of the distinction between art as process-technique and product-beauty, I suggest Foucault's joining of ethical and aesthetic practices is the result of the technical, ascetic mode of these practices. His call to live life like a work of art refers to life lived as a constant process rather than the achievement of a final form of beauty, purity or unity. The practice of life as a work of art, and the constitution of the ethical subject, is not just about living as an artistic practice. Life as art refers to the constant process of critique and creation necessary for understanding the truths a person esteems above all else, and the manifestation of these truths not just in words said to others, but through lived practice and action.

Conclusion – the political and ethical implications of self-care

The task Foucault sets, in articulating an ethical practice based in freedom, is to bring out ascetic practices from the realm of art, and place them into politics and society more broadly. He makes self-care central to the expansion of resistance, with ethics serving as the mediator between the subject, knowledge and power. Through a critical attitude towards the present via an individual ethics, based on a specific notion of freedom, Foucault questions the limits imposed upon us and experiments with ways to reconfigure such limits. Simply, the care of the self is the acknowledgement that a person exists in a world that cannot be transcended, whilst simultaneously remaining an active part in it. At its core is a concern with developing a personal relationship to truth and manifesting that truth in words and deeds, whilst continuing to question those truths made manifest. Taking the Nietzschean line that all truths are interpretations, the care of the self does not discover an ultimate hidden truth deep within the soul—it is never-ending exercise, work and vigilance.

Self-care involves creating different modes of existence by identifying historically contingent aspects where there is more freedom than first appears. Practices of the self are not merely individual, and nor are they entirely communal, but always relational and interconnecting. Furthermore, because freedom is a field of possibility instead of a fixed state, the work never ceases. The task of giving form to a person's life, and their engagement with others, is a project without completion; the ethical concern for the self is an infinite labour. In O'Leary's words, "[i]f the aim of critical philosophy is to help us untie the knots of our identity, then the aim of ethics is to work out ways of retying them in new and less constraining ways" (O'Leary, 2002, p. 170). It is about preparing to be a subject of action within the world, rather than being removed from it. Situated within the world, the care of the self is about the constitution of a person as a self-constituted subject of action.

Self-care as an aesthetics of existence concerns analysing, unravelling and re-constituting inherited forms of individual and collective life that have become intolerable. The aim of the care of the self is not to give life the most beautiful, stylish form nor is it a self-satisfied contemplation or introspection, a pining for the fulfilment of some authentic self. As he says, "[n]ot only do I not identify this ancient culture of the self with what you might call the California cult of the self, I think they are diametrically opposed" (Foucault, 2000a, p. 271). The care of the self is not a narcissistic, self-obsessed quest for a lost inner truth; it is a lived ethics based on immanence, vigilance and distance—with immanence understood as the sense in which care of the self includes placing an order on life that is not underpinned by transcendent values or external conditions. It is a state of constant attentiveness to what is determined and determinate, both from within and without.

The subject continually questions, discards and re-creates, as need be, the organising systems and truths inherent in a particular world-view through the critical task of ongoing critique manifest in practices of self-care. This awareness of the contingency of systems of knowledge and power is essential for the development of an independent ethico-political attitude. The critical task for Foucault is to question and challenge oppressive systems of power and control. The ability to refuse, to judge particulars, to identify forms of domination, all contribute to the opening-up of the space of freedom. Freedom is the capacity to refuse to participate and say "No! I cannot", and to sound a warning through actions and deeds. Freedom is the capacity to identify personal and cultural contingencies, to discard that deemed unnecessary, and retain that which is not. In Foucault's care, ethics and politics cannot be separated, because both are constitutive features necessary for informed civic activity.

In the end, most simply, an aesthetics of existence is an attitude towards the self, life and the world. The cultivation of techniques can assist in the task of transformation, and create spaces for political resistance and change, self-care is a never-ending, critical approach to externally and internally imposed truths. The care of the self serves as a form of critique and resistance where it is both a way of living and acting in the world, and a critical response to a particular time and place. With the care of the self Foucault introduces a relationship to ethics that does not necessarily rely on universal principles and is not grounded in pre-determined codes of conduct. His approach to ethics concerns the act of creation rather than the finished product. It demands continual exercise and work, and through this a relationship to the self is established. This exercise and critique entails ongoing vigilance—in not only questioning the world and events, but also personal truths and points of view. The care of the self is a regulative principle of activity, and of relationships with the world and others. It is an attitude towards existence that affects self-understanding, life and action, and becomes the constitutive principle of political and civic activity, because of the connection between practices of the self and self-transformation in the face of fixed modes of subjectivity. Although Foucault never systematically lays out his understanding of the link between

philosophy as a way of life and politics, it is, without a doubt, a connection he regards as important. Foucault's later works develop an account of self-constitution centred on the critique and analysis of self, world and others. Most simply, Foucault presents an idea of personal existence as a willingness and openness to put even the most sacred ideas to the test, and this offers possibilities for transformation, political resistance and change.

References

DAVIDSON, A. I. (1995): Introduction: Pierre Hadot and the Spiritual Phenomenon of Ancient Philosophy. In A. I. Davidson (ed.): *Philosophy as a Way of Life*. Oxford: Blackwell, pp. 1–45.

DAVIDSON, A. I. (1996): Archaeology, Genealogy, Ethics. In: D. C.Hoy (ed.): *Foucault: A Critical Reader*. Oxford : Blackwell, pp. 220–233.

DAVIDSON, A. I. (2005): Introduction. In: A. I. Davidson (ed.): *Michel Foucault. The Hermeneutics of the Subject. Lectures at the College de France 1981–1982*. New York: Palgrave MacMillan, pp. xix–xxx.

DEWS, P. (1989): The Return of the Subject in late Foucault. In: *Radical Philosophy,* 51(Spring), pp. 37–41.

DONAGAN, A. (1977): *The theory of morality*. Chicago: The University Press of Chicago.

DREYFUS, H. L. & RABINOW, P. (1996): What is Maturity? Habermas and Foucault on 'What is Enlightenment?'. In: D. C. Hoy (ed.): *Foucault. A Critical Reader*. Oxford: Blackwell, pp. 109–122.

EAGLETON, T. (1991): *Ideology of the Aesthetic.* Oxford: Blackwell.

FOUCAULT, M. (1988): Technologies of the Self. In: L. H. Martin, H. Gutman, & P. H. Hutton (eds.): *Technologies of the Self. A seminar with Michel Foucault*. Amherst: University of Massachusetts Press, pp. 16–49.

FOUCAULT, M. (1989a): The Aesthetics of Existence. In: S. Lotringer (ed.): *Foucault Live*. New York: Semiotext(e), pp. 309–316.

FOUCAULT, M. (1989b): The Concern for Truth. In: S. Lotringer (ed.): *Foucault Live*. New York: Semoitext(e), pp. 293–308.

FOUCAULT, M. (1989c): The Return of Morality. In: S. Lotringer (ed.): *Foucault Live.* New York: Semiotext(e), pp. 317–332.

FOUCAULT, M. (1990): *The Care of the Self. The History of Sexuality: 3.* London: Penguin Books.

FOUCAULT, M. (1992): *The Use of Pleasure. The History of Sexuality: 2.* London: Penguine Books.

FOUCAULT, M. (1994): *The Order of Things. An Archaeology of the Human Sciences.* New York: Vintage Books.

FOUCAULT, M. (1997): What is Enlightenment. In: P. Rabinow (ed.): *Ethics. Essential Works of Michel Foucault 1954–1984. Volume 1*. London & New York: Penguine, pp. 303–320.

FOUCAULT, M. (2000a): On the Genealogy of Ethics: An Overview of Work in Progress. In: P. Rabinow (ed.): *Ethics. Essential Works of Foucault 1954–1884*. London: Penguin Books, pp. 253–280.

FOUCAULT, M. (2000b): The Ethics of the Concern for the Self as a Practice of Freedom. In: P. Rabinow (ed.): *Ethics. The Essential Works of Foucault 1954–1984. volume 1*. London: Penguin Books, pp. 281–302.

FOUCAULT, M. (2000c): The Social Triumph of the Sexual Will. In: P. Rabinow (ed.): *Ethics: Essential Works of Foucault 1954–1984*. London: Penguin, pp. 157–163.

FRASER, N. (1989): *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory.* Cambridge: Polity Press.

HABERMAS, J. (1987): *The Philosophical Discourse of Modernity.* Cambridge: Polity.

HABERMAS, J. (1996): Taking Aim at the Heart of the Present. In: D. C. Hoy (ed.): *Foucault. A Critical Reader.* Oxford: Blackwell, pp. 103–108.

HACKING, I. (1986): Self-Improvement. In: D. C. Hoy (ed.): *Foucault. A Critical Reader.* Oxford: Blackwell, pp. 235–240.

HACKING, I. (1986): The Archeology of Foucault. In: D. C. Hoy (ed.): *Foucault: A Critical Reader.* Oxford: Blackwell, pp. 27–40.

HADOT, P. (1993): La philosophie antique: une éthique ou une pratique ? In: P. Demont (ed.): *Problèmes de la Morale Antique.* Amiens: Faculté des Lettres, pp. 7–37.

HADOT, P. (1995): Reflections on the Idea of the "Cultivation of the Self". In: P. Hadot & A. I. Davidson (eds.): *Philosophy as a way of Life.* Oxford: Blackwell, pp. 206–213.

HADOT, P. (1997): Forms of Life and Forms of Discourse in Ancient Philosophy. In: A. I. Davidson (ed.): *Foucault and His Interlocutors.* Chicago & London: The University Press of Chicago, pp. 203–224.

HADOT, P. (2002): *Exercises Spirituels et Philosopie Antique* (2nd ed.). Paris: Gallimard.

HOY, D. C. (1996): Power, Repression, Progress: Foucault, Lukes, and the Frankfurt School. In: D. C. Hoy (ed.): *Foucault. A Critical Reader.* Oxford: Blackwell Publishers, pp. 123–148.

MCWHORTER, L. (1999): *Bodies and Pleasures. Foucault and the Politics of Sexual Normalization.* Bloomington: Indianna University Press.

OKSALA, J. (2005): *Foucault on Freedom* (1st ed.). Cambridge & New York: Cambridge University Press.

O'LEARY, T. (1996): Foucault, Politics and the Autonomy of the the Aesthetic. In: *The International Journal of Philosophical Studies,* 4(2), pp. 273–291.

O'LEARY, T. (2002): *Foucault and the Art of Ethics.* New York & London: Continuum.

PATTON, P. (1998): Foucault's Subject of Power. In: J. Moss (ed.): *The Later Foucault.* London: Sage, pp. 64–77.

RABINOW, P. (2000): Introduction. In: P. Rabinow (ed.): *Ethics. Essential Works of Foucault 1954–1984. volume 1.* London: Penguin Books, pp. xi–xlii.

RABINOW, P. (2009): Foucault's Untimely Struggle: Towards a Form of Spirituality. In: *Theory, Culture, Society,* 26(6), pp. 25–43.

SAID, E. W. (1996): Foucault and the Imagination of Power. In: D. C. Hoy (ed.): *Foucault. A Critical Reader.* Oxford: Blackwell, pp. 149–156.

TAYLOR, C. (1996): Foucault on Freedom and Truth. In: D. C. Hoy (ed.): *Foucault. A Critical Reader.* Oxford: Blackwell, pp. 69–102.

THACKER, A. (1993): Foucault's Aesthetics of Existence. In: *Radical Philosophy,* 63(Spring), pp. 13–21.

VEYNE, P. (1986): Le dernier Foucault et sa morale. In: *Critique,* 471(2), pp. 933–941.

VEYNE, P. (1991): Le renouveau de l'histoire ancienne prépare-t-il un nouveau siecle des Lumieres? In: R. Pol-Droit (ed.): *Les Grecs, les Romains et Nous. L'Antiquite est-elle Modern?.* Paris: Le Monde, pp. 57–68.

WALZER, M. (1996): The Politics of Michel Foucault. In: D. C. Hoy (ed.): *Foucault. A Critical Reader.* Oxford: Blackwell, pp. 51–68.

WOLIN, R. (1986): Foucault's Aesthetic Decisionism. In: *Telos,* 67(spring), pp. 71–86.

Truth and lies in journalism: A dispute concerning the accurate presentation of information

Dorota Probucka[1]

Abstract
The aim of the article is to analyze the modern mass media, in which the line between truth and lies has been blurred, leading to a lack of responsibility for words and their cognitive value. In the first part of the article, the value of truth in journalism is explored and the professional ethos associated with it, known as being 'pro-truth'. In the second part, the negative effects of media lies and their various forms are described.

Keywords: mass media, manipulation, journalism, value, truth, falsehood, ethics

Introduction

One negative aspect of the present times is the collapse of professional media and responsible journalism. Even a dozen or so years ago, objectivity, thorough research and discussion of all aspects of the analyzed phenomenon were all seen as the basic principles of journalistic ethics. Currently, the main purpose of media messages is not reliable knowledge and deep reflection, but the triggering of preferred emotions in the target audience. This phenomenon has become so widespread that the editorial board of the Oxford Dictionary recognized the word "post-truth" as the most important word of 2016 and at the same time the most important event in the field of mass-media communication. "Post-truth" is a term describing a situation in which the main task of journalists and mass media is no longer to present objective facts, while strong emphasis is placed on evoking emotions. The most important feature of the "post-truth era" is that the stigmatization experienced by journalists who lie has disappeared. The liar has been freed from the burden of guilt and is no longer punished socially for his act through condemnation, rejection, refusal of co-existence and cooperation (Keyes, 2004, p. 149). Similarly, the categories of honesty and dishonesty have lost their own binary, zero-one nature. The old lies have been replaced by ambiguous, euphemistic statements. Thus, journalists no longer lie, they "depart from the truth", "exaggerate", "misspeak", "make erroneous judgments", "selectively present information". This phenomenon will have serious, negative consequences for social life and media credibility, because indifference towards the truth and lies will lead to the weakening of interpersonal bonds and mutual trust.

The significance of truth in journalistic work

Normative ethics stresses the importance of truth understood as a value that organizes interpersonal relationships and increases the level of social trust. The idea of truth is associated with the postulate of truthfulness, understood as the conscious expression of true statements, i.e. ones that are in line with reality. According to ethicists, respect for the truth and practicing truthfulness should be the primary goal of mass media employees, which will ensure that they are reliable, respectable and trustworthy people. A journalist who does not strive for the truth accepts a false picture of the reality surrounding him and has less orientation in the world as it is. He lives in illusion and feeds illusions to his audience. In this case, being in truth would be associated with a cognitive honesty towards oneself and others.

---

[1] Cracow Pedagogical University (Poland); email: dorotaprobucka@op.pl

Unfortunately, only a small percentage of people have this ability fully developed, which would indicate a high level of mental and moral maturity.

First and foremost, each mass media employee should know what the truth is, how it is defined, and what so-called being in truth means. Knowledge in this area, and volitional orientation aimed at the realization of this value would determine the professionalism and the moral value of a journalist. Let's pay special attention to the postulate of being in truth. This means honesty towards oneself and other people associated with striving to ensure that the media message is free of adulterations, self or group interests, prejudices, thought stereotypes, fears and hatred. Let us recall that in ancient Greek ethics, truth was defined by the word *aletheia*, meaning unconcealment, disclosure, transparency. Such an understanding of truth has not become obsolete and is still valid today. Therefore, the goal of the mass media should be to disclose, reveal that which has been deliberately concealed, or not made available to the public. Moreover, in this approach, truth is not only the opposite of a lie, but also of individual and collective oblivion. After all, in Greek mythology, the word *Lete* originally meant the name as the river, after crossing which the dead lost their memory. Thus, the journalistic postulate of being in truth should also be equivalent with the nurturing of collective, historical memory. Let us emphasize that if a journalist should be in truth, then he must be a guardian and a spokesperson for social memory. However, if he should remember, then that should only be in truth. This would mean not ignoring, not downplaying, not deforming, not erasing certain facts and the suffering associated with them from the collective consciousness. This type of journalistic being in truth, understood as nurturing social memory, would also be an act of moral justice towards the victims of evil. Legal justice is not always possible and in such cases respect for the victims of other people's wickedness can be shown symbolically by the mass media in the form of truth understood as disclosure. Such a media message would constitute a symbolic restoration of existence to those whose suffering and death was thrown into social non-existence. Thus, the postulate of moral justice would mean that the mass media will enable people to speak about their own tragedy. If the mass media give up on such a mission, that is, deny the truth, this will create a cognitive dissonance and moral disintegration, in which people and entire societies cannot function for a long time. That is because only truth has the power to integrate and to deliver from evil. – Why? because thanks to it we are able to avoid this evil in the future. After all, the awareness of wicked conduct, present in a given society, can persuade people to engage in collective reflection and cause a change in behavior in the future. Therefore, the memory of what was done in the past is a prerequisite for abandoning similar behaviors in the future. Let us emphasize that mass amnesia maintained by the mass media prevents society from learning from its own mistakes and makes people morally blind. If, therefore, societies manipulated by the mass media forget about their own faults or are not aware of them, they will start repeating similar mistakes. Thus, the restoration of memory through mass media is at the same time a restoration of a sense of social responsibility. From a psychological point of view, the measure of individual and collective maturity is the courage to admit guilt and the will to correct the evil that was done by turning towards the good. Suppressing certain facts from the collective consciousness would indicate individual or social infantilism. Nurturing such infantilism by the mass media would block the developmental capabilities of both individuals and entire societies. This type of situation would also occur in the case of cultivation of a deformed and exaggerated memory by the mass media. In turn, such activities may build a victim mentality in individuals and societies, which makes it impossible to build partner relations with other societies, and may reduce the sense of collective and individual value (Williams, 2002, p. 58).

We should pay attention to one more feature of being in truth, which should accompany the activities of mass media employees. It is the postulate of the coherence of words, declarations and deeds. This means a moral transparency understood as a way of being in

which the deeds are a confirmation of the declarations previously made. Journalistic unconcealedness is the unity of words and deeds that would not only demonstrate lofty morals, but would also indicate a progressing process of humanization. That is because the orientation on truth really renders our lives more human. Meanwhile, turning away from the truth means professional hypocrisy understood as a way of life. Let us remember that a hypocrite is not only someone who is lying. A hypocrite is someone who has lost the ability to distinguish between lies and truth. Hypocrisy could be treated as a special case of individual or collective illness. Media hypocrisy would destroy the axiological dimension of culture, questioning the meaning of rules and values, and would lead to a moral and cognitive dissonance in which people cannot function for a long time. In order to avoid this, journalists and other mass media workers should be taught how to work on their own mind, in order to develop a level of thinking that was referred to in ancient ethics as *orthos logos*, and in medieval ethics as *bona mens*. The idea of *orthos logos* should guide the employees of mass media institutions. This is the development of an honest, righteous mind, the power of judgment, thanks to which a man utters not only logically correct conclusions, but above all serves the truth. It is a mind that cannot be instrumentalized, cannot be intimidated, or turned into a sycophant. A journalist who has developed a "good mind" does not want to manipulate others and does not agree to manipulation, he does not agree to the realization of other people's interests at the price of renouncing the truth.

Lies in journalism

The definition of a lie cannot be unambiguously established, because a lie can be defined in many ways, with emphasis placed on its various aspects. We can focus on the perpetrator who lies, or on the person who is lied to, we can analyze the lie itself as an activity, or take into account the relationship of the lie with the law and morality. In the case of mass media communication, lying is an act that denies the human right to truth. We should remember, however, that sending false information is not yet a lie, which is primarily based on a negative intention. A media lie is the intentional misleading of the audience, it is a false message deliberately sent to the media space. The journalistic manifestation of a lie can be a spoken or a written word or image containing a deformed message. Let us distinguish the six ways of lying to people. The first group would be associated with the media tendency to omit certain facts, information and messages. In this case, lying means concealment. The second group consists of: duplicity, hypocrisy, perversity, obliqueness of the employees of mass media institutions. The next group is lies which deny not only the truth, but also the dignity of another human being. These include: slander understood as the false attribution to some person of deeds or traits that offend him, derision combining mockery, laughter and distorted truth, and slander – a combination of calumnies and lies. The fourth group includes lies understood as a media ruse consisting of boasting, presented as a harmless form of jokes, and a ruse, the aim of which is to ridicule the opponent. Deception is the determinant of the fifth group, and involves the creation of media illusions, deceiving the audience with the desired vision of the world that is objectively unrealistic. The sixth group includes all the media lies that take the form of manipulation. All lies belonging to this group are embedded in the social context. A typical example is the media propagation of gossip, understood as unverified information, which – despite everything – influence the opinions, attitudes and emotions of the audience. Generally speaking, such lies are based on the biased selection and ordering of events contained in information, exaggeration or minimization and the blurring of the lines between objective description and subjective judgment. In addition, this practice would consist of deliberate omission or emphasizing of certain arguments, the adoption of one-sided assessment criteria, or unclear judgments and concepts (Campbell, 2001, p. 89).

Another very interesting interpretation of media lies concerns two ways in which they manifest themselves. The first of them is a lie understood as an excess of truthfulness. The second of them is a lie synonymous with incomplete, limited truthfulness. In the first case, media overzealousness in revealing the truth consists of a lack of respect for the dignity and intimacy of the people to whom this truth relates. This is one of the major problems in the sphere of mass media messages, which can lead to the destruction of social life. In this case, the lie does not involve false messages, but instead consists of not respecting the moral norm that calls for respect for the dignity of another human being. A factor which would in this case limit the invasive, nosy nature of the media would be a law that prohibits the publication of private data without the consent of the persons concerned, provided that these people are not engaged in public activities. This nosiness based on the practice of peeping and revealing, does not apply to all spheres of private life, but to those that are most disturbing, such as sexual relations, marriage and cheating.

Let's now reflect on lies understood as the insufficiency of truthfulness. In this case, the researchers distinguish several methods in which mass media lie to their audiences through the transmission of information inadequate to reality. The first one consists in choosing such values and content that attract the attention of the audience, and in addition, this selection is not intuitive but is the result of painstaking, psychological research. Unfortunately, the most effective factors that intensify media activity and thus multiply the financial profits of media companies are: sex, violence, situations of conflict and competition. Let us note that the amount of aggression and brutality shown, for example, on the television, far exceeds their presence in the real world. The saturation of media messages with aggression causes the recipients to become indifferent and see such phenomena as normal, usual and common. Indifference towards rape, crime, financial fraud and corruption is also becoming increasingly common. This phenomenon would be one of the manifestations of moral depravity and the disappearance of critical thinking, promoted especially by television. The second method consists in combining the transmission of information with a dimension of entertainment and fun. Such a message deforms and reduces the sense of the meaning of life, for which entertainment and fun become the guiding values. This type of lie leads to the infantilization of life, by impoverishing the axiological dimension of human existence. Another method of lying understood as the transmission of limited truth is the selection of information. Its application does not necessarily have to be associated with official censorship and may have more prosaic manifestations, associated not so much with ideological issues, but with commercial and mercantile considerations. In this case, the concealment of truth would include, for example, the authors of advertisements failing to provide full information about the product being sold, i.e. hiding its flaws. The fourth method of media lying would involve the use of the persuasive function of language and assigning other meanings to names. In this way concepts with a traditional, negative connotation gain a new, positive meaning and therefore change the response of the audience to a specific message. Another method would be based on misleading the audience by manipulating the results of polls. Appealing to the results of polls is intended to authenticate the content of the media message, unfortunately the polls themselves do not have to be carried out in a methodologically correct manner, but the audience is not informed about this. The sixth method of media lying is the impact of the message on the subconscious of the audience. In this case, it is not the word that has the greatest impact, but the image, because the human brain gets 60-80% of information through visual perception. Images have the greatest initial, persuasive strength, because the human brain accepts the conceptual and verbal content as secondary. It could be said that the recipient of mass media messages presented by means of images is completely defenseless against such messages and easily succumbs to their influence. The content contained in the images is not accepted in a discursive or fully conscious manner. These are messages that

activate the subconscious, a typical example of which could be visual advertisements. In general, its effectiveness in influencing the viewers is based on the fact that it is very difficult for people to reject the original message flowing from the sensual impulses, which is imprinting content in our deepest, unconscious sphere. The classic example is so-called subliminal advertising, which involves sending visual or auditory stimuli that are too brief to be consciously registered. It is important to remember that this problem became very controversial after the experiment conducted in 1957 by James Vacary in the United States. He replaced some film frames in movies presented in a drive-in cinema with the words "drink cola" and "eat popcorn", attempting to induce the audience to buy these products (Gabler, 1998, p. 78).

Manipulation of information as a special form of journalistic lies

The 20th century has been referred to as the century of manipulation. Unfortunately, mass media were one of the main tools that ensured the mass character of this phenomenon. Manipulation is a phenomenon that occurs between the sender and the recipient, when the sender wants to influence the recipient, but the mechanism of that influence is concealed from the recipient. Thus, the sender wants to influence the recipient using secretive, hidden methods. This is precisely the deceptive nature of media manipulation, which not only applies to the objectives, but above all, to the means being used. Manipulation is generating false beliefs, which are to spread across groups or entire societies, by means of concealed techniques. The purpose of this method is to impose upon people a specific intellectual orientation, ideological formation, mold, and training. The essence of manipulation is the reification, objectification of man, exploitation of man as a means for the implementation of particular goals. It is the domination and subordination of man, turning man into passive tools. Thus, the act of manipulation is a reductionist and flattening act, which impoverishes human nature and negates its personal dimension. Media manipulation is targeted against the four personal values of human beings. The first of these is decision-making autonomy, which is violated when a person is treated instrumentally. The second value is the free development of every person, which can be distorted through media influence. In this case, a particularly negative impact is observed in the manipulative impact of advertising on the youngest generation. The third value, especially destroyed by manipulative methods, is human subjectivity and causative independence, which means that each of us may not want what others want. In the case of manipulation, our will becomes compatible with someone else's wishes. The fourth endangered value is rationality, because manipulation is a specific and irrational form of acting under someone's influence. The manipulator takes away or diminishes someone's ability to think rationally. Let us emphasize that manipulation always hurts people, because it distorts the stability of personality and psychological balance, introduces a sense of dependence and danger, increases fear, tension and stress. This particular way of exerting influence on others is based on disregarding, deprecating and humiliating.

The use of media to control people on a mass scale is present in both totalitarian and democratic regimes, however, success in this regard is not determined by a one-off message, but by long-term and multilateral manipulation. In addition, this success is also associated with bringing people to such a psychophysical condition that makes them vulnerable to external influence. This situation is referred to as social alienation (Marcuse, 1991, p. 127). It is important to remember that by becoming a cog in an automatic production process, man loses his humanity, intellectual independence and creative desire and power. According to Herbert Marcuse, an alienated person limits his activity to the long working day and loses his individuality, subordinated to production. If 1/3 of his day is focused on one, monotonous activity, he has no strength and he has no conditions to think independently and creatively. As

a result, millions of people are starting to form a homogeneous mass that is easy to manipulate. We should also emphasize the presence of a psychosocial phenomenon in which most people are succumbing to manipulation because they want to. In every society there is an element of cultural constant concerning the common attitude of silent consent to manipulation and its social justification in exchange for exemption from responsibility for oneself and others.

In totalitarian systems, media manipulation serves propaganda purposes, falsification of history, and the glorification of the existing political system. When a certain group obtains and strengthens its political power, a process is launched in which media are used to justify this power and to build satisfaction with the new order. Economic, scientific and technical successes are promoted in the media, while events that could harm the rulers are covered up. The language of media propaganda manipulates various slogans for so long, that they start to sound natural and consistent in the minds of the audience. The semantics and syntax of the language of propaganda is deliberately processed and takes on the form of newspeak, the goal of which is the elimination of concepts that are detrimental to the currently prevailing ideology (Ellul, 1973, p. 85). Within the framework of newspeak it is impossible to formulate opinions critical of the prevailing regime. If media propaganda does not manage to keep the minds of the citizens in check, then the state uses terror, or the threat of terror. Terror itself is not manipulation, as it is open. In this case, covert exertion of influence is an additional factor, which consists of creating a general atmosphere of constant threat in society. Sociological research indicates that in the face of threats, especially those posed by an external enemy, society becomes more consolidated and more favorable towards the decisions of its own government. That is why many totalitarian regimes create artificial enemies. This type of unethical modeling of social awareness results in a lack of sense of security, a decrease in mutual trust and an increase in forced loyalty towards the state apparatus.

Media manipulation of society is not only the domain of totalitarian regimes. Attempts to secretly influence public opinion are not uncommon in democratic systems based on free elections. Unfortunately, during the elections, public opinion can be manipulated by the media in many ways. One of them is falsified results of polls presented in the mass media right before the elections. Their goal is to convince the voters that the candidate who is leading in the polls has obtained social proof and is the best candidate. The second manipulative method of influencing voters, often employed by the media, is generating positive associations with the person presented. An example of this is the media presentation of politicians holding children in their hands. This trick is supposed to build sympathy among the audience by associating the politician with the attitude of a caring father, a good defender of the nation. Such a situation took place during the reign of Joseph Stalin and since then leaders have often used this method to build sympathy among the masses. Let us recall that Adolf Hitler and Benito Mussolini did the same thing. This example can be seen as one of the varieties of manipulation understood as pretending to be good. In general, the goal of political media manipulation is to create so-called false consciousness that paralyzes man's ability to be critical, to treat reality objectively and to distance himself from it. His consciousness becomes limited, and his image of the world becomes narrowed and deformed (Bernaus, 2004, p. 52). Let's emphasize that manipulation seeks to exclude the recipient's critical consciousness, so that the full picture of the given matter is hidden from him. The sender deliberately conceals selected aspects of an honest picture of reality, so that it appears unclear and ambiguous.

Lies as journalistic demagoguery

Journalistic demagoguery is a form of exerting influence on the audience through speech, prompting the audience to make some kind of choice based on the presentation of one-sided and emotional arguments. This type of demagoguery, above all, disrupts the thinking of the

recipients of the linguistic message, especially in its cognitive-axiological aspect. It strikes at the feelings and attitudes that accompany this thinking process. Let us recall that thinking is guided by three elements: attention combined with reflection, memory and concepts, and the motivational system (Chudy, 2007, p. 48). This type of manipulation involves interfering with all three dimensions of human thinking and thus interfering with the perception of the world and other people. The goal of media demagoguery is to limit the reflection of the audience and to generate so-called unreflective behavior, which indicates a minimum of cognitive effort (Chudy, 2007, p. 48). Thus, a demagogic message is easily accepted, because it doesn't mobilize the audience to make the effort of fully understanding the information. Let us therefore recall a few selected, basic eristic methods that are still used today in communication in general, and in media communication in particular, and let us compare communication to a game in which participants use different tricks on each other in order to defeat the opponent (Schopenhauer, 2004, p. 10). The first trick is to expand, and exaggerate information presented by someone else. This method consists in extrapolating a given claim beyond the limits provided by the sender of the message. The person conducting the manipulation generalizes the statement of the opponent as much as possible, but stops one step before entering into the territory of absurd. At the same time, he presents his own position as narrowly and precisely as possible. Another eristic method, which is, incidentally, frequently used in politics and advertising, is the use of ambiguous words. This method is used in order to escape responsibility for a message presented in the media. If, for example, a politician fails to fulfill his promises or the product sold does not meet the advertising slogans, then the author of the message claims that he meant something different than what the recipient thought. Another method is to emphasize these features of a described phenomenon, which are especially important for the sender of the message. Thus, when a media manipulator proposes some changes, for example, in the organization of social life, he defines them as progressive, intended to combat stagnation and parochialism. If, however, the changes are not carried out in accordance with his intentions, he presents them as a pursuit of fleeting fashion trends, and then presents himself as a defender of tradition and the old order. This method is particularly demagogic in nature, and requires knowledge of media language and the human psyche. Language has the power to control human minds. Appropriate words not only betray the sender's attitude towards a given problem. Well-chosen words also send specific emotional content and hidden meanings into the recipient's mind. If a word used in a media message is new to the recipient and sounds unfriendly, then it will probably trigger a negative attitude in his mind. Based on this principle, for example, attorneys defending individuals accused of battery do not refer to their clients as "brutal, depraved criminals", but describe them as "lost individuals who unconsciously act out in reaction to their difficult childhood". Similarly, politically condemned armed groups are referred to as: "terrorists" or "bandits". Meanwhile, these groups do not refer to themselves in this way and use terms with a completely different meaning, such as: "insurgents", "patriots", "defenders", "partisans". The listener has quite different emotional reactions to the words "terrorist" and "martyr to a cause", even if it is known that they refer to the same person. Another eristic trick, often used by contemporary media, consists in appealing to an authority that supports the presented opinion. The mechanism of submission to specialists is deeply ingrained in human beings. People who are not familiar with a given subject have respect for all authorities and often accept their claims without any reflection. This phenomenon provides an effective method of manipulation, and in many cases it is magnified, if the authorities are false or if the statements of actual specialists are quoted in a selective and biased manner.

Lies as media psychological manipulation

This kind of manipulation is more complicated than eristic tricks, and, interestingly, it is used instinctively in many cases, and also does not require greater familiarity with logic and language theory. The masters of media psycho-manipulation interfere with the will of the audience, striving to make them want what the manipulator wants. Eristic methods ensure victory in a media discussion, but they do not have to convince the adversary. Conversely, he is often convinced that he is right, although he was not able to defend his own position. On the other hand, the purpose of psychological manipulation is to influence the human psyche and the volitional sphere in such a sophisticated manner that the recipient of the message will be convinced that he made the decision on his own and in accordance with his own reasoning. One of the basic mechanisms on which media psycho-manipulation is based is the automation of human behavior. In the modern world, the pace of civilizational development is so fast that people are not able to follow all the changes that are taking place. The human brain is forced to select the information that reaches it, and only register some of it. After some time, the reaction to the incoming stimuli becomes automated (Cialdini, 2001, p. 53). The most popular example of this mechanism is the presence of red in the animal world. Red in reptiles or amphibians indicates that they are venomous, which should deter potential aggressors. These types of responses observed in animals are conditioned biologically, while in the case of humans they are learned and they are social in nature. Unconscious reactions to a specific stimulus are a component of the so-called automated thinking, which is exploited by media manipulators. This technique uses a situation in which the manipulated persons do not have the time to reflect on their reactions and passively record the information that is reaching them, using their existing cognitive scripts in their interpretation. In this case, one of the techniques is the repetition of certain content in the media. After a certain number of repetitions, the potential doubts of the recipient disappear and the statement is accepted completely and without reservations (Cialdini, 2001, p. 43).

Another manipulative mechanism is referring to social proof, which is frequently used in advertising broadcast in mass media. In an attempt to convince the audience to its content, the sender of a given message presents the largest possible group of people who agree with that message. Instead of focusing on the advantages of the offered product, many advertisements convince the audience that, for example, their product is the best-selling car of the year, or the most-frequently-selected pension fund. Politicians in their advertising campaigns also claim that they have the support of the majority of society. This method is well reflected by the words of Cavett Robert, a sales consultant quoted, by Robert Cialdini: "Because 95% of people are imitators, and only 5% are initiators, people are more convinced by the behavior of others than by any proof of product quality" (Cialdini, 2001, p. 62). In this case, the media exploit, on the one hand, the so-called group pressure and, on the other hand, the need for belonging and for social approval. This technique involves emphasizing the role of public opinion, as well as the image of the individual in the society, and exploits the automatisms based on an unconscious reaction to social assessments. Let us emphasize that socially strengthened automatisms and stereotypes enforce mechanical behaviors in the society. A person subjected to them ceases to be an autonomous, independently thinking individual, and becomes a member of the herd. The media very often use social stereotypes as simplified ideas, that contribute to the presentation of phenomena in a certain way and thus to the exertion of influence. Stereotypes always have a supra-individual connotation. Different behaviors are considered to be reprehensible and punishable by exclusion, hence disregard for social proof is perceived by the individual as a transgression.

Let's analyze one more type of media psycho-manipulation, i.e. gossip. The gossip genres in mass media are popular biographical books and memoirs, journals, social sections, interviews, "social corners" in magazines, the so-called gossip press (Thiele-Dohrman, 1975,

p. 116). Journalistic gossip most frequently has a negative connotation and grows out of envy, suppressed aggression and frustration. It is an informational message, which is irrational and flows from emotional sources. So-called controlled gossip, which is a manipulation tool, is particularly dangerous in the context of social life. These are information, images and descriptions of events deliberately fabricated in the appropriate institutions. They are meant to induce public annoyance, and generate a state of uncertainty and lack of trust (Chudy, 2007, p. 100). Media gossip is revealed especially in situations of shortage of widely available information, and in conditions of political or moral tensions in society.

Summary

The new mass media, in which the line between truth and falsehood was blurred, have, to a large extent, shaped the life attitudes of modern man, determined through four metaphors: the tourist, the stroller, the vagabond and the player (Bauman, 1993, pp. 235–243). The value of truth is not crucial in any of these attitudes. For the "tourist", the basic feature of his relationship with other people is temporariness, and his main life goal is seeking intense, pleasurable experiences. The "stroller" does not establish deeper contacts with people and limits his life to episodic meetings. His relationships with people have no history and they will have no future due to their randomness. His life is characterized by superficiality and episodicity. In turn, the "vagabond" symbolizes freedom, which is not guided by any positive values. Variability, pursuit of constant change, becomes more important than finding a lasting goal in life. Meanwhile, the metaphor of the "player" symbolizes the attitude of a man for whom uncertainty and risk are the immanent features of life. This metaphor means a lack of an existential support point, lack of permanent axiological foundations and unchanging principles. Thus, the excess of the enormous amount of information sent by the mass media, deprived of order due to the lack of an objective hierarchy of values, leads to the disappearance of identity, the disappearance of purpose and sense of life in man. Human existence starts resembling a journey without direction.

References
BAUMAN, Z. (1993): *Postmodern Ethics*. Oxford: Basil Blackwell.
BERNAUS, E. L. & MILLER M. C. (2004): *Propaganda*. New York: IG Publishing.
CAMPBELL, J. (2001): *The Liar's Tale: A History of False Hood*. New York: Norton.
CIALDINI, R. (2001): *Influence: The Psychology of Persuasion*. Boston: Allyn & Bacon.
CHUDY, W. (2007): *Kłamstwo jako metoda* [*Lie as a method*]. Warszawa: Oficyna Naukowa.
ELLUL, J. (1973): *Propaganda: The Formation of Men's Attitudes*. New York: Vintage Books.
GABLER, N. (1998): *Life and Movie: How Entertainment Conquered Reality*. New York: Knopf.
KEYES, R. (2004): *The Post-Truth Era: Dishonesty and Deception in Contemporary Life*. New York: Museum Martin Press.
MARCUSE, H. (1991): *One-Dimensional Men: Studies in Ideology of Advanced Industrial Society*. London: Routledge.
MROZOWSKI, M. (2007): *Media masowe* [*Mass media*]. Tarnów: ASPRA-JR.
SCHOPENHAUER, A. (2004): *The Art of Always Being Right. Thirty Eight Ways to Win When You are Defeated*. New York: Gibson Square Books.
SULLIVAN, E. (2001): *The Concise Book of Lying*. New York: Farrar, Straus and Giroux.
THIELE-DOHRMANN, K. (1975): *Zur Psychologie des Klatsches*. Hamburg: Classen Verlag.
WILLIAMS, B. (2002): *Truth and Truthfulness*. Princeton: Princeton University Press.

Specifics of introducing a code of ethics into the academic environment

Martin Lačný,[1] Jana Lukáčová[2] & Iveta Kovalčíková[3]

Abstract

The implementation of tools and techniques of the management of ethics in the academic environment has its own peculiarities arising from the nature of the expert, scientific, pedagogical, but also administrative work of university staff, requiring a considerable degree of autonomy and freedom. The aim of this case study is to present the views of university teachers and PhD students from a selected faculty of a public university in Slovakia on the implementation of tools and techniques for the management of ethics and to identify specific risks associated with the nature of the code of ethics and its introduction into practice. Qualitative research was conducted using focus groups during the implementation of the code of ethics, while quantitative research was subsequently conducted by an anonymous electronic questionnaire shortly after the introduction of the code into practice.

Keywords: social norms, ethical infrastructure, code of ethics, academic environment, focus groups

Introduction and theoretical background

Institutionalized moral values are understood to be an effective tool for the strategic development of an organization; a tool for building trust and collective identity, the reputation of a fair player, and an important tool for building the institutional brand. In the current atmosphere, it seems that successful organizations of tomorrow will no longer be mere institutions without their own faces, they will have to be presented as if they were individual entities – as intelligent entities with a non-distorted character who deal with their own employees and their surroundings in a fair way. Positive initiatives that help cultivate and ethically mobilize our practice include solutions related to the building of responsible mechanisms and models of social responsibility. In this context, it could be said that at present, organizations of various kinds are usually involved in the removal of undesirable phenomena that are harmful to the fulfilment of their collective goals, while in connection with their ethical infrastructure, create tools that serve employees and managers to reveal harmful and unethical practices (Remišová, 2004, pp. 150–153). In creating an ethical infrastructure, the organization is primarily concerned with the application of codes of ethics, training and education of employees and managers in the field of occupational ethics, ethical and social audit, etc. Yıldız, Içli and Gegez (2013) draw attention to the fact that for almost all occupations there is a striking attempt to create a code of ethics within the reference framework of one's own profession. The existence of an code of ethics within a profession means that unethical behaviour is not allowed and cannot be tolerated. The ethical infrastructure introduced, as it becomes part of the culture of the organization, necessarily reflects the impact of traditions, rituals, and key principles of organizing values that are accepted within the organization (Lašáková, 2005).

---

[1] University of Prešov (Slovakia);email: martin.lacny@unipo.sk
[2] University of Prešov (Slovakia);email: jana.lukacova@unipo.sk
[3] University of Prešov (Slovakia);email:: iveta.kovalcikova@unipo.sk

The concrete form of the institutionalization of ethics in an organization depends on the qualitative and quantitative factors that affect it. Qualitative factors include the level of ethical thinking of the management, the type of organization in terms of its activities, the value orientation of employees, the educational structure of the staff, the specific moral situation in the organization, the economic situation of the organization, its perspective, as well as the quality of the preparation of the content, form, and course of the ethical program itself. The category of quantitative factors influencing the institutionalization of ethics include, for example, the size of the organization, the length of its existence, the age structure of the staff, and so on. (Remišová, 2004, p. 107). The fundamental objective of implementating tools and techniques for the management of ethics is to help shape the ethical orientation of the staff, to strengthen behavioural patterns that are consistent with group ethical principles and vice versa, to suppress behaviour that is inconsistent with the shared values. A good and functional ethical infrastructure can simplify and accelerate the resolution of situations where the organization has conflicts of interest and compromise is needed.

There are traditional and modern tools and techniques for the management of ethics sectioned in literature. As mentioned by Remišová, Putnová and Seknička, traditional instruments include codes of ethics, ethical credo and leitmotifs, as well as training and education in the field of relevant professional ethics (Remišová, 2004, pp. 107–108; Putnová & Seknička, 2007, pp. 70–71). Among the modern tools that emerged in practice at the turn of the 1980s and 1990s and are currently used mainly in the corporate sphere, include ethical and social auditing, the position of the ombudsman, ethics committees and commissions, ethical discussion forums and ethical hotlines.

Human resources management is an area where most ethical problems arise. Indeed, people are one of the key components of organizations, and from the occupational management point of view, it is probably the most difficult task to reconcile their individual preferences, interests, value systems with the collective goals and values. Modern management theories, characterized by their praxeological character, emphasize the commitment of employees to the activities of the organization in question, which presupposes their voluntary identification with the organization, its intentions, and objectives (Slywotzky, 1996; Griseri, 1998; Russell-Jones, 2006; Armstrong, 2007; Miller, 2008; Cipro, 2009; Cejthamr & Dědina, 2010; Blažek, 2011; Chovancová & Huttmanová, 2014). In this respect, the key element determining the character and quality of human relationships at the workplace and employers' relationships is therefore trust. Creating an atmosphere of trust, especially from the point of view of motivating employees and managers, means paying attention to the transparency and striving for fair solutions to specific (not only) conflict–inducing situations.

In this context, together with the above-mentioned tools and techniques of the management of ethics in the ethical infrastructure of the organization, it is essential for the organization to introduce into practice basic methods of dialogue when it comes to the question of ethics, and consensus in the area of group values. The basis for the implementation of ethical principles, tools, and methods is the analysis of the organization's situation that identifies the most common ethical conflicts and identifies managerial and staff views (formal and informal authorities) on ethical management.[4] Based on the results of the ethical audit, the goals that

---

[4] In this context, we can speak of a consensus authority or a consensual legitimate authority, which can also be understood as an acceptable justification for the structure, functions, and objectives of a certain ethical infrastructure of the organization from general ethical and cultural-political perspectives. This type of authority is to be understood not in terms of rational technical knowledge but knowledge and abilities that lead to the

should be achieved through the ethical program in the organization are personal ethical commitment and the employees' commitment to organizational values. Since the institutionalization of ethics in the organization is a matter of strategic management, it is necessary to emphasize the communication aspect of the process in its implementation. As it is in the case of corporate strategy, even the best-thought-out and prepared ethical infrastructure will not work if it is not understood and accepted by all the stakeholders involved in the organization's activities.

A functional ethics program also includes various forms of control of its effectiveness (Kaptein, 2009). In practice, organizational culture (and, in its context, ethical infrastructure) is essentially a living organism, which is manifested by its dynamic nature; its individual parts can vary depending on the results achieved in the development of the ethical climate in the organization. Within the organizational culture, institutionalized values regulate the functioning of the group by serving as a guide to behaviour in a dual way – some correlate with the basic beliefs and current behaviours, while others rather express aspirations for the future (not necessarily coinciding with current behaviour). In both cases, they provide the members of the organization with a framework of expectations, motivation, or attitudes. In key situations in the life-cycle of the organization, they help reduce uncertainty and maintain the continuity of the organization's functioning by providing a comprehensive, summative, and, consequently, wider view of reality (Lašáková, 2006, p. 246). Since the ethical norms of the social groups in which a person moves or to whom they are directed, play a very important role in the life of each individual, it is of utmost importance to establish an ethical standard that requires professional and occupational inclusion. The most important and most widely used instruments of ethical institutionalization are, in this respect, codes of ethics in which the institution, enterprise, or other group of people gives their members and their surroundings the awareness of the fact that ethics has become an essential part of its activities. The code of ethics extends the range of the tools of human resources management (Remišová, 2011, p. 22). The main function of codes of ethics is to regulate individual or group behaviour in accordance with the collective ethical standards. This regulation should be based on existing legal standards and complement them in a specific way. The code of ethics should complement the law, especially in areas where legal regulation is no longer needed but can not be left without any regulation. In such areas, codes of ethics become the basic elements of self-regulation. As Remišová, Putnová and Seknička mention, their further key functions include support for organizational culture and the socialization process, as they are an important tool for leading people in an organization, becoming an important framework of assessment of their own activities by employees and the public, while at the same time fulfilling the function of a doctrine (they are the authorizing documents) (Remišová, 1998, pp. 11–13; Putnová & Seknička, 2007, pp. 75–76). In practice, those codes whose functionality is built on their aspirational, educational, and regulatory aspects are extensively used. As Remišová and Winkler have observed, Slovak companies prefer the type of code which specifically lists problem areas and is less general. These codes of ethics contain both ethical spheres reflecting the real moral problems of the company as well as ethical spheres that have a prophylactic value for the company (Remišová & Winkler, 2006, pp. 169–173). Although the form and language of the codes can be flexibly adapted to the specific situation and

---

general goals of the organization. The term "consensual authority" is understood in the sense of a passive consensus, not in terms of the active consensus of entities involved in the activities of the organization.

character of the organization, industry or profession, every code of ethics must be clear and unambiguous (Messikomer, 2010). In no case should it create room for different interpretation or doubts as to the interpretation of its individual provisions.

When implementing codes of ethics and other components of ethical infrastructure, it is necessary to take into account the diversity of legal and organizational forms and the associated differences in the application of the principle of accountability in organizations. At the same time, it is necessary to emphasize that, when distributing responsibility within an organization, we must distinguish between situations where responsibility can be attributed to specific individual subjects and those where we can talk about the social responsibility of an organization as a collective moral entity (Lačný, 2012, pp. 63–64).

Defining ethical standards in an academic environment is a complex process. The code of ethics in an academic environment differs from moral standards that can be applied within a specific culture, education, religion, or society as a whole. University educators work in positions of mentors/educators, researchers, administrators, consultants, and professional team partners. The American Association of University Professors (AAUP), defines in its code of ethics the frameworks for the ethical behaviour of academics as educators (see www.aaup.org). The code of ethics is perceived as an effective tool as well as an adviser, especially for novice teachers (Dean, 1992). Several professional associations of educators, including The Academy of Management (AOM) and The American Marketing Association (AMA), have developed codes of ethics for the purposes of increasing the level of responsible and professional behaviour in a defined professional environment (Dean, 1992; Gao et al., 2008).

When codes of ethics are developed and implemented in the right way, they play an important regulatory role (Higgs-Kleyn & Kapelianis, 1999; Kaptein, 2004; Garegnani, Merlotti & Russo, 2015). In the academic environment, codes of ethics also perform the following functions: define the behaviour that is possible and acceptable, define behaviour that is considered unethical, are the source of system support, assessment, reviewing and decision making at the university.

In order to gain a realistic picture of the perception of ethical parameters in the university sector, several surveys have been carried out, particularly in developing democracies. For example, in a survey at the South East European University (SEEU) in Macedonia, the views of ethical and moral values on the professional life of the interviewed respondents were examined in a number of university teachers and students (Murtezan, Merxhivan & Mentor, 2010). The research results were used to create a code of ethics that was perceived in the environment of the mentioned university as a supportive tool for creating frameworks for professional behaviour. Yıldız, Içli and Gegez (2013) draw attention to the absence of codes of ethics in the academic environment of Turkish universities and focus on identifying the code of ethics of tertiary educators, which is mainly tied to their role as teachers/educators.

The implementation of tools and techniques of the management of ethics in the academic environment has its specificities, arising from the nature of the professional, scientific, pedagogical and administrative work of university staff, requiring a considerable degree of autonomy and freedom. Bruhn, Zajac, Al-Kazemi and Prescott consider the nature of so called "good citizenship" in connection with professionalism and their application in the academic sphere (Bruhn, Zajac, Al-Kazemi & Prescott, 2002, pp. 461–493). On the basis of practical experience with the implementation of codes of ethics Remišová's and Lašáková's findings have important theoretical, methodological, and practical implications in relation to

the implementation of codes of ethics at public higher education institutions, respectively in the academic environment in general. Their practical recommendations include a verified sequence of steps, or rather stages of the implementing of codes of ethics in the academic environment, consisting of setting the objective (or objectives) for implementation, analysis of the organization's ethical environment (faculties, universities), subsequent specification of access to the preparation and implementation of the code, and the definition of the control mechanisms in relation to upholding the code of ethics (Remišová & Lašáková, 2012, pp. 61–74). Jankalová, Jankala, Blašková and Blaško analyse the reasons for the need to create and implement a code of ethics within a case study at the University of Žilina, Slovakia (Jankalová, Jankala, Blašková & Blaško, 2014). An analytical view of the character and the implementation of codes of ethics in the environment of Slovak universities is applied by Králiková and subsequently by Platková Olejárová in the context of analysising the state of professional ethics in Slovakia, presented in a edited volume, which deals with current issues of professional ethics in Slovak education (Králiková, 2009; Platková Olejárová, 2012a, pp. 151–168; 2012b, pp. 215–265; Gluchman et al., 2012, pp. 215–284).

The aim of our study was to search for opinions and attitudes related to the implementation of codes of ethics and to identify specific risks related to the nature of codes of ethics and their introduction into practice in the academic environment. Our sample of respondents consists of university teachers[5] and full-time PhD students working at a selected faculty of a public higher education institution in Slovakia.

Method

To explore the effects of implementing tools and techniques for the management of ethics, we have chosen a mixed design of research based on a qualitative and quantitative approach. The qualitative approach provides an initial exploration of the issue and a deeper insight into the subject matter, examining individual phenomena in the natural environment, looking for causation and creating a theory (Hendl, 2005). Since qualitative research does not allow the generalization of results, we have supplemented the method by using quantitative questionnaire research, which collects data on a representative sample of respondents with pre-prepared questions and defined categories (Silverman, 2005).

Qualitative data was obtained through using focus groups. This method reveals the views of individuals in a small group that is deliberately designed to represent the various categories of individuals involved in the subject of research. Participants during a group interview respond to the questions asked, while listening to the opinions and attitudes of others. So they can change their own ideas and discuss the topic in broader contexts, which brings more complex information to the researcher. As part of a group interview, the speakers clarify and justify their views. The role of moderators in the debate is to facilitate group processes through democratic leadership in order to ensure a free exchange of views while maintaining respect, friendly atmosphere, and trust (Plichtová, 2002).

On the subject of the implementation of codes of ethics, two focus groups were set up at a selected faculty of a public university in Slovakia.[6] Data collection took place in May and June, 2012. Eight teachers and internal PhD students were assigned to each group in order to ensure the heterogeneity of the sample according to the scientific-pedagogical title, or rather

---

[5] For the sake of simplicity, we will only use the term 'teachers' in the following text.
[6] To maintain anonymity in the study, we do not provide data that could identify a particular university, faculty, or respondent.

by job classification: two professors, two associate professors, two assistant professors, and two internal PhD students. The number of teachers who accepted the invitation is listed in table no. 1.

The studied sample was made up of respondents who represented 8 out of 13 organizational units of the faculty. Discussion on one topic lasted 45 to 60 minutes.[7]

Table no. 1: The representation of teachers and internal PhD students based on gender in the focus groups

		Internal PhD Students	Assistant professors	Associate professors	Professors
1. group	Women	2	1	0	1
	Men	0	1	2	0
2. group	Women	0	1	2	0
	Men	2	1	0	1
Total		4	4	4	2

The groups were led by a pair of moderators in a non-discriminatory manner. The moderators supported every participant's response to each question asked. The anonymity of the speakers was ensured by not disclosing personal data such as gender, age, or job classification when it comes to the individual statements cited in the study, as it involved a relatively narrow selection of teachers and internal PhD students from one faculty. The participants' responses were recorded with their consent on an audio recorder for the purposes of detailed data processing.

Participants in the discussions in both focus groups were asked the following questions about the institutionalization of ethics:

1. With which instruments for the implementation of ethics in organizations (codes of ethics, ethical leitmotif, position of an ethics manager, ombudsman, ethics committee, ethical round tables, ethics seminars, ethical workshops, ethical discussion forums, ethical hotline, ethical balance sheet, ethical audit) do you have direct practical or at least mediated experience? Which of these tools do you consider to be the best way to implement ethics in the academic sphere?
2. What aspects do you think should be taken into account when communicating deployed tools to implement ethics in an organization (at university, at a faculty)? What do you expect from a functional ethical infrastructure, consisting of the appropriate combination of these tools? (What specific effects should its implementation bring?) What undesirable effects should the organization (university, faculty) avoid when implementing these tools?

The data from the audio recorder was thoroughly recorded, the transcription was controlled by repeated listening. A descriptive approach was used to create categories with open encoding, and the results were checked by other researchers for greater objectification in

---

[7] The topic of the implementation of the code of ethics has been explored in the context of broader research into academic ethics. Other partial topics of research included issues of teacher identity, interpersonal relations in the academic environment (teacher–teacher, teacher–student relationships), ethics of scientific work, and academic freedom issues. In one focus group, two of the issues studied were discussed for a total duration of 90 to 120 minutes.

transcription coding. The individual results are amended with direct quotes in the text of the study to increase the validity of encoding.

In the framework of quantitative research, which was subsequently implemented on the basis of the background knowledge, facilitated by the analysis of the recorded discussions in the focus groups, the topic of institutionalizing ethical standards in an anonymous electronic questionnaire was represented by two questions.[8] The formulation of questions resulted from the summary of the given focus groups discussions. Data collection took place in January and February, 2013. The anonymity of the respondents was guaranteed by the use of the Google docs web application, through which the questionnaire was created and managed. A link to an electronic questionnaire was distributed to teachers and internal PhD students operating on the selected faculty via bulk email, individually for teachers and internal PhD students as well. 64 respondents were involved in the research, including 41 teachers (representing 22% of teachers from the chosen faculty) and 23 full-time PhD students (representing 28% of internal PhD students). The average age of the teachers was 44.51 years (SD = 13.04, min = 24, max = 68 years) and internal doctoral students 27.09 years (SD = 1.62, min. = 24, max. 30 years). The sample number by gender and job classification is shown in table no. 2.

Table no. 2: Representation of teachers and internal PhD students involved in questionnaire research based on gender (N = 64)

	Internal PhD students	Assistant professors	Associate professors	Professors
Women	15	13	1	7
Men	8	15	2	3
Total	23	28	3	10

The results were processed using descriptive statistics in SPSS 15.0. Due to the insufficient fulfilment of the different categories of teachers according to job classification, it was decided to proceed to a summary evaluation of the results for the whole set of teachers, including internal PhD students.

Research Results

The implementation of tools and techniques for the management of ethics in the organization has been strongly associated with the introduction of a code of ethics in the opinions presented by both focus groups. The statements of the speakers in these focus groups were primarily focused on four areas, including:
1. The nature of the code of ethics,
2. The nature and process of its implementation,
3. The undesirable effects that need to be avoided within the implementation,
4. The commitment of the faculty management to the code of ethics as a tool of the management of ethics.

---

[8] The questionnaire included a total of 22 questions related to academic ethics that are relatively independent and can be evaluated individually according to the individual sub-topics of research.

1. The nature of the code of ethics
In the context of current events at the chosen faculty, which were influenced by the efforts to introduce a code of ethics in the given period, the participants expressed their opinions particularly in terms of its nature:[9]

- According to the participants, the code of ethics should be "*a brief and clear declaration of the university's values, or the faculties which are agreed upon by the academic community*".
- *It should not be of a restrictive nature*, it should be more of a "*map*" – a tool that helps in one's orientation.
- "*The goal of its implementation should be the academic community's cohesiveness within the faculty and true equality in the broadest sense* [...]". Its main contribution, apart from the mentioned cohesiveness, should be its motivating vision (its motivational part) that must be clearly specified (at present, according to some speakers, it is not entirely clear in what aspect should the employees of the university be better or rather the best).
- Part of the views of the speakers point to the importance of the regulatory function of the code of ethics, which "*aims to moralize and eliminate unacceptable behaviour and to create the boundaries of desirable behaviour, or more specifically the rules of the game for all levels of relationships*" – including relationships between teachers and students, ensuring that self-esteem and respect for others are not impaired. However, it should (in terms of the manner in which it is conducted) "*distinguish between the regulatory aspect of the code of ethics, and the regulation of behaviour through the internal regulations of the faculty, i.e. valid legislative norms*".
- In formulating the code of ethics, "*it is necessary to reflect on the effectiveness of individual instruments in order to bring about what is in line with the primary purpose of their use* [...]". The discussion also suggested that "*according to current experiences with the introduction of the code of ethics at the selected faculty, this effectiveness is still absent*".[10]

2. The nature and process of the implementation of code of ethics
Within the process of implementation of the code of ethics itself, it is necessary, according to the debaters in the respective focus groups, not to forget to mention a few important moments:
- The code should be "alive" and functional (not a code for the sake of a code), "*the tools should not become purpose.*"
- The code of ethics should be accepted by the academic community, "*it cannot come from 'above.' It should be based on a continuous ethical audit and must not be formalized, unchangeable,* [...]," its continuous transformation should be brought on by the ongoing evaluation of the situation at the faculty.
- Even before implementing the code, "*structural changes necessary to change behaviour have to be done to avoid repeating old mistakes*". According to some participants, the main problem with the selected faculty is not that some people do not know how to behave, but that they do not behave as they should. In this context, the

---

[9] With regard to maintaining the anonymity of the participants, we do not give any further details of their job classification, gender or age.
[10] Discussions in the focus groups took place about a half a year before the final version of the code of ethics was submitted to the Academic Senate of the Faculty for evaluation.

view was expressed that "*the absence of a code of ethics is not the cause of unethical behaviour*". More important than the code is "*creating a moral climate in a workplace that would be a natural regulator of behaviour*".

- The process of implementing the code of ethics should be based on "*openness of the institution in communication*" (not to send a drafted code of ethics via email and set a one-week deadline for possible comments), "*the code should be presented as a consensus vision*".
- "*The professional skills of the experts we have at university should be used in the implementation processes*" (e.g. sociologists' professional abilities in creating a questionnaire, etc.). Otherwise, in any given environment, the implementation process of any tool becomes opaque.
- The discussion also expressed the view that the functionality of the code of ethics could be supported by the work of the ethics committee.

3. The undesirable effects that need to be avoided within the implementation
Another substantial part of the opinions of the focus groups participants consisted in defining the undesirable effects that need to be avoided in implementing the code of ethics:

- "*We should avoid negative effect in the form of limiting academic freedom [...].*" In this context, negative associations were expressed with the intention of putting everyone into a single framework, generalizing, unifying the rules of conduct and behaviour, using the code of ethics as a tool of power. The freedom of conduct synonymous with the concept of Universities is thus threatened. The code of ethics, according to the views of the speakers, should not be an instrument of power.
- It has been suggested that "*the university should have the ability of self-regulation, which should be supported by the code of ethics, not to be negated by its synthetic character*".
- "*It is necessary to prevent reasons leading to moral schizophrenia (to behave like: disguise and you have no problem – if you are honest, you have a problem [...]) due to non-compliance with the requirements for employees and codified ethical standards [...]*" (e.g. quantitative criteria vs. the quality of published texts, plagiarism, etc.). Several speakers in this context have pointed out that it is counterproductive when one's practical compliance with the codified standards is not rewarded in any way – when one is motivated towards unethical behaviour by delivering effects (in particular related to one's performance) that are expected from him/her.
- "*The code of ethics or any other management instrument may not work on an across-the-spectrum basis*". It is a mistake that even though it would eliminate the laziness of a certain percentage of people; however, most faculty members would be affected by the measure, significantly reducing the space for competent individuals to deliver high working performance.
- "*It is necessary to avoid tendencies leading to a schematic action, such as: fearing to give one's own opinion, to step out of the crowd, to get involved, to be different – while living with the stress that we are doing something other than the code of ethics requires.*"
- Some speakers have expressed concern whether a code of ethics – even the most sophisticated – can solve all problematic situations (for example, when fellow teachers

are gossiping, questioning each other, or putting each other down in front of students at lectures), fears to what extent can the code actually influence the inner morale of people.

- *"It is necessary to avoid overly general formulations in the code that can not capture all the problems"*. Several commentators expressed concern about the emergence of so-called "deaf holes" that will be used in practice and the provisions of the code will thus lose their effect. At the same time, however, some have pointed out that we can not define all the behavioural variants that may occur, so it may happen that sometimes a specific action can be considered as a violation of the code's provisions, and sometimes it does not have to be so.
- It has also been suggested that the code of ethics generally disturbs the intimate morale or the inner convictions of individuals. However, it was a unique attitude that did not find a positive response within the discussion group in which it was presented.
- Several times, a negative association with the moral code of building Communism has been presented in the discussions, in connection to which personal experience evokes scepticism and doubt over any binding rules, however well-meaning they are. The speakers who opposed this opinion understand the need to define values, but also present a defensive response to the codification of rules that could limit the academic freedom typical for the university environment.

4. The commitment of the faculty management to the code of ethics as a tool of the management of ethics

Some of the respondents' reactions were related to the issue of the faculty management and its commitment to the code of ethics:

- In this respect, the view that "*the code of ethics is justified under the condition that management (on the level of the Deanery, Rectorate) would present the code as an initiative to which it will itself commit*" may be considered representative. Whoever creates the code should be a moral leader in order to motivate. Repressive "top-down" measures do not motivate.
- In a similar spirit, there were statements that, in the first place, the code of ethics should be upheld by the members of the management that implements the code. "*The relationship of the faculty's management and staff with the code cannot be asymmetrical*".
- *"In terms of staff motivation, the management should be a moral model in terms of compliance with the code"*. In this respect, the management requirements and requirements of the code of ethics should be in alignment – the performance rating system must not be set in such a way as to force employees to violate ethical standards and hence the code of conduct by reducing the quality of publications and auto-plagiarizing in order to meet quantitative criteria.
- According to the both focus groups participants, "*the code of ethics should be an instrument that obliges management to create the conditions for the performance of creative employees, because performance does not just rely on them, but the conditions under which they have to meet their requirements*".

In an effort to reflect problematic areas, which most of the speakers pointed out, two questions were formulated into the questionnaire used in the quantitative part of the research. In it, the weight of the individual problematic moments related to the creation and implementation of the code of ethics, which were defined by the participants in the focus groups, and the manner in which the faculty teachers evaluate the code of ethics as a tool of the management of ethics in terms of expected effects has been verified. The formulation of both questions resulted from the problematic moments indicated by the participants of our focus groups. The questionnaire was distributed to respondents several weeks after the faculty management introduced the new code of ethics.

The first of the two questions included in the research tools on the implementation of the code of ethics was formulated as follows:

- When introducing a code of ethics, it is important (you can mark several options):
a) To align its wording with the legislation and internal rules of the institution.
b) The code should result from the consensus of the "representatives" of the academic community.
c) The code should be the result of the consensus of the entire academic community, not only its representatives.
d) The creation of the code should make use of the expertise of the faculty.
e) It is necessary to ensure compliance with the code by all persons involved (students, teachers, faculty management).
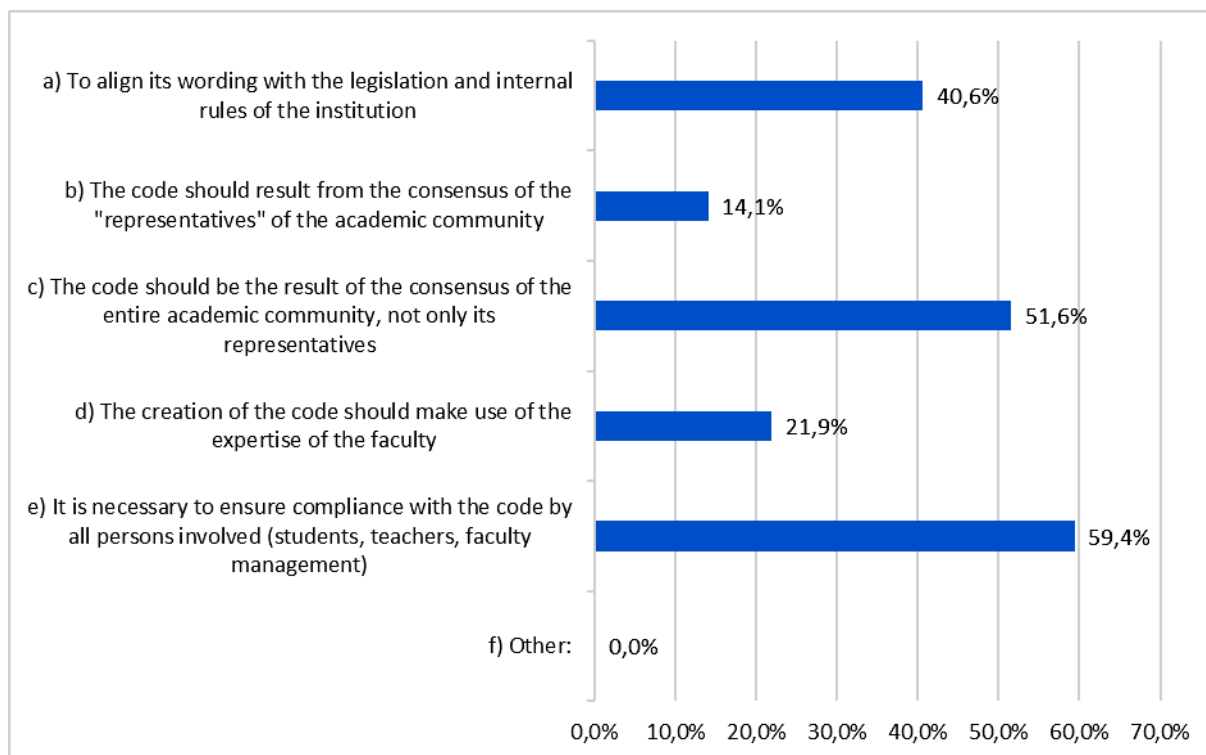f) Other...

Chart no. 1: The answers of the respondents to the question: "When introducing a code of ethics, it is important..." (N = 64)

In accordance with the given sample of participants, it was found out that the most important moment in the implementation of the code of ethics is ensuring their compliance by all stakeholders, i.e. students, teachers and faculty leadership (59.4%, or 38 respondents). The second moment in order of their importance is, according to the respondents, to ensure that the code of ethics is the result of the consensus of the entire academic community, not only its representatives (51.6%, or 33 respondents). On the other hand, the possibility that the code should be the result of a consensus of representatives of the academic community was identified by 14.1%, or 9 respondents. The third most important aspect of the implementation of the code of ethics should be to ensure its compliance with the legislation and internal rules of the institution (40.6%, or 26 respondents). Acknowledging that the expert skills of the faculty should be used in the drafting of the code of ethics, 21.9% agreed, or 14 respondents. An overview of the percentage distribution of responses to the issue in question is given in chart no. 1. Respondents did not use the open answer "Other", so it is not shown in the chart.

The second of these questions, aimed at evaluating the code of ethics as a tool for the management of ethics in terms of the effects expected by teachers and internal PhD students at the faculty, was formulated as follows:

- How do you assess the code of ethics as a tool for the management of ethics at the faculty?
a) It is an instrument that will positively influence the organizational culture.
b) It is an instrument that can positively contribute to the organization.
c) This tool will have a neutral, or negligible effect on the organizational culture.
d) I expect more or less negative effects from the code of ethics.
e) The code of ethics will have significant negative effects on the faculty.
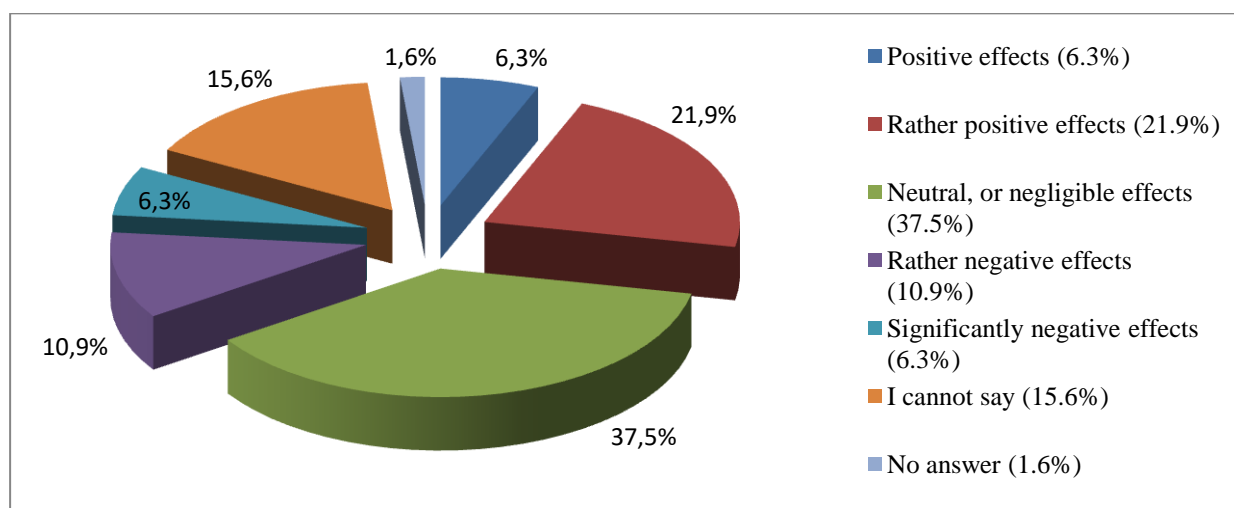f) I cannot say.

Chart no. 2: The assessment of the code of ethics by the respondents (N = 63)

Within the given sample of respondents, most of them (37.5%, or 24 respondents) stated that the code of ethics as an tools for the management of ethics would have neutral, or negligible effects. The positive effects are expected by 28.2%, 18 respondents, with 6.3% (4 respondents) expecting significantly positive and 21.9% (14 respondents) rather positive effects of the code of ethics. Negative effects were stated by 17.2%, or 11 respondents,

namely 10.9% (7 respondents) expect negative effects and 6.3% (4 respondents) expect significantly negative effects of the code of ethics. 15.6%, or 10 respondents said that the effects of implementing the code of ethics cannot be assessed and one respondent (1.6%) did not comment on the question in the questionnaire. An overview of the quantitative results on this issue is included in chart no. 2.

Discussion

As a strong aspect of our research we consider the fact that the discussed subject was viewed as a "live" and valid topic by respondents in view of the ongoing process of implementing the code of ethics at the selected faculty. The internal validity of the research is also enhanced by a combination of qualitative and quantitative research timed during the phase of implementation (focus groups) and the period just after the implementation of the code of ethics into practice (questionnaire survey).

Although it would be advisable to repeat the research at other faculties of public higher education institutions, we do not need to think only about the specific faculty when interpreting the results, because several of our respondents have practical experience from other faculties of Slovak and foreign universities. Their views and examples often go beyond the context of one faculty, or one university.

The results of the qualitative research have shown that the views of teachers and internal PhD students on the implementation of tools and techniques for the management of ethics point to a number of specific risks related in particular to the nature of the code of ethics and its implementation in the environment of the selected faculty. In the context of deficiencies (in terms of content and implementation aspects) that Platková Olejárová states in the analysis of the ethics codes of universities in Slovakia, particular attention needs to be paid to these risks (Platková Olejárová, 2012b, pp. 233–247). From the point of view of the nature of the code of ethics, the outputs from the focus groups point to the need for balance of the aspirational, motivational, as well as the regulatory aspect of the code. As an important moment, which implicitly accentuated the numerous reactions of the speakers, in this context the need to distinguish between the way of regulation through the code of ethics can be considered and the regulation of behaviour through the internal regulations of the faculty – valid legislative norms. Several statements in the focus groups also pointed to the need to sensibly set the language of the code, the degree of its universality, specific provisions, in view of the ability of the code of ethics to capture relevant ethical issues. In terms of the quantitative research, 40.6% of respondents answered the question of what they considered to be important in implementing the code of ethics, saying that the main goal should be to align its wording with legislation and the internal rules of the institution.

The comments of discussants on the process of implementing the code of ethics most often pointed to the communication aspect of the process – the code of ethics should have a consensual character, so it is important to involve as many experts from the faculty as possible while drafting provisions of the code. The attempts to accept the code of ethics for employees and students in this regard require the involvement of bottom-up communication so that it does not imply that the code of ethics is a product of "top-down" processes or that it has been created only by a narrow group of stakeholders. The importance of bottom-up processes in the implementation of functional (in terms of employee-driven) tools of the management of ethics is emphasized in a study conducted by Hill and Rapp (2014). The importance of active communication and involvement of the academic community in the

implementation of the code of ethics in the academic environment is also pointed out by Králiková (2009, pp. 11, 13, 28). Remišová and Lašáková in this context recall that the rate of success of the implementation, and consequently the degree of functionality of the code of ethics is directly dependent on the extent to which the staff of the faculty, or university is involved in the implementation process (Remišová & Lašáková, 2012, pp. 65–66). The results of the quantitative research at the chosen faculty confirm this view in the sense that while 51.6% of respondents believe that the code of ethics should be the consensus of the entire academic community, not only its representatives, the opposite alternative (the code of ethics should be the result of the consensus of the "representatives" of the academic community) was identified by 14.1% of the respondents.

Several statements recorded during the qualitative research phase at the faculty reminded that the code of ethics should be developed and further revised on the basis of an ethical audit that identifies current ethical issues. The need to audit the perception of ethical and moral problems is also accentuated by Olejárová (2008, p. 125). Analysis of the organizational culture, analysis of the ethical environment and the identification of the individual stakeholders between the key stages of the implementation process (before and after the introduction of the code of ethics) are also provided by Remišová and Lašáková (2012, pp. 63–65, 68–69). In this respect, it is important to note that ethical audits can serve as an important mediating tool in the process of the implementation of individual components of ethical infrastructure. In addition to monitoring the ethical environment and identifying problematic areas, it can reach an important moment of communication in the form of the broad involvement of academic staff in the implementation process.

A significant part of the participants in the focus groups drew attention to the risks of the actual implementation of the code of ethics, highlighting in particular the limitation of academic freedom as well as the problem of non-compliance with employee requirements and codified ethical standards (e.g. quantitative scientometric criteria vs. quality of published texts, plagiarism). The tension between the quantitative demands for the work of university educators and the ethics of scientific work is similarly mentioned by Králiková and Kvašňáková (Králiková, 2009, p. 10; Kvašňáková, 2012, pp. 169–179). It is also important to note that the code of ethics or any other tool must not have an effect all across the spectrum, thus eliminating not only the unwanted behaviour of a certain percentage of people, but at the same time significantly impact on work and high-performance of motivated individuals. In this context, Remišová and Lašáková consider the suspicious and reluctant reactions of university educators in the initial stages of the implementation as natural, resulting from the specific character of work in the academic environment and from the autonomy associated with this work (Remišová & Lašáková, 2012, p. 67). From the point of view of the success of the implementation of ethical infrastructure, these moments place particular demands on the fairness of setting up its individual tools as well as the communication aspects of the whole process. As Platková Olejárová states, a correctly implemented code of ethics should not limit the rights of academic teachers (and academic freedom), but rather confirm and accentuate them (Platková Olejárová, 2012b, pp. 228, 242–243).

Numerous debates in the focus groups emphasized the need to create a "moral climate" through the personal example of faculty management, through a motivating moral model that would significantly enhance the general acceptance of group values. Manroop, Singh and Ezzedeen point to the fact that the human resources system in organizations directly affects their performance as it is closely linked to the moral climate that is part of the organization's

history and culture (Manroop, Singh & Ezzedeen, 2014). Avshalom and Rachman-Moore in this regard state that the results of their research, carried out on a sample of 812 employees of a multinational company, point to the fact that in achieving positive results in the area of personal ethical commitment and employees' commitment to organizational values, informal methods (such as the example of personal management of group values) tend to be more effective than formal tools of implementing ethical standards (Avshalom & Rachman-Moore, 2004, pp. 225–244). From the point of view of the success of the implementation of codes of ethics, the need to involve the whole faculty or university management is accentuated by Remišová and Lašáková (2012, pp. 68, 70–71). The importance of the requirement that the relationship of the faculty management, staff, and students with the code of ethics should not be asymmetrical, also underlines the fact that the majority of respondents (59.4%) stated that it is important to ensure compliance with the code of ethics by all stakeholders – employees, faculty leaders, and students.

The assessment of the expected effects of the code of ethics, which was only introduced shortly prior to the quantitative research at the chosen faculty, does not appear to be absolutely negative. Significantly positive, or rather positive effects are expected by 28.2% of the respondents, while expected negative effects, or rather negative effects are expected by 17.2% of the respondents. However, it is worth pointing out that 37.5% of respondents expect neutral, or negligible effects of the established code of ethics. This, in our opinion, underlines the importance of ethical audits, which should continually correct the code of ethics as a tool for the management of ethics with regard to its functionality.

Limitations of this study rest primarily in the limited size of the research sample and the limited comparability of obtained quantitative data due to the specific formulations of the questions that resulted from the statements of our focus groups participants. Improving the understanding of the wider institutional context would be possible by using the established scales, and more accurately understanding of the relationships in specific groups would involve checking the known effects of the implementation of the tools and techniques of the management of ethics. The question of how the control mechanisms and the code of ethics will actually work on the faculty requires also a deeper analysis that goes beyond the scope of this study.

References
ARMSTRONG, M. (2007): *Řízení lidských zdrojů: nejnovější trendy a postupy* [*Human Resources Management: The Latest Trends and Practices*]. Prague: Grada.
AVSHALOM, M. A. & RACHMAN-MOORE, D. (2004): The Methods Used to Implement an Ethical Code of Conduct and Employee Attitudes. In: *Journal of Business Ethics,* 54(3), pp. 225–244.
BLAŽEK, L. (2011): *Management: organizování, rozhodování, ovlivňování* [*Management: Organizing, Decision-making, Influencing*]. Prague: Grada.
BRUHN, J. H., ZAJAC, G., AL-KAZEMI, A. A. & PRESCOTT, L. D. (2002): Moral Positions and Academic Conduct: Parameters of Tolerance for Ethics Failure. In: *The Journal of Higher Education*, 73(4) pp. 461–493.
CEJTHAMR, V. & DĚDINA, J. (2010): *Management a organizační chování* [*Management and Organizational Behaviour*]. Prague: Grada.

CIPRO, M. (2009): *Delegování jako způsob manažerského myšlení* [*Delegation as a Way of Managerial Thinking*]. Prague: Grada.

CHOVANCOVÁ, J. & HUTTMANOVÁ, E. (2014): Social Responsibility in Context of Business Performance and Competitiveness. In: *Management 2014: Business, Management and Social Sciences Research.* Prešov: Bookman, pp. 135–138.

DEAN, P. J. (1992): Making Codes of Ethics 'Real'. In: *Journal of Business Ethics*, 11(4), pp. 285–290.

GAO, T., SIEGEL, P., JOHAR, J. S. & SIRGY, M. J. (2008): A Survey of Management Educators' Perception of Unethical Faculty Behavior. In: *Jounal of Academic Ethics*, 6(2), pp. 129–152.

GAREGNANI, G. M., MERLOTTI, E. P. & RUSSO, A. (2015): Scoring Firms' Codes of Ethics: An Explorative Study of Quality Drivers. In: *Journal of Business Ethics*, 126(4), pp. 541–557.

GLUCHMAN, V. et al. (2012): *Profesijná etika – analýza stavu profesijnej etiky na Slovensku* [*Professional Ethics – Analysis of the State of Professional Ethics in Slovakia*]. Prešov: FF PU.

GRISERI, P. (1998): *Managing Values. Ethical Change in Organisations*. London: MacMillan.

HENDL, J. (2005): *Kvalitativní výzkum* [*Qualitative Research*]. Prague: Portál.

HIGGS-KLEYN, N. & KAPELIANIS, D. (1999): The Role of Professional Codes in Regulating Ethical Conduct. In: *Journal of Business Ethics*, 19(4), pp. 363–374.

HILL, R. P. & RAPP, J. M. (2014): Codes of Ethical Conduct: A Bottom-Up Approach. In: *Journal of Business Ethics*, 123(4), pp. 621–630.

JANKALOVÁ, M., JANKAL, R., BLAŠKOVÁ, M. & BLAŠKO, R. (2014): Academic Ethics in Conditions of the University of Zilina. In: *2nd International Scientific Conference "Contemporary Issues in Business, Management and Education 2013", Vilnius, November 14, 2013. Procedia – Social and Behavioral Sciences,* 110, pp. 568–576.

KAPTEIN, M. (2004): Business Codes of Multinational Firms: What Do They Say? In: *Journal of Business Ethics*, 50(1), pp. 13–31.

KAPTEIN, M. (2009): Ethics Programs and Ethical Culture: A Next Step in Unraveling Their Multi-Faceted Relationship. In: *Journal of Business Ethics*, 89(2), pp. 261–281.

KOOCHER, G. P. (2014): Research Ethics and Private Harms. In: *Journal of Interpersonal Violence,* 29(18), pp. 3267–3376.

KRÁLIKOVÁ, R. (2009): *Zavádzanie pravidiel akademickej etiky na slovenských vysokých školách* [*Implementation of Academic Ethics Rules at Slovak Universities*]. Bratislava: TIS – SGI, [online]. [Retrieved March 15 2018]. Available at: www.governance.sk/assets/files /publikacie/akademicka_etika.pdf

KVAŠŇÁKOVÁ, L. (2012): Kvalita vedeckej praxe – skúsenosti vysokoškolských učiteľov/liek a doktorandov/iek Filozofickej fakulty Prešovskej univerzity v Prešove [Quality of Scientific Practice – Experiences of University Teachers and PhD Students of the Faculty of Arts, University of Prešov]. In: V. Gluchman (ed.): *Profesijná etika – minulosť a prítomnosť* [*Professional Ethics – Past and Present*]. Prešov: FF PU, pp. 169–179.

LAČNÝ, M. (2008): Postmoderné trendy v podnikovej kultúre. [*Postmodern Trends in Corporate Culture*]. In: Š. Hittmár et al.: *Aktuálne manažérske a marketingové trendy v teórii a praxi* [*Current Management and Marketing Trends in Theory and Practice*]. Žilina: EDIS, pp. 80–83.

LAČNÝ, M. (2012): *Spoločenská zodpovednosť podnikov a korporatívne občianstvo – otázky a výzvy* [*Corporate Social Responsibility and Corporate Citizenship – Questions and Challenges*]. Prešov: Vydavateľstvo Prešovskej univerzity.

LAŠÁKOVÁ, A. (2005): Organizačná kultúra [Organizational Culture]. In: *Acta Culturologica No. 13*. Bratislava: FiF UK, pp. 162–173.

LAŠÁKOVÁ, A. (2006): Výskum ideálnych a reálnych hodnôt v rámci organizačnej kultúry [Research of Ideal and Real Values Within an Organizational Culture]. In: *Podnikateľské prostredie a etika podnikania* [*Business Environment and Business Ethics*]. Bratislava: Ekonóm, pp. 244–247.

MANROOP, L., SINGH, P. & EZZEDEEN, S. (2014): Human Resource Systems and Ethical Climates: A Resource-Based Perspective. In: *Human Resource Management*, 53(5), pp. 795–816.

MESSIKOMER, C. M. (2010): Constructing a Code of Ethics: An Experiential Case of a National Professional Organization. In: *Journal of Business Ethics*, 95(1), pp. 55–71.

MILLER, L. (2008): *From Difficult to Disturbed: Understanding and Managing Dysfunctional Employees*. New York: AMACOM.

MIOVSKÝ, M. (2006): *Kvalitativní přístup a metody v psychologickém výzkumu* [*Qualitative Approach and Methods in Psychological Research*]. Prague: Grada.

MURTEZAN, I., MERXHIVAN, I. & MENTOR, H. (2010): Multicultural Education and Administration and General Ethic Standards. In: *2nd World Conference on Educational Sciences (WCES 2010), Istanbul, February 4–8, 2010. Procedia – Social and Behavioral Sciences, 2(2)*, pp. 5875–5875.

OLEJÁROVÁ, G. (2008): Etický kódex zamestnancov vysokých škôl (jeho význam, funkcia a implementácia) [The Code of Ethics of University Employees (its meaning, function and implementation)]. In: D.Slančová, M. Bočák & I. Žarnovská (eds.): *3. Študentská vedecká konferencia. Zborník príspevkov* [*3rd Student Scientific Conference. Proceedings*]. Prešov: Prešovská univerzita, pp. 122–127.

PLATKOVÁ OLEJÁROVÁ, G. (2012a): O profesijnej etike vysokoškolských učiteľov cez optiku princípov a noriem v etickom kódexe [On Professional Ethics of University Teachers through the Optics of Principles and Standards in the Code of Ethics]. In: V. Gluchman (ed.): *Profesijná etika – minulosť a prítomnosť* [*Professional Ethics – Past and Present*]. Prešov: FF PU, pp. 151–168.

PLATKOVÁ OLEJÁROVÁ, G. (2012b): (Etická) analýza akademickej etiky ako profesijnej etiky v kontexte slovenského vysokého školstva [(Ethical) Analysis of Academic Ethics as a Professional Ethics in the Context of Slovak Higher Education]. In: V. Gluchman (ed.): *Profesijná etika – analýza stavu profesijnej etiky na Slovensku* [*Professional Ethics – Analysis of the State of Professional Ethics in Slovakia*]. Prešov: FF PU, pp. 215–265.

PLICHTOVÁ, J. (2002): *Metódy sociálnej psychológie zblízka. Kvalitatívne a kvantitatívne skúmanie sociálnych reprezentácií* [*Methods of Social Psychology Close Up. Qualitative and Quantitative Exploration of Social Representations*]. Bratislava: Médiá.

PUTNOVÁ, A. & SEKNIČKA, P. (2007): *Etické řízení ve firmě* [*Ethical Management in the Company*]. Prague: Grada.

REMIŠOVÁ, A. (1998): *Etické kódexy* [*Codes of Ethics*]. Bratislava: Ekonóm.

REMIŠOVÁ, A. (2004): *Etika a ekonomika* [*On Ethics and Economy*]. Bratislava: Ekonóm.

REMIŠOVÁ, A. (2011): *Vademékum podnikateľskej etiky* [*Vademecum of Business Ethics*]. Bratislava: Sprint dva.

REMIŠOVÁ, A. & LAŠÁKOVÁ, A. (2012): On the Risks of Implementation of Codes of Ethics in Academic Environment. In: *Societal studies*, 4(1), pp. 61–74.

REMIŠOVÁ, A. & WINKLER, I. (2006): Poznatky z komparácie etických kódexov slovenských a nemeckých firiem [The Findings of the Comparison of Codes of Ethics in Slovak and German Companies]. In: *Podnikateľské prostredie a etika podnikania* [*Business Environment and Business Ethics*]. Bratislava: Ekonóm, pp. 169–173.

RUSSELL-JONES, N. (2006): *Management změny* [*Change Management*]. Prague: Portál.

SCHEIN, E. H. (2010): *Organizational Culture and Leadership (4th Edition)*. San Francisco: Jossey-Bass.

SILVERMAN, D. (2005): *Ako robiť kvalitatívny výskum. Praktická príručka* [*How to do Qualitative Research. Practical Guide.*]. Bratislava: Ikar.

SLYWOTZKY, A. J. (1996): *Value Migration*. Boston: Harvard Business School Press.

YILDIZ, L. M., IÇLI, G. E. & GEGEZ, A. E. (2013): Perceived Academic Code of Ethics: A Research on Turkish Academics. In: *The Proceedings of 9th International Strategic Management Conference, Riga, June 27–29, 2013. Procedia – Social and Behavioral Sciences,* 99, pp. 282–293.

WIELAND, J. (2005): *Normativität und Governance.* Marburg: Metropolis Verlag.

Access to medically assisted reproduction for legal persons: Possible?

Hana Konečná[1] & Karolína Nováková[2]

Abstract
Along with the rapid growth that the field of assisted reproduction has experienced over the last few years, numerous ethical issues have arisen and need to be discussed thoroughly. One of them is the limitation of access to assisted reproduction techniques. Because no one should be discriminated against, it is essential to substantiate every single refusal of access carefully. The criterion of welfare of the child is used most frequently. In this paper, we propose a thought experiment aiming at contributing to the discussion by demonstrating that this criterion, even in its strictest form, can easily allow access to assisted reproduction for legal persons as well.

Keywords: assisted reproduction; legal aspects; access; legal person; welfare of the child; thought experiment

Introduction

There is a continuous discussion in the field of assisted reproduction surrounding whom should have access to medically assisted reproduction (MAR). Because no one should be discriminated against, it is essential to substantiate every single refusal of access carefully. Most recently, the topic was discussed in February 2018 in the Council of Europe in Strasbourg, on a two-day seminar entitled *"Access and diversity of medically assisted reproduction in Europe"*, organized by the European Society of Human Reproduction and Embryology, together with the Council of Europe Bioethics Committee. The message of this event can best be summed up as follows: "What can be done? Recognize the existing need and follow it. Do not ignore the current world. Be inclusive, not exclusive. Concentrate on how, not on who. Make it safe, efficient and fair for those in need of help" (Rautakallio-Hokkanen, 2018).

MAR has become a method of becoming parents for an increasing number of people. Moreover, the possibility of extracorporeal manipulation with oocytes and embryos has significantly broadened the alternatives of how to become parents over the last few decades. Therefore, MAR can essentially make parents of anyone. The important question, however, is not "how" but "who" i.e., should there be any regulations defining access to MAR? And, if so, who should define them and to whom should they apply? Currently, a criterion of welfare of the child is used most frequently. In this paper, we want to demonstrate that the criterion of welfare of the child, even in its strictest form, easily allows access to MAR for legal persons as well.

Over the last few years, there have been a number of such debates, including *The welfare of the child,* published by Blyth and Cameron (1998) and continued by Pennings (1999); The Pre-congress course 8 SIG Psychology and Counselling entitled *Theory and practice update in third party reproduction* at the ESHRE meeting in Stockholm (2011); and Pre-congress course 5 SIG Ethics and Law titled *Non-standard requests? Ethical and legal aspects of medically assisted reproduction in singles, lesbian and gay couples, and transsexuals* at the ESHRE meeting in Istanbul (2012).

Moreover, the welfare of the child criterion was pronounced to be insufficient in Human Reproduction (Blyth & Cameron, 1998). Although efforts have been made to open a

---

[1] University of South Bohemia in České Budějovice (Czech Republic); email: hkonecna@zsf.jcu.cz
[2] Masaryk University (Czech Republic); email: novak.karo@gmail.com

discussion to re-evaluate the welfare of the child principle (Solberg, 2008), it is still used as a general criterion to determine access to MAR, recommended by both the European Society of Human Reproduction and Embryology (ESHRE) and the American Society of Reproductive Medicine (ASRM).

Welfare of the child in various documents

Most governments of western countries have accepted that MAR is a matter of public policy. Therefore, an interplay between the state, professionals and parents arises (Smajdor, 2015; Daniels et al., 2000). In the legislature of some countries, the welfare of the child criterion is used to regulate access to MAR. In the following paragraphs, we refer to some concrete examples.

In Australia, the Assisted Reproductive Treatment Act (2008) states that "the welfare and interests of persons born or to be born as a result of treatment procedures are paramount". Similarly, the New Zealand's Human Assisted Reproductive Technology Act (2004) quotes that "the resultant child should be an important consideration". In the United Kingdom, the Human Fertilisation and Embryology Act (2008) requires clinics to take into account the welfare of the child when providing fertility treatment. Interestingly, the welfare of the child requirement replaced the "need for a father" requirement that was part of the previous 1990 version of the Act. Extensive research evaluating regulations of MAR written into law has recently been carried out in the UK (Blyth, Burr & Farrand, 2008; Gurnham & Miola, 2012; Lee, Macvarish & Sheldon, 2014; Sheldon, Lee, & Macvarish, 2015). The Canadian Assisted Human Reproduction Act (2004) is also built on the welfare of the child: it states that "the health and well-being of children born through the application of assisted human reproductive technologies must be given priority in all decisions respecting their use".

Another important document, The Council of Europe Report on Human Artificial Procreation (1989), states that "the techniques of artificial human procreation may...be used for the benefit of a heterosexual couple when appropriate conditions exist for ensuring the well-being of the future child".

Efforts to define the welfare of the child

There are various approaches to normative ethics. Normative ethical theories may generally be divided into two schools: deontological and utilitarian theories (Gaus, 2001). On one side, deontological ethics – or deontology – represents a normative ethical position that judges the morality of an action based on the action's adherence to a rule or rules. Within deontological reasoning, consequences may play a subordinate part but they are never the deciding factors in determining the rightness of the act or decision (Pennings, 2011). Deontological ethics is commonly contrasted to consequentialism, utilitarianism, and pragmatic ethics. These positions derive the correctness or incorrectness of actions from their consequences (Hursthouse, 2013). Welfare of the child is a consequentialist principle. In this paper, we want to note that a pure consequentialist position towards welfare of the child is not sufficient because it does not exclude "non-natural" persons from reproduction.

According to Lee and Morgan, welfare is a broad notion comprising both material and psycho-social well-being; however, it is widely accepted that the most important aspects of a child's welfare are those that pertain to "stability and security, the loving and understanding care and guidance, the warmth and compassionate relationships that are the essential for the full development of the child's own character, personality and talents" (Lee & Morgan, 2001).

Several studies aiming to define criteria determining the welfare of the child have been carried out recently. A Swiss team of MAR professionals conducted a study exploring attitudes of paediatricians, gynaecologists and experienced parents towards the welfare of children to be conceived using assisted reproduction (De Geyter, Boehler & Reiter-Thei,

2010). Their study ranked the following 13 hypothetical criteria that could determine welfare of a future child: avoidance of future harm to the child, absence of mental illness in both partners, limited paternal age for reproduction, future provision of education for the child, both parents' life expectancy, stable relationship between both partners, good prognosis of normal health of the child, willingness to integrate socially, good quality of the couple's relationship, shared home for both partners and their child, sufficient social network of both parents, adequate housing conditions, and adequate social and financial living conditions. Another recent study (De Lacey, Peterson & McMillan, 2015) focused on how welfare principles play out in counselling practice. The authors reported that not only can the welfare of a child be a meaningful concept to counsellors in the field of MAR but also that it can be impractical due to a lack of clarity.

Underlying the current ethical debate on the welfare of the child is the widely held belief that it is almost always in the child's best interests to be born, save for exceptionally rare instances when the child would be exposed to a life that is "not worth living" (Blyth, 2008; Larcher, 2007; Harris, 2004). However, this belief is not shared without reservations. One of the possible present answers to the question of quality of life, represented by David Benatar, is that life has no quality, so it is better not to be at all. That is why he recommends that those children should not be born at all, because we would only bring them misery (Benatar, 2013).

Most countries agree that the welfare of resulting offspring ought to be considered. Furthermore, according to Robertson (1994), procreative liberty, as with all other human rights, is not absolute and may be curtailed when the potential of substantial harm can be established. This line of thought begs several questions, the most obvious being how to define substantial harm and the second being what level of proof is required.

The European Society of Human Reproduction and Embryology (ESHRE), the world's most influential professional organization (it organized, for example, a workshop to promote access to MAR, in the Council of Europe in February 2018), also selected the welfare of the child to be the main criterion in medically assisted reproduction (Pennings et al., 2007). The first part of the paper addressed the risks associated with would-be parent(s), while the second part focused on possible risks inherent in the technologies and treatments themselves. The authors proposed factors that need to be evaluated while weighing the risk factors for a child; these are, among others, medical conditions of the would-be parent(s), substance abuse, child abuse, violence in the family, addiction, mental retardation, psychiatric disorders, and poverty, among others. Consequently, the authors distinguish three different standards: (1) the *maximal welfare*, according to which no medical assistance should be provided when there are indications that the life conditions of the future child will not be optimal; (2) the *minimum threshold*, according to which medical assistance to reproduction is only unacceptable if the quality of life of the future child is so low that it would have been better off not to have been born; and (3) *reasonable welfare*, according to which assistance is acceptable if the future child will have the abilities and opportunities to realize those dimensions and goals that make a human life valuable. When the predicted level of well-being of the future child is estimated to fall below the standard of reasonable welfare (i.e., when there is a high risk of serious harm), the physician has an obligation to refuse participation. Based on these criteria, the authors propose that the fertility specialist should refuse to collaborate in the parental project of would-be parents if he or she judges that there is a high risk of serious harm to the future child.

Pennings (1999, p. 1146) explains these three principles in more detail:
- "The maximum welfare principle implies that one should not knowingly and intentionally bring a child into the world in less than ideal circumstances". Accordingly to an appeal by Lancet's editors (1993), Pennings (1999) proposes that the long-term well-being of the child should be of overriding importance: "of course,

many fertile couples have unplanned conceptions and some of their babies are born into circumstances that are far from ideal; we have little control over such 'natural' events. However, ethical considerations inevitably enter into the decision to use high technology to give a woman a pregnancy". He notes that children need a stable home with mature caring adults who themselves have a sound relationship. Finally, he proposes that because we can control (at least to a certain extent) the circumstances in which a child is made if the candidates are infertile, we ought to restrict our cooperation to those cases which maximize the welfare of the child. This fact explains why the standard for medically assisted procreation must and should be higher than for natural reproduction: "Taking the maximum welfare principal as a measure, a bias against some groups of want-to-be-parents arises. Strictly taken, this standard would exclude the overwhelming majority of the population from procreation. Should people who are poor, unemployed, handicapped, obese, workaholics and/or old all be rejected as potential parents since the child they will have would have had a better life had it been born to other parents?" (Pennings, 1999, p. 1147).

- The minimum threshold principle is connected to a weak interpretation of the right to procreate: "a person has a right to rear children if he meets certain minimal standards of child rearing" (Pennings, 1999, p. 1147). This standard does not compare the welfare of the child-to-be-created with other possible children but only verifies whether the quality of life of the future child is above the minimum threshold. One of the most frequently used minimum thresholds can be called "wrongful life" or the "worse than death" standard: "A child should not be brought into the world if and only if it would have been better never to have been born at all" (Pennings, 1999, p. 1148). The minimal threshold standard attributes a disproportionate importance to the autonomy principle as expressed in the right to procreate of the parents at the expense of the welfare of the child.

- According to the reasonable welfare principle, the principle employed to evaluate the applications of new reproductive technologies could be stated as follows: "The provision of medical assistance in procreation is acceptable when the child born as a result of the treatment will have a reasonably happy life" (Pennings, 1999, p. 1148). Because it is rather difficult to give an elaborative description of which construction constitutes the normal state of welfare, we have to rely to a considerable extent on our common sense. The author suggests that "an individual has a decent welfare level when he has the abilities and opportunities to realize those dimensions and goals that in general make human lives valuable" (Pennings, 1999, p. 1148).

Pennings concludes that

"once we discard the maximum welfare principle and adopt the reasonable well-being standard, as we do for the evaluation of parental responsibility in other instances, there are no indications that the technology is getting out of hand. Still, some extreme (even if rare) instances (as very old mothers, some examples of posthumous reproduction) do request continued vigilance. The renewed attention for the welfare of the child can serve as a counterweight against the overextended autonomy of the parent(s) in those situations" (Pennings, 1999, p. 1150).

Generally, there are two major concerns: first, there are no reliable predictive criteria for inadequate parenting and, thus, no criteria that can be used to guarantee the best interests of the child (Harris, 1990); second, a choice of the principle to interpret the level or measure of welfare is often problematic (Pennings, 1999).

According to Mumford, Corrigan and Hull, the core question that needs to be debated is whether or not assistance should be given to bring a child into being. The authors argue that procreation is never a question only of individual personal rights, and say that it always

requires at least two participants (Mumford, Corrigan & Hull, 1998). There can be no "right" to something, which necessarily involves a second party who has an equal right to withhold co-operation. Blyth and Cameron emphasized the lack of any instrument measuring the welfare of the child (Blyth & Cameron, 1998). They argue that even though the value of this type of test would be widely accepted, it may be fraught with difficulty in practice. Up to now, to our knowledge, no such instrument has been developed that would be generally accepted and widely spread. Moreover (and from our point of view, more importantly), they express serious doubts about using the welfare of the child as the only sufficient criterion for discussing access to MAR.

We, the authors, agree with the doubts of Blyth and Cameron that the welfare of the child criterion may not be sufficient. We believe resignation is driving the current commitment to the welfare of the child and instead promote further research into the existence of additional criteria. Our concerns are even greater that those of Blyth and Cameron; they will be the subject of the present paper (Blyth & Cameron, 1998).

Methodology

We will try to demonstrate the essence of our concerns by a thought experiment in which we will try to the answer the question whether the application of the welfare of the child criterion is sufficient to preclude access to MAR to legal persons. The scenario (an imaginary situation) would unfold as follows:

One or more natural persons establish a foundation that aims to give an opportunity for life to "forgotten" or – maybe more truthfully – unwanted embryos in the freezers of a regional centre for assisted reproduction. In such a case, the reason for parenthood would clearly be purely altruistic. They intend to find young, healthy, heterosexual, married couples with a strong pro-parenting orientation. These couples would become the surrogate parents of children born from unwanted embryos (the husband of the mother would be the surrogate father of the child). Parental rights adhere to the foundation; in some countries (e.g., Russia, India, Greece) the foundation is immediately legally recognized to be the parent after the birth of the child as an "applicant" for surrogate parenthood. (An organization as the bearer of parental rights is not unusual. For example, in foster care or institutional care, parental rights are withdrawn from biological parents and transferred to a governmental institution to protect the child). Surrogate parents would then become foster parents, employees of the foundation. The foundation would pay them foster reimbursements that would be higher and given for a longer duration than usually provided (foster reimbursements are typically at low rates and only paid until the child reaches the age of majority) to provide sufficient resources for proper childcare. It may be logical to ask why the foundation does not leave parental rights to the surrogate parents. We argue that:

1. In regular families, governmental compensation for childbearing is minimal; therefore, many parents are forced to work and leave their young children in the care of others. Moreover, the time of childcare is almost not recognized in the calculation of pension entitlements. In our scenario, caregivers are not endangered in this way – both the time of providing childcare and the financial allowance are parameters of their employment.
2. The foundation wants to keep the option to intervene in a family should a crisis develop: within the foundation, there is an advisory board, whose members are experts in the areas of developmental psychology and paediatrics, and also include representatives of the foster parents employed by the foundation. This advisory board resolves any crises should they arise.

The foundation would also provide housing for families. Each foster family would live separately in different places (it would not be an alternative to SOS villages). The foundation would support the healthy development of the child in the best possible way; it would provide

financial support for education, extracurricular activities, etc. When the children reach adulthood, the foundation would provide them with a good start to their independent lives; it would help with covering the costs of their first apartment and financial resources for living expenses, as is common in other families. If the foundation ceased to exist, it would be possible for the children under its care to inherit its wealth.

We will seek the arguments in favour of or against the access of a legal person to MAR in studies discussing such access of other non-standard groups.

Discussion

Experts agree that defining the characteristics that would specify the welfare of the child is difficult, if not impossible. As Pennings emphasizes, "we have to rely to a considerable extent on our common sense" (Pennings, 1999, p. 1148). As mentioned above, ESHRE (Pennings et al., 2007) describes in, its task force, possible risks for a child in two different aspects: (1) risks associated with the would-be parent(s); and (2) risks inherent in the technologies and treatments themselves. Stern et al. (2003) categorise risks to those related to patient attributes (i.e., marital status, age, sexual preference); and those related to patient behaviours (i.e., substance abuse, psychiatric history, child abuse).

For the purpose of this paper, we create an intersection of these categories and extend them further. Risk factors associated with technology are not included in the scope of this paper. We propose the categorization of risks as follows:

1. would-be parent(s) attributes – health status, age, sexual preference, marital status, individual characteristics relating to parenting, financial situation, etc.
2. would-be parent(s) behaviours – substance abuse, potential child abuse, etc.

Some may argue that, due to a lack of donated gametes, an additional criterion should be the number of children would-be parents already have. Nevertheless, this criterion is not relevant for our thought experiment because there is an abundance of frozen embryos. By contrast, problems actually arise with what to do with them (e.g., a current Belgian law allows access to MAR only after partners decide what they will do with redundant embryos and does not allow them start new treatment unless they use all of their frozen embryos).

Across the body of relevant literature, we can identify various arguments for providing and/or restricting access to MAR to different groups. The following criteria are most frequently used when discussing access to MAR for post-menopausal women: duration of natural reproductive life; parental capacity; the success of IVF medical risks; psychological risks (Goold, 2005; Landau, 2004; Pennings, 1995; 2001).

Restrictions based on resource allocation

Most countries offering MAR apply health care rationing as a standard model. Many centres providing MAR are not able to assist all of those who seek their help. Public funding is either non-existent or very limited, and there may also be a shortage of gamete donors. Therefore, it is common that centres exclude those applicants who already have children. It is also common for publicly funded centres to restrict access to MAR by setting an age limit for females seeking IVF. According to Mumford and Corrigan, this refusal could be seen as providing services to those with the greatest need, which is consistent with a policy of providing treatment first where it has the highest likelihood of success (Mumford & Corrigan, 1998). According to ESHRE, the following ethical principles are of utmost relevance when considering access to MAR: respect for autonomy, beneficence and non-maleficence, justice, and the welfare of the child. There is no sound reason to dismiss access in these situations; such categorical dismissal would imply discrimination (De Wert et al., 2014).

We consider it worth mentioning that even though the question of gender has been dominating the relevant literature over the past decades, it has not exclusively been proven

that the desire for parenthood and parental skills differ significantly between women and men. Although surrogate motherhood is usually legal in those countries that are most active in discussions about access to MAR, gay couples and single men are not usually referred to as non-standard request groups. Even though non-standard requests for MAR are varying, several non-standard groups of applicants may be identified. These include for example:

Homosexual couples

A non-standard group that has been studied a lot in the context of access to MAR is homosexual couples. According to Fasouliotis and Schenker (1999) as well as Grover et al. (2013), not only law and custom but also subjective intention can define "family". Using this method of determination, a homosexual couple in a stable relationship and caring for a child or children together function as a "family".

According to Peterson (2005), the claim of non-qualification due to absence of medical infertility is routinely used as a reason to deny MAR services to lesbians. However, because both members of a lesbian couple cannot biologically produce sperm, they could be considered to be technically infertile and thus qualify for access to donor sperm in the same manner as a heterosexual couple in which the male partner is unable to produce enough healthy sperm to achieve conception naturally (Pearn, 1997). Furthermore, Stuhmcke (1997) argues that although it is possible for lesbians to obtain private sperm donation and self-inseminate, the potential health risks combined with the possibility of future demands for paternal involvement in child-bearing decisions or access make anonymous donation via MAR services preferable.

Generally, there are two common assumptions about children raised in homosexual families. First, there is an assumption that they will be teased, ostracized or bullied at school and, as a result of this abuse, they will develop psychological problems. Secondly, some authors are concerned about these children's gender identity formation – they assume that girls will be less feminine and boys less masculine compared to those raised by heterosexual couples. Furthermore, some believe that they will grow up to be lesbian or gay themselves. According to our research, no studies have proven any significant differences between children of lesbian couples and single heterosexual mothers in terms of emotional well-being, quality of friendships, self-esteem, or expression of masculinity or femininity. According to Golombok (1998), the most significant finding emerging so far from the studies of lesbian families with a child conceived by donor insemination is that co-mothers in two-parent lesbian families are more involved with their children than are fathers in two-parent heterosexual families. Based on these findings, it is clear that the welfare of the child depends greatly upon the quality of the arrangements made between the adult parties involved (Brewaeys, 1998).

Recently, another ethical issue related to homosexual couples requesting MAR has arisen with Reception of Oocytes from Partners (ROPA). With this alternative procedure, lesbian women are allowed to share biological motherhood – the gestational mother receives an egg from her partner who then becomes the genetic mother. While some authors argue about its ethical acceptability, Zeiler and Malmquist (2014) argue that ROPA is not more ethically problematic than other cases of non-standard requests for MAR. Furthermore, they propose that ROPA actually gives rise to even fewer ethical questions than some procedures used in current medical trials (e.g., live uterus transplantation). Dondorp (2012) notes the analogy of ROPA to Intracytoplasmic Sperm Injection (ICSI), which allows heterosexual couples with male infertility to have "a child together" when they could also have a child through donor insemination. Dondorp (2012) concludes that the fact that some lesbian couples request ROPA urges us to rethink the aims of MAR: "Is it to help the

infertile (or the childless) to have a child? Or is it to help couples to have children together?"

Another specific example is the experiences of gay couples. Like single men, gay couples need to engage a surrogate mother while pursuing parenthood. Very little data are available about the numbers of requests to-date by gay couples, but generally, such requests are less frequent than requests from lesbian couples (De Wert et al., 2014).

Single heterosexual mothers
Even though single heterosexual women applying for MAR may seem to be the "classic case", becoming a single mother was not the first choice for many of these women (Graham & Braverman, 2012). They simply had not yet found the right partner. The most common argument for restricting access of single women to MAR is the assumption that children in single-parent families do less well than those in two-parent households, arguing that their psychological adjustment and academic achievements are worse. In addition, they are more likely to suffer economic hardship (McLanahan & Sandefur, 1996).

One question that is often posed regarding single-mother families is whether the negative consequences for children who are raised by a single mother result from the absence of a father or from the absence of a second parent from the home in general, whether female or male. Golombok (1998) concludes that it appears to be the latter – the role of an additional parent and not the role of a male parent in particular is beneficial to the child. According to her research, family circumstances appear to be the best predictor of outcomes for children in single-mother homes. Golombok (1998) also states that "the true determining factors for the child's well-being (strong desire for parenthood, warm and supportive relationships, etc.) do not coincide with and are not determined by the sexual orientation, the number of parents or the genetic relatedness".

Another specific case within the non-standard group is post-menopausal women. According to research, the average success rate of live births per cycle of IVF is only 2.5 % in women older than 45 years. The argument against postmenopausal childbearing is based on the belief that pregnancy in older women goes "against nature". However, according to Peterson (2005), this belief ignores the fact that, at present, it is socially and medically acceptable to create a temporary or permanent "against nature" infertile state in young women with the use of contraceptives or surgery. On the other hand, some authors (Sobotka, 2010) suggest that the "social advantage" of late parenthood may outweigh the biological advantage of early parenthood, as older parents are more experienced and knowledgeable, are better off economically, face lower risk of divorce, and can more easily afford childcare.

Transsexual people
According to ESHRE (De Wert et al., 2014), applications for MAR by transsexual people, and in particular couples comprising of at least one transsexual person, are currently rare although steadily increasing. Reproductive options are diverse; they include IVF with donor sperm in cases when transsexual males (female-to-male transsexuals) have a female partner and use of a surrogate mother when transsexual women (male-to-female transsexuals) have a male partner. Another consideration is that fertility preservation may be a way to help transsexuals have genetically related offspring in the future.

HIV discordant couples
Spriggs & Charles published a paper evaluating arguments for and against offering MAR – specifically IVF – to HIV discordant couples. They argue that if treatment is denied, there is an increased risk of disease transmission from unprotected sex. They conclude that

offering MAR to such couples is likely to produce more benefit than harm and violates no ethical principles (Spriggs & Charles, 2003).

Is the legal person status of an MAR applicant a risk for the welfare of the child?

Spriggs & Charles (2003) note that couples that can have children without reproductive assistance are not scrutinised in the same way as those that are infertile. We agree but would note that the responsibility of an individual and a couple to the child is very different from that of an organization. Additionally, as the authors correctly highlight, we neither have a reliable way of predicting who will or will not be a good parent nor have an agreed-upon measure of what constitutes a good parent. Nevertheless, given the issue is much broader, we try to evaluate whether an institution should or could adopt responsibility for MAR procedure and why. Naturally, the decision-making of the institution must have different criteria than the decision-making of an individual or a couple.

In jurisprudence, a natural person is a real human being in contrast to a legal person, which is defined as an organization, either private (e.g., business entity) or public (e.g., government). Legal persons (lat. persona juris) are of two types: natural persons – people – and juridical persons (also called juristic or artificial or fictitious persons, lat. persona ficta) – groups of people, such as corporations. In many cases, fundamental human rights, including reproduction, are granted to natural persons only (Martin, 2003).

Even though it may seem absurd, it is important – regarding our topic – to realize one fundamental consideration: a legal person cannot have children because it is not a human being.

Surrogate motherhood is accepted even though donor gametes are used. As stated in the ESHRE Task force 10 (Shenfield et al., 2005, p. 2707): "Surrogacy is a morally acceptable method of assisted reproduction of last resort… The wish of the child to know its genetic origin should be taken into consideration by the parents in cases where donor gametes or the oocyte of the surrogate have been used". The future parents are actually not physically part of the process at all; they are only taking the role of juridical persons. With that, what is the difference from the legal persons? Let's take posthumous reproduction as an example. According to ESHRE Task force 11 from 2006, posthumous reproduction in the context of the initial parental project is acceptable. At the same time, lawyers argue that an individual gains legal personhood when they are born and loses it when they die. A dead person is not a legal person anymore, contrary to the definition of a judicial person. Thus, how can a dead person have access to MAR?

A legal person as defined above is not a human and does not produce gametes, but this is not an obstacle in other non-standard request cases. As Pearn notes: "Neither member of a lesbian couple can produce sperm, they could be considered to be technically infertile and thus qualify to access donor sperm in the same manner as a heterosexual couple in which the male partner is unable to produce enough healthy sperm to achieve conception naturally" (Pearn, 1997, p. 319).

Conclusion

We hope it has been demonstrated that if we take the consequentialist ethical perspective – only regulating access to MAR by the criterion of the welfare of the child – there are no substantive arguments for excluding legal persons from having access to MAR. Furthermore, we argue that use of this criterion makes the decision of access to MAR more complex and therefore more difficult. As far as we are concerned, it is necessary to embrace another deontological criterion that could be accepted by everyone, regardless their values and ethnicity. Our article is provocative; perhaps our argumentation is not indisputable in all

points. However, the article was written with the intention of provoking a debate, not to push a legal person to MAR.

Current legal regulation theoretically enables legal persons to apply for MAR. Is this the answer to the quotes quoted in the introduction to this article ("What can be done? Recognize the existing need and follow it. Do not ignore the current world. Be inclusive, not exclusive. Concentrate on how, not on who. Make it safe, efficient and fair for those in need of help".)? Will FC Sparta Prague or FC Spartak Trnava take their own live mascot? Manchester United, we think this option already exists.

References
ASSISTED HUMAN REPRODUCTION ACT (S.C. 2004, c. 2), [online] [Retrieved February 2, 2018]. Available at: http://laws-lois.justice.gc.ca/eng/acts/A-13.4/page-1.html.
ASSISTED REPRODUCTIVE TREATMENT ACT NO. 76 OF 2008, [online] [Retrieved February 2, 2018]. Available at: http://www.legislation.vic.gov.au/Domino/Web_Notes /LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/3ADFC9FBA2C0F526CA25 751C0020E494/$FILE/08-076a.pdf.
BENATAR, D. (2013): Nebýt či být: O utrpení, které přináší příchod na tento svět [Better Never to Have Been: The Harm of Coming into Existence], trans. D. Micka. Prague: Dybbuk.
BLYTH, E. (2008): To Be or not to Be? A Critical Appraisal of the Welfare of Children Conceived through New Reproductive Technologies. In: *International Journal of Children's Rights*, 16(4), pp. 505–522.
BLYTH, E., BURR, V. & FARRAND, A. (2008): Welfare of the child assessments in assisted conception: A social constructionist perspective. In: *Journal of Reproductive and Infant Psychology*, 26(1), pp. 31–43.
BLYTH, E. & CAMERON, C. (1998): The welfare of the child. In: *Human Reproduction*, 13(9), pp. 2339–2355.
BREWAEYS, A., PONJAERT, I., VAN HALL, E., & GOLOMBOK, S. (1997): Donor insemination: child development and family functioning in lesbian mother families. In: *Human Reproduction*, 12(6), pp. 1349–1359.
DANIELS, K. R., BLYTH, E., HALL, D., HANSON, K. M. (2000): The Best Interests of the Child in Assisted Human Reproduction: The Interplay between the State, Professionals, and Parents. In: *Politics and the Life Sciences*, 19(1), pp. 33–44.
DE GEYTER, CH., BOEHLER, B., & REITER-THEIL, S. (2010): Differences and similarities in the attitudes of paediatricians, gynaecologists and experienced parents to criteria delineating potential risks for the welfare of children to be conceived with assisted reproduction. In: *Swiss Medical Weekly*, 140: w13064, [online] [Retrieved February 2, 2018]. Available at: http://www.smw.ch/content/smw-2010-13064/.
DE LACEY, S. L., PETERSON, K., & MC MILLAN, J. (2015): Child interests in assisted reproductive technology: How is the welfare principle applied in practice? In: *Human Reproduction*, 30(3), pp. 616–624.
DE WERT, G., DOLNDORP, W., SHENFIELD, F., BARRI, P., DEVROPEY, P., DIEDRICH, K., TARLATZIS, B., PROVOOST, V., & PENNINGS, G. (2014): ESHRE Task Force on Ethics and Law 23: Medically assisted reproduction in singles, lesbian and gay couples, and transsexual people. In: *Human Reproduction*, 29(9), pp. 1859–1865.

DONDORP, W. (2012): Lesbian couples sharing biological motherhood: IVF for reproductively healthy women? 28th Annual Meeting of ESHRE in Istanbul, Turkey, from 1 to 4 July 2012.

EUROPEAN PARLIAMENT (2009): Human Enhancement Study, IP/A/STOA/FWC/2005-28/SC35, 41 & 45, [online] [Retrieved February 2, 2018]. Available at: http://www.europarl.europa.eu/RegData/etudes/etudes/join/2009/417483/IPOL-JOIN_ET(2009)417483_EN.pdf.

FASOULIOTIS, S. & SCHENKER, J. G. (1999): Social aspects in assisted reproduction. In: *Human Reproduction Update*, 5(1), pp. 26–39.

GAUS, G. F. (2001): What is deontology? Part one: orthodox views. In: *Journal of Value Inquiry*, 35(1), pp. 27–42.

GOLOMBOK, S. (1998): New families, old values: considerations regarding the welfare of the child. In: *Human Reproduction*, 13(9), pp. 2339–2355.

GOOLD, I. (2005): Should older and postmenopausal women have access to assisted reproductive technology? In: *Monash Bioethics Review*, 24(1), pp. 27–46.

GROVER, S. A., SHMORGUNA, Z., MOSKOVTSEVA, S. I., BARATZA, A., & LIBRACH, C. L. (2013): Assisted reproduction in a cohort of same-sex male couples and single men. In: *Reproductive BioMedicine Online*, 27(2), pp. 217–221.

GRAHAM, S. & BRAVERMAN, A. (2012): ARTs and the Single Parent. In: M. Richards, G. Pennings & J. Appleby (eds.): *Reproductive Donation*. Cambridge: Cambridge University Press, pp. 189–210.

GURNHAM, D. & MIOLA, J. (2012): Reproduction, Rights, and the Welfare Interests of Children: The Times They Aren't A-Changin'. In: *King's Law Journal*, 23(1), pp. 29–50.

HARRIS, J. (2004): *On Cloning: Thinking in Action*. London: Routledge.

HARRIS, J. (1990): Wrongful Birth. In: D. R. Bromham, M. E. Dalton & J. C. Jackson (eds.): *Philosophical Ethics in Reproductive Medicine*. Manchester: Manchester University Press, pp. 156–170.

HUMAN ASSISTED REPRODUCTIVE TECHNOLOGY ACT NO 92 OF 2004, [online] [Retrieved February 2, 2018]. Available at: http://www.legislation.govt.nz/act/public/2004/0092/latest/DLM319241.html.

HUMAN FERTILISATION AND EMBRYOLOGY ACT NO. 22 OF 2008, [online] [Retrieved February 2, 2018]. Available at: http://www.legislation.gov.uk/ukpga/2008/22/contents.

HURSTHOUSE, R. (2013): Virtue Ethics. In: E. N. Zalta (ed.): *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), [online] [Retrieved February 2, 2018]. Available at: http://plato.stanford.edu/archives/fall2013/entries/ethics-virtue.

LANCET EDITORIAL (1993): Too old to have a baby? In: *Lancet*, 34, pp. 1344–1345.

LANDAU, R. (2004): The promise of post-menopausal pregnancy. In: *Social Work in Health Care*, 41(1), pp. 53–69.

LARCHER, V. (2007): Ethical issues in respect of children born after assisted reproduction technologies. In: *Archives of Disease in Childhood,* 92(8), pp. 670–671.

LAW ON MEDICALLY ASSISTED REPRODUCTION AND THE DISPOSITION OF SUPERNUMERARY EMBRYOS AND GAMETES (2007): Act No. 6/7 of 2007.

LEE, R. G. & MORGAN, D. (2001): *Human Fertilisation and Embryology: Regulating the Reproductive Revolution.* London: Blackstones Press.

LEE, E., MACVARISH, J., & SHELDON, S. (2014): Assessing child welfare under the Human Fertilisation and Embryology Act 2008: a case study in medicalisation? In: *Sociology of Health & Illness*, 36(4), pp. 500–515.

MARTIN, E. A. (2003): *Oxford Dictionary of Law (7th ed.)*. Oxford: Oxford University Press.

MC LANAHAN, S. & SANDEFUR, G. (1996): *Growing Up with a Single Parent: What Hurts, What Helps*. Harvard: Harvard University Press.

MUMFORD, S. E., CORRIGAN, E. & HULL, M. G. R. (1998): Access to assisted conception: a framework of regulation. In: *Human Reproduction*, 13(9), pp. 2349–2355.

PEARN, J. H. (1997): Gatekeeping and assisted reproductive technologies: the rights and responsibilities of doctors. In: *Medical Journal of Australia*, 167(6), pp. 318–320.

PENNINGS, G. (1995): Age and assisted reproduction. In: *Medicine and Law*, 14(7–8), pp. 531–41.

PENNINGS, G. (1999): The welfare of the child. In: *Human Reproduction*, 14(5), pp. 1146–1150.

PENNINGS, G. (2001): Postmenopausal women and the right of access to oocyte donation. In: *Journal of Applied Philosophy*, 18(2), pp. 174–175.

PENNINGS, G. (2011): Evaluating the welfare of the child in same-sex families. In: *Human Reproduction*, 26(7), pp. 1609–1615.

PENNINGS G., DE WERT, G., SHENFIELD, F., COHEN, J., DEVROEY, P. & TARLATZIS, B. (2006): ESHRE Task Force on Ethics and Law 11: Posthumous assisted reproduction. In: *Human Reproduction*, 21(12), pp. 3050–3053.

PENNINGS, G., DE WERT, G., SHENFIELD, F., COHEN, J., TARLATZIS, B., & DEVROPEY, P. (2007): ESHRE Task Force on Ethics and Law 13: The welfare of the child in medically assisted reproduction. In: *Human Reproduction*, 22(10), pp. 2585–2588.

PETERSON, M. (2005): Assisted reproductive technologies and equity of access Issues. In: *Journal of Medical Ethics*, 31(5), pp. 280–285.

RAUTAKALLIO-HOKKANEN, S. (2018): European Policy Audit on Fertility. *Council of Europe meeting: "Access and diversity of medically assisted reproduction in Europe",* Strasbourg, France, 22 - 23 February 2018.

SHELDON, S., LEE, E. & MACVARISH, J. (2015): 'Supportive Parenting', Responsibility and Regulation: The Welfare Assessment under the Reformed Human Fertilisation and Embryology Act (1990). In: *The Modern Law Review*, 78(3), pp. 461–492.

SHENFIELD, F., PENNINGS, G., COHEN, J., DEVROEY, P, DE WERT, G. & TARLATZIS, B. (2005): ESHRE Task Force on Ethics and Law 10: Surrogacy. In: *Human Reproduction*, 20(10), pp. 2705–2707.

SMAJDOR, A. (2015): Do women have a right to freeze their eggs? In: *BioNews*, 17(815)*, 17 August 2015.*

SOBOTKA, T. (2010): Shifting Parenthood to Advanced Reproductive Ages: Trends, Causes and Consequences. In: J. C. Tremmel (ed.): *A young generation under pressure?* Heidelberg: Springer Verlag, pp. 129–154.

SOLBERG, B. (2008): Getting beyond the welfare of the child in assisted reproduction. In: *Journal of Medical Ethics,* 35(6), pp. 373–376.

SPRIGGS, M. & CHARLES, T. (2003): Should HIV discordant couples have access to assisted reproductive technologies? In: *Journal of Medical Ethics,* 29(6), pp. 325–329.

STERN, J. E., CRAMER, C. P., GRFEEN, R. M., GARROD, A. & DEVRIES, K. O. (2003): Determining access to assisted reproductive technology: reactions of clinic directors to ethically complex case scenarios. In: *Human Reproduction*, 18(6), pp. 1343–1352.

STUHMCKE, A. (1997): Lesbian access to in vitro fertilisation. In: *Australia Gay Lesbian Law Journal,* 7(1997), pp. 15–40.

THE COUNCIL OF EUROPE (1989): Report on Human Artificial Procreation, [online] [Retrieved February 2, 2018]. Available at: https://rm.coe.int/16803113e4.

ZEILER, K. & MALMQUIST, A. (2014): Lesbian shared biological motherhood: the ethics of IVF with reception of oocytes from partner. In: *Medicine, Health Care and Philosophy*, 17(3), pp. 347–355.

Review Article

The ethical context of social philosophy in contemporary India

Dalimír Hajko[1] & Ľuboš Török[2]

Abstract: Public and academic philosophical thinking in contemporary India provides evidence that philosophy and religion have never been truly separated, although there have been attempts to bring philosophy closer to science and, thus, create two autonomous systems. In light of these changes, P. V. Athavale, C. T. K. Chari, N. S. Prasad and some other authors have formed and are developing modern ethical and social theories. Moreover, feminism and gender studies have appeared in the panorama of changing philosophical and sociological thinking in India, embracing gender equality in contemporary Indian society. There has been increasing interest in sociological research and a critical interpretation of Mahatma Gandhi's spiritual message in the cause of India's independence, whose thoughts authors engaged in contemporary ethical problems believe to be impractical and useless today. Existentialism as a philosophical stream earned broad public acceptance and played a significant role in the history of modern philosophical thinking in India in the second half of the 20th century.

Keywords: modern ethical and social theories, feminism, gender studies, Gandhism, existentialism

Introduction

India is a country of contrasts and great cultural synthesis, and, with over a billion inhabitants, one of the most populous countries in the world. A nuclear power with great technological potential, India also remains a country of incredible poverty and social hardship, where prophets and a number of social workers operate in a rural, agricultural environment, and where women are oppressed and yet a large number of women have been and are active in politics, science and education. India confronts external observers with a variety of cultural traditions: Hinduism, Jainism and Buddhism, Parsism, Sikhism, Islam, and Western ideological and cultural movements, making present-day India's cultural life so kaleidoscopically diverse, multi-faceted and interesting, while inherently also unbalanced, contradictory and seeking solutions. Civil society is in a state of birth. Sociology, social philosophy, and ethics in their academic form of theoretical sciences, as well as in its permanent research, attempt to take a position toward these and many other phenomena of social structure and social life. In particular, sociology is one of India's fastest growing scientific disciplines. The timeliness of the problems solutions to which are being sought penetrates into the whole sphere of spiritual life. It was not by chance that, in evaluating contemporary Hindu prose, Dagmar Marková noticed that "with a little bit of exaggeration, we can call contemporary Hindu literature fictionalised sociology" because most authors seek to show a certain social phenomenon that features a strong sociological subtext. "As a rule, they do so," says Marková, "as a result evok[ing] an illustration to sociological studies" (Marková, 1986, p. 103).

When anyone talks about social theory in India, it means talking about the lives and problems of Indian society. Since its origins in the middle of the last century, Indian sociology has been developing in close contact with the real situation society faces. Only to a lesser degree has it formed an academic theoretical discipline, one developed in particular by Indian scientists working abroad. Sociological initiatives in India, therefore, have not developed as

---

[1] University of Žilina (Slovakia); email: dalimir.hajko@uniza.sk
[2] Constantine the Philosopher University in Nitra (Slovakia);email: ltorok@ukf.sk

ivory-towered theories, but in some ways, have copied Indian reality and the problems arising from it.

No social science other than sociology offers such opportunities to create a relatively objective picture of the state of Indian society. Only sociology can scientifically establish the impressions of Indian life typically encountered in travel essays, experiential texts, diaries and memoirs, and autobiographical notes. This moment is the leitmotif in the efforts Indian sociologists are undertaking. The formation of civil society in India is contingent both on the thousand-year roots of social traditions, which have strong viability in India, and on the close connection between modern theoretical self-reflection and a complicated philosophical background that provides social theories with both methodological and ideological starting points. Modern Indian social theories follow up on the initiatives of such personalities as the economist and sociologist Radhakamal Mukherjee (1889–1968) and the Bengali social theorist Dhirendra Nath Majumdar (1903–1960).

Tradition and contemporary Indian philosophical thought at the turn of the millennium
A significant part of the philosophical spectrum in India, in which the foundations of modern ethical and social theories were formed during the 20th and the turn of the 21st century, consists of religious philosophical teachings consciously and programmatically linked to the philosophical traditions of ancient India. These teachings mainly develop upon the mystical and intuitivist tendencies that have for centuries had a fertile context in Indian philosophy. They were and still are evidence of a widely accepted claim that in India the philosophical and religious views of the world and the interpretations of facts were for a long time not separate. In other words, neither was philosophy independent of purely religious concepts. This condition was permanent and, at least in a part of the philosophical spectrum, has lasted till the present day with no prospect of a significant change in the future. It has affected the process of forming modern social and ethical views and, ultimately, the constitution of civil society in India.

The establishment of independent India was marked by the fast development of academic philosophical systems not completely unaffected by the constantly evolving university environment. The main protagonists of this movement in the 20th century, among others were Sarvepalli Radhakrishan (1888–1975), a proponent of the Neo-Vedanta interpretations with his theory of a "universal" and "eternal" religion seeking compromise and synthesis between Western and Indian philosophy as the baseline of the concept of new morality and advanced social arrangement (Hajko, 2004, pp. 8–19); T. M. P. Mahadevan (1911–1983), whose "theory of values" stresses mainly religious values in the concept of ethics; G. R. Malkani (1892–1977), who attempted to epistemically justify the idealistic philosophy and interpretation of the classical Advaita Vedanta philosophy in terms of Hegelian thought; and Poola Tirupati Raju (1904–1989), a universally recognised "absolute idealist".

Pandurang Vaijinath Athavale (1920–2003) became a force in a distinctive way, particularly in the development of social theories in India. As a supporter of the Hindu reform movement, he notably managed to connect Vedic ideals and the teachings of Bhagavad Gita with his social views and, especially, with social work in the Indian countryside. In seeking the source of creation and formation of civil society, various followers have linked and are still looking to connect today, with the results that were obtained from the research these important philosophical personalities of twentieth-century India conducted.

This short overview does not concentrate on the many theoretical constructs based on traditional Hindu teachings of Shivaism, Vishnuism and Bhaktism, nor on the various disciplines of Buddhist and Gnostic philosophical theories and yoga schools, because they are not based on radical concepts. Instead, the focus is concentrated on current flows that have only come to life in the final years of the last millennium and appear to be alive today. They

include the philosophy of science (especially in the sense of methodological inspiration for social theories), feminist philosophy, Gandhian philosophy, postcolonial studies (regarding their meaning for social philosophy), and enduring existentialist initiatives often close to views of Marxist origin. Existentialism, like Marxism, still has a certain number of adherents in India, especially in the secular university environment, despite having been particularly "toned down" in the context of European and American philosophy.

Mention should also be made of the rationalist and atheistic tendencies found in social philosophy, which appear beyond Marxism or existentialism. A typical example is Akeel Bilgrami (born 1950), a native of India that has spent many years in the United States. He focuses mainly on the philosophy of language, while also noting moral philosophy and the identity issue that seems particularly complicated in the Indian environment. Despite Bilgrami's proclaimed secularism, he sensitively perceives the function of religion as a theory of communitarianism. He does not consider religion to be primarily a matter of faith and doctrine or the Church as an institution, but rather they are impressive instruments maintaining community cohesion and solidarity, essential factors in building civil society.

The philosophy of science

During the 20th century, apart from mystical-intuitive philosophical-religious concepts, relatively strong tendencies appeared that led to the separation of philosophy (including the philosophy of morality) from religion and turned them into two autonomous phenomena. This meant a general approximation of philosophy to science. It was in the background of this process that the formation of modern ethical and social theories under Indian conditions developed and is continuing to develop. Sociology has evolved as a science as well, using the required instruments found in the general methodology of science. The development of scientific sociology is thereby bound directly to the development of ethics, moral philosophy and modern social theories.

These tendencies have often been directly connected to the construction of India as a secular state and to the secular policy practiced by the Government of India, and ultimately to the building of civil society. Here, the statesman and thinker Jawaharlal Nehru played an irreplaceable role in the process. In many ways, his works bridged classic concepts of comprehending and explaining the world and modern social theories.

One of the first philosophical pioneers and initiators of this flow was C. T. K. Chari, who held various positions at prominent universities in India. The main fields of study in his extremely broad focus were logic, linguistics, information theories, quantum physics, social philosophy and psychology. Even though his beginnings are linked to an interesting comparison of Russian and Hindi mysticism, in terms of the widely understood synthesis of Eastern and Western thinking, he would later conduct research into extra sensory perception (the PSI phenomena). His parapsychological research (Chari, 1973) is marked with remarkable and perhaps unexpected outcomes relevant even in terms of ethics, with his knowledge of scientific methodology, grounded mostly in natural sciences, provoking scepticism towards reincarnation teaching. In other words, he expressed doubts about samsara as an individual cycle of life and also the Law of Karma in relation to retribution for acts; and therefore against teachings of an eminently ethical character accepted axiomatically in Hindi society and cultural environment, which no reformers had dared question in the history of Hindu religious and philosophical thinking (excluding materialist philosophers).

C. T. K. Chari caused a brave and radical controversy with the Canadian-American mental specialist Ian Stevens, the founder of the Society for Scientific Exploration and author of *European Cases of the Reincarnation Type*, a key literary work in that specific area. Chari questioned Ian Stevenson's exact research, claiming respondents had been biased and misunderstood the problem. It is interesting that Chari, as an Indian philosopher, would have

given way to scepticism regarding the issue of reincarnation and not find the research of Stevens to be scientifically acceptable. The significance of his argument was not only in the factual view taken of the issue, but, first and foremost, in the path philosophy should take as a science in confrontation with traditional ideas of Hindu thinking.

Quantum mechanics, in the foreground of C. T. K. Chari's interest, is also the main domain of a younger scientist, the contemporary philosopher and theologian Mathew Chandrankunnel (born 1958). Taught and advised by Aage Bohr, Carl Friedrich von Weizsäcker and Ilya Prigogine, Chandrankunnel has devoted all his research efforts to the philosophy of science. As a member of the Syro-Malabar Catholic Church, he became a pioneer in interreligious dialogue and founded the Bangalore Forum for Science and Religion, thus contributing toward distinguishing between the fields of interest in both disciplines. Mainly due to these efforts, he became a critical figure in the further evolution of ethics as a science and the development of Indian social theory.

Nanduri Said Prasad (born 1944), exploring relationships between science and philosophy under specific Indian conditions (in his books *Science and Hindu Philosophy*, 1987 and *Will Science Come to an End?* 1998), seeks answers to philosophical questions and problems of scientific methodology linked to the exploration of the universe. Kaikhosrov D. Irany (born 1922), a student of Albert Einstein, has throughout his long life specialised in the philosophy of science and of Immanuel Kant. Although, at first sight, all these efforts may seem distant from ethical and social issues, they have had a considerable importance for science as such, mainly from the point of view of methodology.

Feminist philosophy, sociology and gender studies

Feminist theories constitute a movement constantly gaining a stronger position in the panorama of Indian philosophical and sociological thinking, and which has strong ethical consequences. Indian feminist philosophy, sociology and gender studies are specific as in many cases they are based on cognition of classic Indian philosophical sources and their use in the quest to provide women in Indian society with equal opportunities.

A pioneer in this field was Atmaprajnanda Saraswati (born 1954) whose scientific beginnings seem to have been paradoxically connected to the ancient Vedas. As an expert in Advaita Vedanta teachings influenced by the Vedic studies of Shankar, Gandhi, Thakur and Aurobindo, she values the intellectual heritage left in sacred texts like the Shruti for today's world, although her opinion is inclined toward the chief nature of Advaita Vedanta and not mysticism. According to her, the Vedas are supposed to serve as an inspiration for further innovative efforts. The result of her practical adherence to these principles is a whole range of social activities (such as health education, blood donation and educational programs). Based on her studies of classical Hindu texts, Atmaprajnanda Saraswati, a nun and superior of a Hinduist women's order, seeks to explain the right of women in Indian society to enjoy equal status with men. She assumes, in the social sphere, as well as in the sphere of law, education and religion, that women have not had and still have not been provided the same rights as men. Even though she practices Hinduism, she praises the teaching of Gautama Buddha and the opportunity he gave women to participate in monastic life. She longs to bring the teaching of Advaita Vedanta to everyone, including women. In her interpretation and understanding of this teaching, she seeks answers to all questions related to feminist philosophy.

Although Meera Kosambi (born 1939) is an older pioneer with similar opinions, mainly focused on sociology, her contribution is significant even in feminist philosophy. She works in gender studies and feminist philosophy at the Research Centre for Women's Studies, University for Women in Mumbai, defining space within urban sociology. Ramarao Indira (born 1952), a feminist theoretician and professor of sociology, has devoted herself to similar problems, but from a slightly different point of view. Her work forms a significant part of

current sociological research in gender studies. She points to the lack of education and backwardness women face, often reduced to the issue of a general deficiency in formal education, especially among women, being also a problem of moral relations in present society. Even as illiteracy decreases in India each year in percent terms, it remains high. Besides combating functional literacy among the rural population, there are other projects to eliminate illiteracy among women. Although it is just one of many factors, various surveys in the 1960s showed a decrease in the number of parturitions among women with at least a secondary education. Currently, literacy among women in India does not exceed half the female population, so there is no expectation that enforcement of school education would bring immediate results. The struggle against backwardness implies much more. A survey carried out in Kolkata showed women with all levels of education to have relatively fewer children than anywhere else. Similar surveys in Mumbai proved these findings to be correct. Thus, both surveys confirm that urbanisation and metropolitan lifestyles play an important role in the declining birth-rate. In this context, sociological surveys also sensitively reflect the issue of female employment and provide evidence of a declining birth-rate among employed women in urban agglomerations.

Diverse issues mainly related to post-colonial analysis of women in a specific Indian context (other than in a "Western" context) are perhaps the fastest growing area of sociological research not only in the academic environment within India, but also among researchers of Indian origin working abroad. A typical example is Chandra Talpeda Mohanty (born 1955), currently employed at Syracuse University in the US, who formulated a new concept of women in post-colonial society, in the non-Western understanding and in a transnational context. Similarly, C. T. Mohanty "criticises the way feminist texts portray women [in developing countries] as a homogenous being bound to traditions that lack modern political rights" (Atkins, 2006, p. 330). Despite the author's Indian origins, she takes a Western perspective enlightened by 20th century Euro-American feminist theories and whose attitude towards gender and feminist issues in India and the developing world is remarkable (Mohanty & Russo, 1991).

She believes that such a perspective idealises a distorted image of the "Western" woman as "modern, educated and liberated", controlling her own existence and having a fully fledged sense in all ways. "This attitude also enables a discursive system of classification that lies in the background of the Western form of governance generated by the Enlightenment. These systems are established on a binary logic that repeatedly confirms and legitimises the central role of the West" (Atkins, 2006, p. 331). Despite the fact that C. T. Mohanty does not live in the Republic of India, her opinions have a significant impact on local philosophy, sociology and culturology. One of the first pioneers of gender studies in India was Vina Mazumdar (1927–2013), a left-wing activist and long-time key figure of the women's movement in India seeking to overcome the consequences of historical colonialism. Her works discuss political ideology in the women's movement and study the social status of Indian women living in rural areas within the context of contemporary ethics.

A sociology lecturer from Kolkata, the Bengali poet Mallika Sengupta (1960–2011) played a crucial role in the history of the feminist movement in India, although she is better known for her unapologetically political poetry than for her sociological research. Similarly, Maria Mies (born 1931), a visiting German professor at Indian universities and member of the feminist movement, has shown her interest in the role of Indian women with her criticisms of patriarchal society. Unfortunately, due to her sudden death, Sharmila Rege (1964–2013) could not further develop her feminist thoughts, as were outlined in her book *Writing Caste, Writing Gender* (Rege, 2006). A sociology graduate from Stockholm University, Meera Kosambi (1939–2015), was a spiritual supporter of the remarkable, well-educated Hinduist Pandita Ramabai, who had already promoted feminist ideas in the 19th century (Kosambi, 1994).

While at the University for Women in Mumbai, Meera dealt with urbanisation and urban development in the context of gender in contemporary India.

Postcolonial and Gandhian studies

Feminism is partially related to post-colonial literature, which is nowadays widely spread in India. In the second half of the 20th century, India finally gained the independence it had long desired and fought to achieve. But becoming independent also meant leaving the colonial heritage behind. The initiative to provide people with undistorted news both in the press and digital media is a good example. Moreover, India was also the first country in the Non-Aligned Movement to have brought up the need to "decolonise" mass media in order to obtain more objectivity when talking about the political, cultural and social situation existing in the Indian Subcontinent. Consequently, the government had to assume responsibility for creating an educational system and new initiatives regarding university teaching and research in all fields, last but not in the least, including those related to social life in India.[3] Moreover, its basis can be found in ethical theories.

It is still is necessary to react to a number of radical changes in society, such as newly-organised government administration, urbanisation, the position of women, changes in the traditional way of life, Westernisation, migration of the population from the countryside to the cities, family planning and more. Naturally, social theory has become one of the priorities, especially scientific sociology, arising from collaboration among a wide spectrum of social sciences with other fields of knowledge. The moral specifics that confirmed patriotism and somewhat seamlessly accepted cultural traditions came to the forefront, thus logically gaining ground in the interest of social sciences and becoming one of driving powers in the fight for national liberation.

When the Republic of India became independent, it was not just a political-state rupture, but a change bringing consequences, which intimated an urgent need for a different understanding of the establishment of political and social systems in the new environment then developing. The existing emphasis on relatively narrowly understood traditions and cultural independence started intensively to confront the more common vision of civilisation in the postcolonial age of evolution, in the period of economical, legal, political and cultural globalisation. Questions about the future of a multinational, political state and national identity are still coming to the forefront alongside questions about the perspective between universality and particularism and also between differentiation and integration.

On 12th January, 1950 the then Indian Prime Minister Jawaharlal Nehru addressed all developing countries and the new Asian democracies in a talk given at Colombo University in Ceylon (now Sri Lanka), providing a peculiar and inspirational statement (known for its conscientiousness and later included in a series called "Basic Wisdom"). In his speech, he said: "Each country has certain special cultural characteristics which have developed through the ages. Similarly, each age has a culture and a certain way of its own. The cultural characteristics of a country are important and certainly retained, unless, of course, they do not fit in with the spirit of the age. So, by all means, adhere to the special culture of your nation. But there is something that is deeper than national culture and that is human culture. If you do not have that human culture, that basic culture, then even that national culture of which you may be so proud has no real roots and will not do you much good" (Nehru, 1954, p. 429).

Jawaharlal Nehru played an extremely important role in the process of "the awakening of Asia", and thus in the development of sociological disciplines as well. Even though his utopian imaginations about the future of India cannot be assigned from the present point of

---

[3] Academic research is supported by the Indian Council for Social Science Research, development programs are being pursued by the Central Planning Commission with its research program (Planning Commission and its Research Programmes Committee).

view, there can be no denial of any strict scientific value, their strength in terms of moral pathos, its humanistic message and the ethos of "scientific humanism", however naive they may seem. From this aspect Nehru observed the possibilities of radical change in all of society as a premise for the morals of social development and justice.

Turning points during and after Indian independence were not connected only to changes in the moral and content of the theory of society, but also to significant changes in the scientific and sociological community, the most visible of which was increasingly institutionalised sociological research. These institutions, along with many others, mostly university research centres, began focusing not only on generally articulated questions in various sciences about society, but also on many partial problems. Last but not least, they tried to answer fundamental questions related to the terminology and methods of research in the field of sociology.

Homi K. Bhabha (born 1949) is a prolific author and an example of the socially theoretical approach being taken toward issues in postcolonial studies. Through interdisciplinary scientific discourse analysing the evolution of power structures and their reflections in countries that were previously influenced by European colonial activities, Bhabha explores in his many works the phenomenon of post-colonialism using poststructuralist methodology, for instance in *Democracy De-Realized* (2002), *Making Difference: The Legacy of the Culture Wars* (2003), *Still Life* (2005), and especially in his philosophical novel *The Black Savant and the Dark Princess* (2006). The central term of his thought concept – not without any connection to postmodernism – is hybridisation. He attempts to characterise the birth of new cultural forms of multiculturalism, which sees *emergence* as an interdisciplinary principle. Bhabha's postcolonial theory is connected to Poststructuralism and influenced by the opinions of Jacques Derrida, especially regarding how he defines "deconstruction".

Analysts and promoters of Mahatma Gandhi's work and his successors developing his ethical opinions and moral stances formed a specific group among current Indian philosophers. Amongst these authors – university teachers, significant cultural workers, writers and politicians – can also be found representatives of numerous Indian institutions aimed at studying the spiritual heritage of Gandhi's work. These authors belong to a relatively strong contemporary movement of extraordinary importance in the formation of social and ethical opinions and the development of modern social theories, such as Gandhian Philosophy.

There are dozens of scientific texts, compendia, scientific-popular works, biographical and bibliographical studies on Gandhi, his work and philosophical, pedagogical, political and other beliefs, which to a certain extent embrace the problems of the philosophical and particularly ethical character that frequently merge with sociology, history, psychology, pedagogy and political theory. Studies of moral and social philosophy and philosophically relevant applications of Mahatma Gandhi's thoughts in particular scientific and socio-political activities dominate his philosophical works.

Gandhi's traditional topics (morality of nonviolence, peace enforcement activities, national self-determination) are complemented with a number of comparative studies analysing the relationship between him and either other eminent persons (such as Jawaharlal Nehru, B. R. Ambedkar, Karl Marx, Subhash Chandra Bose, Vivekananda, Aurobindo and others) or other less known thinkers; for example, an essay-like monograph by the prominent philosopher and sociologist Chittaranjan Das portrays the relationship between Gandhi and Gopabandhu Das (Das, 1978). This monograph includes an encounter with the pioneer and founder of the Congress political movement in Orissa. Comparativism in modern Indian socio-philosophical tradition is a preferred methodological procedure.

Within this group, an interesting monography written in 2004, *Gandhi and Mao in Quest of Analogy* by Ratan Das, is worth special attention. Here, he attempts to depict a synthesis of

both leaders' ideas that would be instructive in the era of power wars and social fights, while leading readers through the process of the "new chapter of revolution" (Das, 2004, p. 10) that is beginning, even though no one understands its nature. Ratan Das emphasises Gandhi's understanding of the revolutionary movement as non-violent action. In the union of these two distinct views on ethics, thoughts and strategies, he finds a new perspective in the development of society. Even though the author does not see them as completely incompatible, *a priori*, he is actually trying to seek connections between them. It does not come as a surprise that R. Das's writings in this field have earned him a doctorate at an international university in Washington, D.C.

Less controversial works are also being published. Ramji Singh, a professor at Bhagalpur University in Bihar, wrote a very useful handbook titled *Gandhi Darshan Mimamsa*: *A Handbook of Gandhian Philosophy* to help anyone become familiar with the basic concepts and key ideas of Gandhism (Singh, 1986). More frequently cited are books on relations between Gandhi's philosophical thoughts and social opinions on other fields of scientific research. Leading ideas are economies based on minimalising demand and need, alongside trust in the administration of community property to elevate the oppressed, impoverished and depressed classes. Advocates of this idea to create a system of economcally-supported values are Madan Mohan Verma (born 1937) in his book *Gandhian Economics* (1995), Romesh Diwan from New York (*Essays in Gandhian Economics*, 1985) and L. M. Bhola, a professor from Mumbai in *Essays on Gandhian Socio-Economic Thought* (2000). Shashi Prabha Sharma (born 1942) offers readers a philosophical analysis of Gandhi's economic thinking in a study dedicated to the Mahatma's ethically-based "holistic economy". He examines Gandhi's philosophy of life, along with the system of values and concepts that accompany it, seeking to find ways to influence philosophical solutions in an inconsistent world of numerous economical principles and political movements (Sharma, 1992).

Mahatma Gandhi is more than a figure uncritically worshipped and adored in contemporary India and its philosophical thought. Yet Gandhism, as an official ideology of the Congress Party, has gradually been secularised and is no longer taboo, with a considerably large group of authors questioning its importance to the Indian way of thinking. A slim volume entitled *Gandhi for the New Generation* by Gunvant B. Shah, with four editions having been published since 1982, levels severe criticism of the opinions expressed by Gandhi. The author (Shah, 1986) believes Gandhi's thoughts, in view of current ethical problems, to be void and inadequate, and moreover out of date and confusing. Shah comments that Gandhi's thoughts have become useless for a young generation living in a world of different values and goals than what had existed when Gandhi was alive.

Although Hardyal Singh from Jaynayaran Vyas University in Jodhpur claims Gandhi's idealism to be meaningless and difficult to understand, his work *Gandhian Thought and Philosophy* tries nevertheless to find new possibilities of interpreting it. According to Hardyal, the reason for the misunderstanding is a connection between Gandhi's philosophy, his idea of leadership, and the Mahatma's political activity in the narrower sense. Gandhi's radical initiative in this field complicates the philosophical component of Gandhi's personality, if not making it impossible to comprehend. There is always an effort to see Gandhi's personality in the totality of his attributes, which also includes his philosophical belief (Singh, 2006).

Anand Kumarasamy's *Gandhi on Personal Leadership* also discusses the issue of leadership as expressed by Mahatma Gandhi. He explores the possibilities of real people making personal changes under the influence of the Mahatma's charisma (Kumarasamy, 2006). B. Mohanan's *Gandhi's Legacy and New Human Civilisation* looks at Gandhi's spiritual mission in his era, which subsequently transcended the narrow time horizon (Mohanan, 1999). The main theme of his work is Gandhi's view on human civilisation, while at the same time seeking solutions to problems arising in the forthcoming era. He pays

attention to problematic secularism, social changes, social revolution, tolerable and sustainable growth of human civilisation. Moreover, he also discusses the forming of the nation, something of extraordinary importance when considering India as a multinational state, and the problems of civilisation interpreted with Gandhi's principle of tolerance.

Man in society from the perspective of existentialism

Out of all the philosophy movements to have come out of Europe, it was existentialism that played a significant role in the history of modern philosophical thinking in India during the second half of the 20th century, having garnered broad public acceptance in the years following World War II. Starting in the 1950s, interest in this philosophy would spread, especially among artistic and intellectual circles, to become literally the kind of fashionable trend that to a substantially smaller extent persists to this day. As proved by Indian admirers and followers of existentialism, even though the European version originated in other contexts, its different forms and the use of diverse notions convey opinions already long present in ancient Indian beliefs. Guru Dutt stressed the observations of existentialist philosophers in a direct connection between the human interest in daily routine and definiteness on one side and in spatial eternity and infiniteness on the other. Thereby, modern thinking has emphasised the terrestrial utility of philosophy, "dropping down to earth" from the heavens where it had resided.

Apart from Guru Dutt, the group of existentialists is also dominated by the thoughts of Abhaya Charan Mukerji, whose 1960s initiatory study *Existentialism and Indian Philosophy* stated "affinity", "consistency" and ideological "proximity" between Indian philosophical traditions and European existentialism (Mukerji, 1963, p. 260). Like Dutt, Murkeji's thinking is based on two basic conformities: (1) existence is a fundamental principle, with primacy over thinking and preceding any substance from an ontological point of view; and (2) the relationship between subject and object is not an objective connection (Mukerji, 1963, p. 261), but it always expresses a certain subjective relation between an individual and defined phenomena.

According to the Bengali "integral" philosopher and psychologist Haridas Chaudhuri (1913–1975) the philosophy of existentialism directly "corresponds with the most important thesis of Vedanta" (Chaudhury, 1962, pp. 89–99). At the same time, he emphasised the substance of existence and avowed the existential preference of an intuitive perception of reality. He also advocated a thesis of the ability to be cognised only as one's being. It reminded him of the Brahman-Atman principle of the ancient Indian Upanishad and the school of Advaita Vedanta, even in the modern Neo-Vedant interpretation. Chaudhuri's attitude fitted his quest for metaphysical synthesis (for example, he pointed out its presence in the work of Aurobindo Ghosh) and for the formation of the integral yoga philosophy. Within these different philosophies, he developed transcultural explanations of philosophical, religious and psychological theories which are inspiring even today.

Basar Kumar Lal elaborated a radical opinion, claiming the interwar Hindu philosopher Krishna Chandra Bhattacharya (1875–1939) had already come close to existentialism with a thesis and existential point of view that were practically identical. If Bhattacharya's "spiritual self" were substituted with Heidegger's "Man" or even with Maurice Marleau-Ponty's "anonymous self", all of them would still stay remain within the scope of almost the same philosophy. Even Heidegger's opinion about "a being expressed only by a human" is close to what Kumar Lal wrote. Basant Kumar Lal presents the collective genius of some Indian philosophies and the works of existentialists, mostly Jaspers and Heidegger, considering them to have been Søren Kierkegaard's successors. Moreover, he brought into focus Heidegger's concept of care, in connection with regarding a human as a social being.

Another group of Indian philosophers assesses existentialism critically or even disapprovingly. Members include S. N. L. Shrivastava from Ranchi University, a historian studying the Daya Krishna philosophy, and P. T. Rajan, an absolute proponent of the idealism doctrine, one of the most influential philosophies in India in the present day. Shrivastava criticises existentialism for its extreme subjectivism and one-sided orientation on the human individual regardless of social context, expressing reservations about existentialism mostly in the field of ethics and the theory of truth. He believed existentialism to have lacked the criteria for distinguishing what is morally good and bad and accused the philosophy of ethical relativism. Similarly, he argued over the differentiation of the truth into abstract and concrete, while questioning the usage of the term "abstract truth".

In the early 1950s, Daya Krishna consistently rejected the existentialist doctrine by rejecting Sartre's concept of nothingness. "Once again Existentialist thinking reformulated the problem of Being and Value [and] left us face to face with nothingness" (Krishna, 1955, p. 206). He pointed out the danger of axiological nihilism; claiming existentialism deprived the human of his basic certainties of living and leaving the individual lonesome and powerless. It degraded man to a single being with no ability to generate positive activity and finally it suppressed the value and importance of responsibility. Krishna believes that existentialism has led European and partly even universal philosophical thought down a blind alley. According to him, existentialism is an offspring of decadent culture and a civilisation no longer capable of further development, thus it has no perspective either in India or anywhere else in the world. In this concept, he continued criticising existentialism from the "left", the section of the political spectrum to which the rhetoric of his texts also correspond.

Criticisms from the "right" are based on orthodox Hindu religious attitudes whose intention is to develop an idea of the human experience as just a fragment of the spiritual being of the absolute. P. T. Raju, an influential philosopher and historian, compared the Western philosophical heritage to the Indian thinking tradition and noticed that existentialism as the philosophical stream expresses inner tension and a part of a general "crisis of cultures" as implied from a study of Kierkegaard's "paradox", "despair", tragic "anxiety" and hopeless "loneliness". He found no understanding of these attitudes and concepts and assigned them to the cultural crisis and the European complicated drama scenario of Western spirit, considering them to be foreign to the Indian thinking tradition. His conclusion shows existentialism to be incapable of providing a way out of the cultural and civilisation crisis still influencing the contemporary world, mainly because of its "scepticism", "nihilism", "individualism" and rejection of the objective criteria in choosing values (Raju, 1962, p. 242).

The third group of Indian philosophers expressing their thoughts on existentialism are qualified academic thinkers, mostly university professors. Employing scientific objectivity, a correct methodological approach and precise identification of the issues, they comprehensively reflect the state and possible perspectives of philosophical thinking in a global context. Dhirendra Mohan Datta looks for similarities between Western and Indian philosophy, describing the general trend in the Indian understanding of the relationship between an individual and society as spiritual individualism mediated through social organicism. Datta claims that the traditional Indian concept calls for humans neither to prefer terrestrial life, nor to try unilaterally to escape from it through the practice of yoga, but instead to seek balance and harmony (Datta, 1953). Such a harmonious state is defined as a balance between the transcendental and immanent aspects of Brahman.

Research conducted by Ramakant A. Sinari, a phenomenologist and professor at Mumbai University, compares existentialist philosophy and early Buddhism, while refusing any kind of institutionalism and emphasising the spirit of the individual, his ability and the will to improve. In his best-known work, *Structure of Indian Thought* (1970), Ramakant A. Sinari claims that both Søren Kierkegaard and Buddha underwent an overwhelming experience of

"sickness unto death". His other book, *Paradox of Being Human* (Sinari, 2007), considers Kierkegaard to have most remarkably analysed melancholic depression among the religiously devout and reminds readers that Buddha's quotes actually express the typical existentialist atmosphere.

All current tendencies characterising Indian philosophy at the turn of the millennium cannot be implemented without social transformations. These include separating philosophy from religion and bringing it closer to science, yet in the background of a still dominating mysticism and intuitivism that clarifies the position of materialism in Indian philosophy, comparativism with the ideal of one world philosophy, existential philosophy, the teaching of Gandhi in all forms, feminism, postcolonial interpretations of the current social reality and other philosophical movements on the Indian subcontinent, with all of these thoughts ultimately sharing the common opinion of the ideas of humanism that are contained in traditional Indian philosophy.

Caste system and social stratification

If anyone were to determine the most frequent – and perhaps most important – sociological issue in India at the turn of the millennium (and also over a much wider time span), it would probably be social stratification, something directly related to the question of the persistent existence and ongoing tenacity – even becoming more intense – of castes as a structuring element of Indian society and their continued presence today.

The first pioneers and initiators of sociological thinking in India were already confronting this issue, one at the heart of Indian people's everyday lives in all social strata at the end of the 19th century. At first sight, and under the laws of India, caste prejudices should only be a partial or even barely surviving phenomenon, and they should definitely not be influencing lives in Indian society. However, in a tangle of diverse religious doctrines and almost unremitting caste differences, especially when marriages and family relationships are formed, they are still alive and functional to a considerable extent. Within state institutions and in various public organizational structures they are still present, although sometimes only inconspicuously implicit (and unlawful, of course). Open any Indian daily newspaper and there will be countless testimonies about the issue of "untouchability" at the very least so deeply ingrained in the minds of many Hindus that it cannot be discarded over several decades. It is still alive because it is based on the axiomatic origins of traditional Indian morals. Although changes in the caste structure are permanently present, they do not deviate radically from the traditional view of the stratification of society and from the framework of traditional moral laws.

The theoretical reflection of these problems ranges from the origins of all social theories in India to the latest works in this field, such as the latest extensive textbook by Ranjit Rajadyaksha and discussing social structure and stratification (Rajadhyaksha, 2015). But the perception of this problem has a long tradition in India. Historians, who have seen the development of sociology as a scientific discipline on the Indian subcontinent, point out some of the oldest "pioneers". One of them is Ram Mohana Roy (1772–1833), a social reformer and religious thinker operating in Bengal, then a part of British India. In his social agenda, one of the priorities was the fight against "social evil" related to the holdover within Orthodox Hindu society of its system of caste distribution within the population. Ram Mohan Roy considered the custom of burning widows (*sati*), child marriages, polygamy to be the greatest "social evil" of his time, while believing the most important tool for putting the necessary social reforms into place among society was education, upbringing, and the pedagogical influence upon people in the broad sense of the word.

The importance of education in building awareness among the members of society was also emphasized by his successor Satish Chandra Mukherjee (1865–1948), whose ideal

example was Dwarka Nath Mitra, an enlightened High Court judge in Calcutta (Kolkata) and an extraordinary personality that lived at the start of the 20th century. He was an atheistic propagator of Comtean positivism and his religion of humanity in the spirit of his European model enabled him to understand the extraordinary importance of sociology in the formation of the secular state.

These first modest attempts to formulate a modern theory of society were conducted in an atmosphere of traditional Hinduism (practiced by over 80% of the population), which perhaps even today is believed to be extremely strict

> "from the social point of view, i.e., in the organization of the society into a precisely elaborated hierarchical structure. This principle of the social hierarchy was disturbed for the first time, but not replaced, by the concepts of equality with members of the Buddhist and Jainist community, yet within the Hindu community itself it was not questioned until the influence of modern reforms and then officially abolished by the secular constitution ratified by the Republic of India in 1950. However, hierarchical relationships based on social inclusion (*varnas* and castes), family status, age, and gender are still present" (Knotková-Čapková, 2012, p. 143).

The Buddhist, Jainist, Sikh and Parish communities that are out of the hierarchy are relatively small and cannot significantly influence the attitudes of the Hindu majority.

A specific problem not addressed here is the Muslims, who live in northern India. Islam is practiced by around 12% of the population of India, who are governed, in addition to the constitution and relevant laws, by the particular regulations of their religion. The need to analyze, explain, and reform living traditions in India is perceived primarily to be a task of sociology. This has been demonstrated by many pioneers of sociological thinking in India from the earliest times to the present. Similarly, as in the early stage of the discipline, the social reformer Dayananda Saraswati (1824–1883); later influential and interdisciplinary economists and thoughtful lawyers Mahadev Govind Ranade (1842–1901) and Radhakamal Mukerjee (1889–1968); the writer and journalist Bankim Chandra Chattopadhyay (1838–1894); Bhupendranath Datta (1880–1961), the younger brother of the famous Swami Vivekananda, and last but not least, the founder of the Bengali Institute of Sociology, Benoy Kumar Sarkar (1887–1949), among many others from various times that have left their legacy in the spirit of progress. They are introduced here in order to fill a potential image of the personality vacuum that existed, according to some European ideas, in this area. This idea is indeed not valid, as the specific problems of Indian life have always been the subject of a theoretical discussion. The mindset of these pioneers of social theory was fruitful and remained alive and inspiring into the 20th century. These efforts began – in opposition to the ever-functioning and active conservative (especially Orthodox Hindu) intellectual elites – with Jogendra Nath Bhattacharya, a pioneer from the older generation of 19th century Indian sociologists, but with significant overlap to the 20th century. His breakthrough book *Hindu Castes and Sects* (Bhattacharya, 1896) is not only considered the first modern scientific monograph in the area but to some extent, it has defined an essential field of research and outlined the direction and primarily the focus of some of the future sociological research in India.

All these thinkers understood the need for social change on the Indian Subcontinent, specifically in the persistence of the harmful of the caste system, which determined social inclusion from birth and drastically regulated ritually any intercasitic encounters. Not only did theoreticians see castes in Indian society as a detrimental phenomenon inhibiting overall social progress but, more than that, they respected the clear need for a theoretical reflection of this state and the processes of changing it, not in the least on the foundation of sociology as (at that time only relatively) an independent and perspective scientific discipline.

In philosophy, history, psychology, political science, pedagogy, and in Indian sociology alike the legacy of Mahatma Gandhi's ideas has played and still plays a role in India. In all scientific disciplines and in India's cultural and professional environment, it is taken for granted that countless progressive thinkers from the past who contemplated the path Indian society should take during the 20th century were influenced by Mahatma Gandhi. And among the key issues he sought reform of was social stratification.

Modern interpreters of the Mahatma's teachings emphasize that Gandhi's ideological reference should not be seen only in the struggle for political independence and in notions of Satyagraha and Ahinsa, but also, *inter alia*, in approaches toward more intensely developing areas of the economy, new production relationships, ethical finance, the trade union movement, and the problems of humane use of the power of capital. In light of the sociological research he conducted at the Ahmedabad Gujarati Industrial Center, the contemporary author S. K. Goel observed it in his writings on the application of Gandhi's ideology in the Indian textile industry – one of the most popular industries in India (Goel, 2002). Interestingly, proponents of two different currents in the life of Indian castes find support in Gandhi's teachings. In a similar way, there are both those seeking to purify and improve the status of their caste in the social structure (a process sometimes referred to as "Sanskrtization"), and also occasionally those preferring to seize upon the outermost traits of Western culture and reject traditional customs that are less humane and more harmful on behalf of standards of modern developed societies ("Westernization"). While one caste group is trying to gain traditional privileges to increase its importance in the eyes of the surrounding society, the other group rejects the same privileges that have belonged to them since they were born.

From a sociological point of view, several other papers related to India are still relevant to the still alive and respected references to Mahatma Gandhi. Just three of the numerous and varied examples from the past decade are mentioned here: the fundamental study by the Sikh author Surjit Kaur Jolly combining biographical data with an interpretation of Gandhi's thoughts in today's globalizing world (Jolly, 2007), which draws attention to Gandhi's sociologically interesting and still up-to-date theoretical conception of the Swaraj, a practical concept of civil self-government that would be based on a system of economically self-sufficient communities; the search and discovery of the relationship between Gandhism and Marxism by Vishwanath Tandon (2007), and finally the attempt to understand and explain Gandhi's philosophical and socio-theoretical views from postmodernist theories (Pandey, 2007). They represent only a fraction of the dozens of books published every year in India that are dedicated to the words and deeds of Mahatma Gandhi.

Out of a large number of modern authors, the social stratification and caste system are addressed by the well-known sociologist Puthenveetil Radhakrishnan (born 1949), a favourite social critic and historian, as well as the author of a successful monograph on caste, religion, and government in the past and on current Indian society (Radhakrishnan, 2007). Radhakrishnan considers the state in Durkheim's spirit to be the best expression of the life of society. He is aware of the complex rules governing Indian society and takes into account the many roles its members fulfil, including religious rules. Yet, or precisely because of this, there is no other way of social development than developing the role of the state in the sense of coordinating sovereign authority.

When thinking about society, it is unthinkable today to overlook the ubiquitous issue of globalization. A large group of authors sees globalization as a welcome possibility of change, the opportunity for a relatively closed society to cross borders. For example, Yogendra Singh emphasizes the necessity of changing the conditions of life in Indian society, which, according to him, is happening spontaneously as a result of globalization (Singh, 1997; 2000).

However, "crossing borders" has its own specific limitations in India. The "caste system" theories have an impact on the practical policy as the incredibly prolific author Govind Sadashiv Ghurye (1893–1983) proved. He would later especially devote himself to urban sociology, while remaining within the context of his previous interest (Ghurye, 1962; 1963). Ghurye was among the first authors to seriously point out that the caste affiliation of political actors plays a vital role in the political life of contemporary India and highlights the political links between the caste system and electoral voting. He particularly emphasized the fact that, in the elections at all levels of the political system, voters, to a great extent, are influenced by family relations and decide, in particular, on the basis of their caste affiliation. According to current sociological data, almost half of the votes in local elections and up to about 30 percent in parliamentary elections are governed by such links. His observations of the caste system have been published and revised in later editions, and are still considered crucial in India even today (Ghurye, 2008).

A significant factor in India's current development is industrialization, mostly linked to the development of large cities, which are growing in India mainly through migration. On the other hand, the countryside is not naturally declining in population due to a demographic bulge. Migration from rural to urban areas is also part of the national integration that India has been talking about for decades. However, it is happening in a spontaneous, uncontrolled way, and causes problems. Urban sociology answers a number of questions relating to these phenomena and studies related to urban sociology are currently being addressed by Sujata Patel at the University of Hyderabad (Patel, 2003; 2006). She is attempting to identify universally applicable and valid factors changing the social structure of large cities, such as the development of industry and innovations in production technologies, but also land prices, changes in communication systems and the use of different energies and raw materials. In connection with these and other factors, changes in social stratification are also being modified.

Andre Beteille (born 1934), one of India's major sociologists, is studying the caste system in southern India. He is known for his methodological work (Beteille, 2002) and especially his books on Northern India's social structure, mainly in agrarian communities and global social stratification as well. He believes that the most obvious obstacles to modernization of contemporary Indian society are prejudices inherent in the caste system. Modern, sociologically oriented thinkers often draw attention to the marginal significance of an individual's personality in relation to the caste where he or she is included. In India, virtually everyone belongs to a caste, although they behave in some situations as if they were not. This system was born in ancient times in India, survived centuries almost untouched, and shows surprising viability despite efforts to suppress it. Even today, it manages the fate of most Indians, controls their privacy, and deforms mental life, predetermining their occupation and social status. The link to the caste's hereditary profession has evolved into a natural division of labour, and today it is one of the critical criteria of stratification. The specialization that has always taken place at work has caused the number of castes and sub-castes to grow into monstrous proportions. Indian sociologists have come up to a hardly believable number of ten thousand.

Anatomy of poverty and welfare

Although the issue of poverty is, to a greater or lesser extent, the subject of the vast majority of Indian social theories, Two examples are chosen here of theoreticians with different understandings of the issue as well as different solutions.

A typical mirror of the present-day life of India is the specific approach taken to Indian reality by Bindeshwar Pathak (born 1943), a sociologist and human rights activist who has focused on the practical implementation of social reforms through education, sociology of

education in the broad sense of the word, and especially health and hygiene, while also in areas such as non-traditional sources of energy. He uses his sociological knowledge to organise social work primarily in suburban communities. Under conditions found in India, a similar practical approach is extremely socially appreciated and undoubtedly necessary. Surveys have shown the problem of defying simplification, and the beggars that comprise the lowest caste of Indian society to be very diverse (and to be not just immigrants in overcrowded large cities, as is sometimes claimed), reflecting a number of unresolved issues in Indian society. Pathak followed through on "Garibi Hatao!" (Remove Poverty), the old election slogan used by Indira Gandhi in 1971, which became the leading idea of the subsequent five-year economic plan and part of a program to increase employment in rural areas. He identifies the situation as a parallel between the growth of the economy and the individual failure of people overseeing the context of a dramatically evolving society. The crowds of beggars are a product of the declassification of such individuals the economic system has yet to give a chance. They are the final stage in the decomposition of traditional social ties and the decadence of pre-capitalist relationships of production, which has outrun industrialisation – and yet precedes it, leaving behind the devastating trace of millions of destroyed human projects, hopes, efforts and lives.

While Pathak primarily conducts empirical research into the poverty found in contemporary Indian society, Amartya Kumar Sen is deepening existing theories, in addition to reflecting research results in an interdisciplinary spirit. Among other things, he responds to Arrow's impossibility theorem, critically evaluates the theory of rational expectations, and partly accepts John Rawls's *A Theory of Justice*, Samuelson's revealed preference theory, and Paul Streeten's policy on basic needs. When Amartya Sen won the Nobel Prize for Economics in 1998, it was already clear that his theory of the development of freedom and democracy as a universal value had outgrown the interpretation of society's narrow economic framework, while his emphasis on the issue of human potential has gained considerable sociological relevance. Sen's contribution to the development of a modern theory of social choice was particularly centred on the development of innate human abilities and the further expansion of their potential to the benefit of economic development. However, neither the quantitative aspect of the production of goods nor the way to maximise profits is of primary importance. Maximisation of benefits, says Amartya Sen, cannot express the true nature of human activity aimed at achieving the well-being of behaviour. The theory of "capability" proposed by Amartya Sen has proved to be a faithful alternative model of progress and development, far exceeding the boundaries of economic or industrial growth as is practiced today, but nevertheless including, among other things, a path to development he perceives as an expansion of abilities. More than goods and resources (inputs), Sen believes the focus of access to capabilities to be people and their capabilities (final outputs). It provides a framework for contemplating issues such as poverty and inequality, which cannot be adequately addressed just at the level of economic instruments. His interests range from defining new ways of measuring well-being and poverty, through building links with public choice theory, to empirical studies of famine following up on research into the mechanisms that cause poverty and hunger. He opines them to be a problem of relationships and distribution, not of shortages. There have never been famines in nations with democratic governments, which is why economic disasters can be avoided in a system where political rights and freedoms are paramount. Amartya Sen repeatedly provides reminders that "a real man is not a rational machine selecting Goods X over Y and Z absolutely and unmistakably, based on his own preferences, as is portrayed. Millions of human beings, on the contrary, live in today's reality and every day face the question of whether they will ever be able to provide any of these goods and ensure their survival" (Zelinová, 2009, pp. 587–599). Amartya Sen has proposed an approach that takes account of the expansion of capabilities in the area of

economic development. People are not just the maximising of benefits but have their own intrinsic value. In his interdisciplinary concept, Sen follows the distinction between economic growth and economic development. Growth means producing a large number of things no matter what happens to people as producers and consumers. Development, in contrast, involves expanding people's abilities. Economic growth increases outputs and earnings per person, economic development means improving life prospects, literacy, health and education.

Not all of the taboos characterising Indian society in the past have been overcome with the same success. A certain – relatively small – breakthrough of the barriers can be observed in relation to castes, partly in conjunction with the development of gender solutions in the background of feminist social theories and sociological analyses of traditional rural society with its prejudices and conservative way of life. Although urban sociology is on the rise, reflected in large urban areas with multi-million populations, the megalopolises with their diverse populations and social strata, multiplying in India every year, might require even greater acceleration.

The overarching content horizon of Indian social theories at the turn of the millennium, in which over the past decades the focus of social stratification has been centred on the caste system in India, but in which gender issues are increasingly being promoted and whose "fixed star" is rural sociology, bring a variety of problems and solutions that probably cannot be found in any other statehood of a limited whole.

Naturally, the boundary between selected areas of theoretical and field research is neither sharp nor insurmountable. Problems of various kinds intersect in the points of view expressed by several authors and the areas of interest are constantly changing and modifying. The extremely broad staffing base, the number of socio-philosophical and sociological institutions, the support of the state and the broad cooperation with foreign countries are good starting points for optimistic future prospects.

Conclusions

All current tendencies characterizing Indian philosophy at the turn of the millennium that include the separation of philosophy from religion and bringing it closer to science in the background of the still dominant mysticism and intuitivism, clarifying the position of materialism in Indian philosophy, comparativism with the ideal of one world philosophy, existential philosophy, the teachings of Gandhi in all forms, feminism, postcolonial interpretations of the current social reality and other philosophical movements on the Indian subcontinent ultimately all share the common opinion that the ideas of humanism, contained in traditional Indian philosophy, cannot be implemented without social transformations.

References
ATKINS, L. (2006): Feministická sociální teorie [Feministic social theory]. In: A. Harrington (ed.): *Moderní sociální teorie. Základní témata a myšlenkové proudy* [*Modern social theories: Basic topics and ideological trends*]. Prague: Portál, pp. 313–335.
BETEILLE, A. (2002): *Sociology: Essays on Approach and Method.* Oxford: Oxford University Press.
BHATTACHARYA, J. N. (1896): *Hindu Castes and Sects: An Exposition of the Origin of the Hindu Caste System and the Bearing of the Sects toward Each Other and toward Other Religious Systems.* Calcutta: Thacker & Spink.
CHARI, C. T. K. (1973): *Critical review of Stevenson's Twenty Cases.* New Delhi: Sterling.
CHAUDHURY, H. (1962): Existentialism and Vedanta. In: *Philosophy East and West*, 12(1), pp. 89–99.

DAS, C. (1978): *Gandhi and Gopabandhu*. Bhubaneswar: Pathika Prakashan.

DAS, R. (2004): *Gandhi and Mao in Quest of Analogy*. New Delhi: Sarup and Sons.

DATTA, D. M. (1953): *The Philosophy of Mahatma Gandhi*. Wisconsin: University of Wisconsin Press.

GHURYE, G. S. (1962): *Cities and Civilization*. New Delhi: Popular Prakashan.

GHURYE, G. S. (1963): *Anatomy of Rur-urban Comunity*. New Delhi: Popular Prakashan.

GHURYE, G. S. (2008): *Caste and Race in India*. New Delhi: Popular Prakashan.

GOEL, S. K. (2002): *Gandhian Perspectives on Industrial Relations*. Delhi: Shipra Publications.

HAJKO, D. (2004): Sarvepalli Rádhakrišnan a „náboženstvo ducha" [Sarvepalli Rádhakrišnan and the religion of spirit], In: *Filozofia*, 59(1), pp. 8–19.

JOLLY, S. K.(2007): *Gandhi A Study*. New Delhi: Concept Publishing Company.

KNOTKOVÁ-ČAPKOVÁ, B., MARKOVÁ, D. & POSPÍŠILOVÁ, D. (2012): Hinduismus [Hinduism]. In: B. Knotková-Čapková (ed.): *Obraz ženy v náboženských kultúrach* [*Image of woman in religious cultures*]. Prague: Paseka, pp. 142–199.

KOSAMBI, M. (1994): *Urbanization and Urban Development in India*. New Delhi: Indian Council of Social Science Research.

KRISHNA, D. (1955): *The Nature of Philosophy*. Calcutta: Praki Prakashan.

KUMARASAMY, A. (2006): *Gandhi on Personal Leadership*. Mumbai: Jaico.

MARKOVÁ, D. (1986): Obraz města v současné hindské próze [Image of city in contemporarz hindu prose]. In: *Nový Orient*, 4, p. 103.

MOHANAN, B., ed. (1999): *Gandhi's Legacy and New Human Civilisation*. New Delhi: Gyan.

MOHANTY, C. T., RUSSO, A. & TORRES, L., eds. (1991): *Third World Women and the Politics of Feminism.* Bloomington & Indianapolis: Indiana University Press.

MUKERJI, A. C. (1963): Existentialism and Indian Philosophy. In: *The Philosophical Quarterly*, 35(4), pp. 260–261.

NEHRU, J.: *Jawaharlal Nehru's Speeches 1948–1953*. New Delhi: Government of India.

PANDEY, U. (2007): *Post-modernism and Gandhi*. Jaipur: Rawat Publications.

PATEL, S. (2003): *Urban Studies: Readers in Sociology and Social Anthropology*. Delhi: Oxford University Press..

PATEL, S. (2006): *Bombay and Mumbai: The City in Transition*. Delhi: Oxford University Press.

RADHAKRISHNAN, P. (2007): *Religion, Caste and State*. Jaipur: Rawa Publications.

RAJADHYAKSHA, R. (2015): *Social Structure & Stratification*. New Delhi: Dominant Books.

RAJU, P. T. (1962): *Introduction to Comparative Philosophy*. Lincoln: University of Nebraska Press.

REGE, S. (2006): *Writing Caste, Writing Gender: Reading Dalit women's Testimonios*. New Delhi: Zubaan.

SHAH, G. (1986): *Gandhi for the New Generation*. Ahmedabad: Navajivan.

SHARMA, S. P. (1992): *Gandhian Holistic Economics*. New Delhi: Concept.

SINARI, R. A. (1970): *Structure of Indian Thought*. Springfield: Charles C. Thomas.

SINARI, R. A. (2007): *Paradox of Being Human*. New Delhi: Indian Council of Philosophical Research.

SINGH, H. (2006): *Gandhian Though and Philosophy*. Jodhpur: Rajasthani Granthagar.

SINGH, R. (1986): *Gandhi Darshan Mimamsa (A Handbook of Gandhian Philosophy)*. Patna: Bihar Hindi Granth Academy.

SINGH, Y. (1997): *Social Stratification and Change in India*. New Delhi: Manohar.

SINGH, Y. (2000): *Culture Change in India: Identity and Globalization*. New Delhi: Rawat.

TANDON, V. (2007): *Studies in Gandhian Thought and Marxism*. New Delhi: Radha.

ZELINOVÁ, Š. (2009): Amartya Kumar Sen – ekonom rozvoje a blahobytu, filozof svobody, i bídy a hladu [Amartya Kumar Sen – economist of development and welfare, philosopher of freedom, poverty and famine]. In: *Ekonomický časopis*, 57(6), pp. 587–599.

Review Article

Critical review of theory and practice in ethics of social consequences

Lukáš Švaňa[1]

Abstract: The article deals with ethics of social consequences as a modern ethical theory and proposes some critical remarks based on various elaborations of the theory presented in the newly published edited volume *Ethics of social consequences: Philosophical, applied and professional challenges*. It confronts and challenges several of the presented concepts and ideas and tries to find a solution for the theory to become even more elaborated but still remain within the boundaries of its ontological framework.

Keywords: consequentialism, ethics of social consequences, hybrid ethical theory

Introduction

Ethics of social consequences (hereafter ESC) is a relatively well grounded ethical theory established with the function of serving as an alternative to traditional (utilitarian) consequentialist theories prevailing in philosophical and ethical thinking and perspectives in the second half of the 20th century. According to its author, ESC "tries to exceed a framework of traditional division of topics, principles and values into deontological and consequentialist, because it stresses questions of humanity, human dignity that are being perceived as a domain of deontology" (Gluchman, 1999, p. 61). Its attention is primarily focused on providing a contemporary and more suitable ethical theory that would not be limited to basic utilitarian values but will still remain consequentialism in its nature. ESC is therefore a form of non-utilitarian consequentialism and remains in the position of evaluating the actions of moral agents primarily based on their consequences. This is also stated by its author in the introductory part of the book *Ethics of Social Consequences: Philosophical, Applied and Professional Challenges* published by Cambridge Scholars Publishing in 2018, where he not only brings the reader's attention to the fact that the source value of the theory are positive social consequences, but also manages to inform him/her about the uneasy process of its establishment and development. But it needs to be added that the theory does not remain on the position of pure consequentialism, but rather exceeds the limits of such theories and becomes a "hybrid ethical theory".[2]

The theory itself is rooted in research into modern philosophy and the utilitarian aspects of various authors within traditional utilitarian theories, especially in Jeremy Bentham's and John Stuart Mill's versions of utilitarianism and tries to overcome its limits and boundaries through an extension of its values and principles, as firstly outlined by Henry Sidgwick and George Edward Moore. Vasil Gluchman differentiates three phases that ESC has gone through. The first one is identified as the continuous process of its establishment as a modern ethical theory possibly having answers for some crucial issues of traditional utilitarian theories and dates back to the 1990s. He mentions some of his first publications that helped to constitute

---

[1] University of Prešov (Slovakia); email: lukas.svana@unipo.sk
[2] For more information on the issue, see *Hybridné tendencie v kontexte normatívnych etických koncepcií na príklade etiky sociálnych dôsledkov (Hybrid tendencies in the context of normative ethical theories on example of ethics of social consequences),* (Kalajtzidis, 2017) and *Ethics of social consequences as a contemporary consequentialist theory* (Kalajtzidis, 2013a).

the theory and specify its theoretical background[3] as well as influential sources in Erich Fromm, Baruch Spinoza as well as some other personalities of non-utilitarian consequentialism, i.e. Philip Pettit, Amartya Sen and Michael Slote with their respective versions of consequentialist theories. The second phase, according to Gluchman, starts in 2003 when ESC was modified based on many critical remarks presented by other Slovak, Czech and/or Polish ethicists and academics. This phase is characterized "by a return to its originally formulated values and their reformulation and redefinition" (Gluchman, 2018, p. xix). The third phase has been characterized as the contribution of other authors to the development of this theory. Therefore, the theory itself evolves by being discussed, evaluated and analysed by other authors who try to contribute to the overall improvement of its theoretical as well as practical implications. This presented book should serve as proof of its capabilities and consistency in terms of theoretical background – value orientation, principle adherence, theory of right, as well as its practical connotations applied to the numerous (and possibly boundless) ethical challenges that people face in postmodern world.

Part I: Philosophical and ethical issues in ethics of social consequences

The division of the book into three parts reflects the three dominant areas of research and the possible evolution of ESC. *Part I* deals exclusively with the theoretical framework of the theory through both criticism and expansion. Ján Kalajtzidis' criticism of its insufficiently elaborated concept of responsibility is highly percussive. He noticed that the value of responsibility is only discussed with issues of moral agents (Kalajtzidis, 2018, pp. 7–8). His article not only shows that the secondary values of responsibility and justice are only partially analysed, it also points out certain 'grey areas' that deserve further and more detailed explanation and clarification. ESC is relatively young, which means that some of its parts are still being elaborated upon but this dynamic change might have positive as well as negative consequences for the theory itself. It leaves the theory open to criticism and reformulation. On the other hand, it might lead to inconsistency in its fundamental structure of values and principles.

Oresta Losyk searches for possible means of interaction between ethics of social consequences and postmodern relativism. Her conclusion (based on compelling comparison) is that the postmodernist approach is insufficient and ineffective and might find use of a certain number of theory's assumptions. Their interrelation might embody the newest form of relativistic understanding of the value of human existence (Losyk, 2018, pp. 42–43). Ethics of social consequences declares itself to be mildly relativistic, i.e. it does not accept the maximization principle, evaluates acts based on the prevalence of positive social consequences and it strictly rejects the principle of impartiality.[4] Postmodern relativism is pluralistic and thus accepts multiple versions of human life and moral ethos rejecting universal concepts and types of modern rationality. That is common with ESC and thus their mutual interference might be a productive approach. In spite of that, it deserves further theoretical analysis in order to not only identify what is common, but to search for possible discrepancies and conflicts between the two. Postmodern pluralism calls for an ethical theory that would be dynamic, flexible and open to any kind of criticism and modifications. The majority (if not all) of the authors think that ESC has these attributes and therefore is capable of answering and facing the majority (if not all) of the issues in the postmodern world. In

---

[3] Among the most influential works by the author from that era there are: *Etika konzekvencializmu* (Ethics of consequentialism) (1995), *Etika sociálnych dôsledkov a jej kontexty* [*Ethics of social consequences and its contexts*] (1996), *Človek a morálka* [*Man and morality*] (1997).
[4] The principle of impartiality is a traditional principle of classic utilitarianism which refers to the imagined impersonal perspective from which, it is supposed, moral judgments are to be made. It demands that the same moral value is assigned to all moral agents involved in the decision-making process on the level of morality.

times when we search for possible global ethics, it seems a necessary step, i.e. the capability of being applied to any kind of moral situations and conflicts. It must not respect any boundaries (political, ideological, religious, etc.) as era of globalization deserves solutions on global scale.

One of the most contemporary global issues is that of consumption and is analysed by Joanna Mysona Byrska (2018, pp. 49–57). It is a highly practical problem, therefore its position in the first part of the book is rather questionable and I would suggest moving the article about few remarks on the connection of the world of consumption and ESC to the second part of the book devoted to issues of applied ethics. The problem of consumerism is mostly connected with the issue of world poverty and unjust distribution of wealth in a global scope. ESC's primary principle is the principle of positive social consequences and thus its possible application on these issues seems relevant. As Kalajtzidis and Komenská (both being authors dealing with various aspects of ESC) point out, moral agents behaving and acting like modern consumers, do not behave or act freely and thus bear little or no responsibility (Kalajtzidis & Komenská, 2013, p. 216). This opinion is very simplified and only refers to a more complex problem of the theory itself. Its interpretation of ethical values and principles is (rarely) not clear cut as in this case it is not clear whether the actions of a moral agent determined by a set of phenomena are considered not to be based on his/her free will. What I am not sure of is its rejection of the principle of impartiality, which is very prominent in other (mainly utilitarian) forms of consequentialism. Gluchman in his *Human being and morality in ethics of social consequences* claims that a moral agent can better understand the needs and preferences of his relatives and family members and that we have special obligations towards our relatives and close persons, but we must consider justified the interests of other affected moral agents, as well (Gluchman, 2003, p. 93). I believe that when talking about consumerism and its negative consequences on the world economic situation and poverty in underdeveloped countries, it is necessary to mention another consequentialist's standpoint, i.e. Peter Singer's effective altruism that directly encourages people to donate money to people suffering from poverty while not sacrificing anything morally relevant to the sum donated. Indulgence in luxury is not morally neutral (Singer, 2011, p. 159). Jakub Synowiec further elaborates on the issue of utilitarian roots of effective altruism (Synowiec, 2016, pp. 147–155). To be effectively altruistic in today's world of consumerism, it is necessary to apply the principle of impartiality (*agent-neutral* position). ESC, claiming to be a dynamic and flexible theory, should reconsider its rejection of the principle as there are many situations that require the abandoning of its agent-relative position. We might know the needs and preferences of our relatives better than those of others, but that does not solve the problem of qualitatively different needs and preferences of people on the other side of the planet.[5] On the other hand, Gluchman writes about some kind of rational partiality, but he does not elaborate this issue further on. If presented, it might serve as a possible way-out of such criticism, but for now, I believe that such remarks are relevant. Mysona Byrska concludes that ESC "can counteract the spread of consumer attitudes" (Mysona Byrska 2018, p. 55) and the whole issue is connected with the axiological dignity of a moral agent that presupposes him/her to be a decent person, thus making taking the welfare of others into account. I may only guess that by decency, the author means morality, but ESC is only one of many theories aiming at establishing and developing morality (decency, vicelessness, virtuousness etc.) in moral agents.

---

[5] A practical example: I might know that a member of my family (my son) needs a new pair of shoes as well as I know that people in Africa suffer from starvation and lack drinkable water. Their needs and preferences are therefore diametrically different and does that mean that my agent-relative position forces me to satisfy the needs of my relatives first? Such action would not be right, event from the non-utilitarian consequentialism perspective.

Part II: Values and principles of ethics of social consequences in contexts of applied ethics

In the beginning of *Part II*, Josef Kuře offers a comparative study of ESC and Principlism in the context of bioethics and claims that the latter is not (or does not have) a clear moral theory. He states that "the web of norms and arguments can be regarded as methodological or strategic tools but not as moral theory" (Kuře, 2018, p. 102). According to the author, good social consequences represent a better and employable criterion for normativity than the general rule of doing good and avoiding evil found in Principlism. Such a conclusion is based on the argument that there are many situations in which the content of the good is not clear and in practical biomedical situations it is not clear enough if treatment will offer benefit to the patient. Similarly, I find this uncertainty in the context of the good in positive social consequences as the primary criterion for moral behaviour in ESC. In ESC, "the notion of positive social consequences is filled with different content while abiding the principles of humanity, human dignity and moral rights" (Gluchman, 1995, p. 89). Biomedical situations are diverse and to reach positive social consequences might often mean violating the principle of beneficence as "consequences are seen in a broader context because they are not consequences of only one action or several actions, but of a number of actions which have some factual value concerning the character of a moral agent. It is true that consequences of actions play the most important role in the process of judgement of the moral agent, but, on the other hand, they are not the only determining factor in judgement" (Gluchman, 2003, p. 24).

When it comes to criterion for positive social consequences and the four principles of Principlism, there is relevant note by Kuře that both are difficult to measure (Kuře, 2018, p.104). Therefore, it might seem as a matter of subjective calculation of what is and what is not a positive social consequence and further on it leaves the question of the scale of consequences open. But social consequences (positive or negative) can involve and influence a relatively small group of moral agents and objects (micro-social dimension) as well as maybe influencing a larger group (macro-social dimension). By using *utilitarian calculus*, it would be easy to claim which action is better (moral or right). But ESC strictly avoids using utilitarian calculations, but it tries to "measure" the prevalence of positive social consequences over negative social consequences. It is assumed that consequences affecting more people bring about more good and thus their prevalence is higher than of those affecting fewer people. It is therefore doubtful or at least controversial to say that ESC rejects traditional the utilitarian criterion of maximization at all. Acting and behaving in a way that it brings about more good than another action and behaviour means that ESC clearly prefers a higher level of social good, i.e. positive social consequences. Earlier, Kalajtzidis tried to solve the puzzle regarding the criterion of maximization and its place within non-consequentialist theories and he came to the conclusion that ESC (among other similarly oriented ethical theories) overlooks possible arguments for accepting the principle of maximization and by not elaborating on such complex phenomenon we might come to a paradoxical situation in which ESC recommends (or at least gives approval to) any action that does not bring about the best possible consequences even if it could have (Kalajtzidis, 2013b, p. 141). Despite mentioning implications of these issues in the biomedical context, this article compares the theoretical and methodological background of two different approaches by elevating the appropriateness of ESC for being a moral theory while rejecting Principlism for its purely formal and strategic character. It would be more logical to place this article within *Part I*.

Another article by Martin Gluchman opens up the question of the principle of humanity applied in bioethics. He mainly compares the principles of Principlism formulated by Tom L.

Beauchamp and James F. Childress (beneficence and non-maleficence) with the principle of humanity in ESC, but the most significant is his comparison in terms of the autonomy of the moral agent in the context of bioethics. Both Principlism and ESC consider a moral agent to be autonomous in terms of his decisions and actions and thus making him responsible for it. He concludes that both theories should benefit from each other and should try to become more situational. The author suggests a shift from the traditional, fully paternalistic, model in medical ethics to trust between physician and patient, thus making the patient more autonomous and responsible for decisions regarding his treatment. There are several parallels and commonalities found between the two theories because they "tend to the mutual right to help of patients, to the improvement of 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" (Gluchman, M., 2018, p. 134).

A very inspiring article is written by Júlia Polomská in which she devotes her attention to the value of human dignity belonging to moral objects in ESC (she especially focuses on young people, children and people with learning disabilities). In my opinion, the debate about who is and who is not a moral agent is still not finished within ESC as there are certain preconditions that need to be fulfilled in order to become one, e.g. recognizing the actual valid norms and principles in a society, the ability to create one's own norms and principles, bearing responsibility for actions, etc. In my previous work (in which I have taken a methodological standpoint regarding ESC) I reflected on the issue of assigning the value of human dignity to various entities based on their actions and behaviour. I claimed that there are shortcomings and ESC does not have any system of such procedures.[6] In my opinion, despite ESC mentioning a kind of mathematical solution to assigning a degree of human dignity, it does not suggest how to figure it out. It might be the sum of various degrees of human dignity during one's life as much as it might be the degree of human dignity reached as a consequence of agent's last action (disregarding previous degrees of the value). The elaboration of this issue is insufficient (Švaňa, 2016, pp. 36–39).

In its earlier stages of development, ESC took a position of strong anthropocentrism as noted by Adela Lešková Blahová (Lešková Blahová, 2018, p. 185), but the position shifted towards weak anthropocentrism during its recent years of progress. We can observe an attempt by Lešková Blahová to shift the theory to moral biocentrism and thus broadening the value of life to all living beings thanks to their competence to be alive. As the name of the theory suggests, it mainly deals with social consequences, i.e. consequences following from actions by a human and having an impact on human society. The title is probably the outcome of the first versions of the theory that were primarily oriented on the social sphere of human life. The problem is that "the theory does not further specify the notion of life and it is a relevant limitation in the field of its theoretical framing" (Lešková Blahová, 2018, p. 186). She suggests adopting a *organicism perspective* which means thinking about life as a specific biological process and not narrowing it to its naturalistic meaning, as a life of concrete entities (Lešková Blahová, 2018, p. 189). This is a relevant remark as ESC's standpoint towards life and the value of life is limited to axiological subjectivism. Life being a central and primary value from which all other values might be defined and deduced. Therefore, its correct theoretical foundation is necessary for other elements of the theory to be consistent and not restricted to their particular manifestations. Lešková Blahová claims that the axiological orientation of the theory has been moved towards biocentrism. The problem is that such

---

[6] As an example, I mentioned a man being a good and loving father and husband, having a university degree and caring about others and social justice while preparing to kill a mass of people in a terrorist attack. There are micro-social consequences of being a good parent, partner and member of society. On the other hand, the consequences of a terrorist attack have an impact on the whole society (macro-social, even global dimension).

assumptions must be further explored and critically reflected as it changes the very nature of the ethical theory.

Similarly, Katarína Komenská comments on the biocentric nature of ESC. Moreover, she tries to expand the category of moral agents and objects and she comes up with the concept of *moral community*. She then compares this concept in ESC with similar concepts by authors such as Peter Singer and Mary Midgley (Komenská, 2018, pp. 196–211). The comparison is well established, but the problem of assigning a place within a particular moral community is connected with the problem mentioned in my analysis before, i.e. the issue of impartiality and *agent-relative* position. Choosing a member (a living entity of any kind) of a particular moral community is affected by the relationship of the moral agent towards it. It is contradictory to claim that ESC is an agent-relative ethical theory but nevertheless, the striving for the highest possible level of neutrality is demanded during the decision making process. How can a theory claiming to be agent-relative simultaneously demand the highest level of neutrality? The agent-relative position has a practical impact on establishing a moral community as well. The establishment of a moral community is influenced by whom we consider to be a moral agent and/or moral object. Komenská explains that ESC focuses on the reflective and rational abilities of the moral agent and this is a precondition attributed exclusively to humans.

Adopting the position of moral biocentrism as presented in two of the articles opens up a new list of problems connected to the coherency and consistency of the theory. As seen in these and many other articles dealing with (theoretical and practical) aspects of ESC, there is a lot of criticism, elaboration and effort to improve it. There is no guarantee that further and modern contributions to the theory are consistent with the initial theoretical framework, or at least with each other. It should be expected that such shifts and modifications of the theory are relevant and in accordance with its basic value structure and principles. The openness of the theory is not only a positive attribute, but it can easily become a very perilous aspect. Petr Jemelka expresses doubts about ESC being a valuable source for reflection on environmental ethics as he raises the complaint of a lack of interest in ontology (Jemelka, 2018, p. 224). In the past ESC took the position of reductionism and claimed that it "focuses only on a range of issues and 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 to the present" (Gluchman, 1999, pp. 13–14). I believe that such an attitude had one strong and one weak point. Its strength lay in the ability to respond to highly practical issues including the decision making process of moral agents in today's world in almost any kind of practical situation. The weak point dwelled in the absence of any ontological framework and it indirectly constituted tendencies towards inconsistency of ESC's further development. As seen above, nowadays, there are authors who concentrate on ontological issues because they realized that, without proper basis in ontology, one cannot make any further comments about consequences concerning human life, etc. There these authors (Lešková Blahová, Polomská, Komenská) try to develop a more consistent and coherent framework for this ethical theory.

Part III: Professional ethics as a challenge for the ethics of social consequences

Part III focuses on possibilities of applying ESC in a particular sphere of applied ethics. Gluchman (the founder of ESC) analyses the extent to which a consequentialist theory might serve as relevant theoretical background for professional ethics. There are certain reservations regarding the issue mentioned by other authors in the article, but he mentions that ESC's effort is to find intersections between consequentialist and non-consequentialist theories. Based on his analysis, he comes to the conclusion that the ESC model of professional ethics is applicable but primarily for a reflective type of moral agent (Gluchman, 2018, p. 245). One of the drawbacks of such a model (or any consequentialist model) is that it is a lot more

demanding than deontological ethics or virtue ethics. The simplicity of virtues required for a certain profession or imperativeness of commands and prohibitions are drawbacks that have to be dealt with especially when searching for an appropriate theory that will influence practice in the professional life of moral agents. Decades ago, Theo van Willigenburg stressed the importance of a case-oriented approach as it leads to consensus easily while a deontological approach has the tendency to support disagreements (Willigenburg, 1991).

The conclusion made by Marta Gluchmanová is that "ESC, as well as teaching ethics, is aimed at positive social consequences that have to be in accordance with principles and values of moral right of man an justice, as well as with other values and principles of particular ethical conceptions" (Gluchmanová, 2018, p. 277), hence its application in the teaching profession, is smooth. The application of ESC in teaching practice involves moral education based on the principles of the theory, i.e. humanity, human dignity and moral right for life. It respects and honours a student as a moral agent in the process of his moral development as well as creating possibilities for his voluntary decision-making stressing the importance of just evaluation.

An article of an interesting and contemporary nature is written by Lucas E. Misseri in which he applies ESC to the problem of reputation capital in cyberspace. He analyses topics such as the morality of file sharing, the intellectual property debate and/or social network and web controversies (Misseri, 2018, pp. 310–313). It is highly desirable to test the theory in providing relevant answers for such contemporary issues. However, in my opinion, the author does not provide any relationship to particular professions, instead he comments on and analyses interconnections of technological progress in the context of cyber space as an extended reality for mankind. ESC is presented as useful tool for evaluation of the law and the need to reform it. Human activities in cyberspace are still not properly comprehended and taken into account especially when it comes to observing ethical norms and principles. The idea of an ethical theory influencing and, mostly, changing the law seems idealistic and utopian; nevertheless, it is definitely an issue worth further and more complex elaboration.

Conclusion

Ethics of social consequences as a modern and dynamic theory of non-utilitarian consequentialism aims to achieve positive social consequences while following specific values and norms of humanity, human dignity, moral right, justice, responsibility, moral duty and tolerance. It is a contemporary ethical theory and, as presented in the book, a highly viable one. Despite mentioning the drawbacks of the theory, or better to say, concepts and ideas that must be further discussed and elaborated, it seems that ESC has claimed its place in the sun within ethical theories that can possibly have an answer to the many practical issues of the everyday life of man. On the other hand, for the theory to survive, it is necessary to avoid syncretism and eclecticism when modifying older concepts of the theory and/or when elaborating new ideas without being coherent to its theoretical background. All new and (sometimes) purpose-built contributions to the theory in both theory and practice, must be analyzed, discussed, critically reflected on and then confirmed or disproved. Otherwise there is an imminent danger for ESC being a theory for everything, but with little or no coherence (or even contradictions) to previously well established and elaborated issues. The book itself also shows a vast range of topics possibly covered by the theory.

References

GLUCHMAN, M. (2018): The principle of humanity in bioethics: contexts of ethics of social consequences. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 119–136.

GLUCHMAN, V. (1995): *Etika konzekvencializmu* [*Ethics of consequentialism*]. Prešov: ManaCon.

GLUCHMAN, V. (1996): *Etika sociálnych dôsledkov a jej kontexty* [*Ethics of social consequences and its contexts*]. Prešov: PVT.

GLUCHMAN, V. (1997): *Človek a morálka* [*Man and morality*]. Brno: Doplněk.

GLUCHMAN, V. (1999): *Etika sociálnych dôsledkov v kontextoch jej kritiky* [*Ethics of social consequences in context of its criticism*]. Prešov: LIM.

GLUCHMAN, V. (2003): *Human being and morality in ethics of social consequences*. Lewiston, NY: Edwin Mellen Press

GLUCHMAN, V. (2018): Introduction: Ethics of social consequences – past and present. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. viii–xxvii.

GLUCHMANOVÁ, M. (2018): Moral right and justice in the teaching profession. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 262–280.

JEMELKA, P. (2018): Environmental ethics in the context of ethics of social consequences. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 212–234.

KALAJTZIDIS, J. (2013a): Ethics of social consequences as a contemporary consequentialist theory. In: *Ethics & Bioethics (in Central Europe)*, 3(3–4), pp. 159–171.

KALAJTZIDIS, K. (2013b): Etika sociálnych dôsledkov ako forma neutilitaristického konzekvencializmu [Ethics of social consequences as a form of non-utilitarian consequentialism]. In: V. Gluchman (ed.): Etika na Slovensku v súčasnosti (od polovice 20. storočia) [Ethics in Slovakia in present (since 2nd half of the 20th century). Prešov: FF PU, pp. 135–149.

KALAJTZIDIS, J. (2017): Hybridné tendencie v kontexte normatívnych etických teórií na príklade etiky sociálnych dôsledkov [Hybrid tendencies in the context of normative ethical theories on example of ethics of social consequences]. In: V. Gluchman (ed.): *Etické myslenie minulosti a súčasnosti ETPP 2016/16: Etika súčasnosti* [Ethical thinking – past and present ETPP2016/16: Contemporary ethics]. Prešov: FF PU, pp. 57–71.

KALAJTZIDIS, J. (2018): Responsibility and justice: Secondary values in ethics of social consequences. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 2–23.

KALAJTZIDIS, J. & KOMENSKÁ, K. (2013): Mravný subjekt a problém etickej spotreby (konzumerizmu) [Moral subject and problem of ethical consumption (consumerism)]. In: J. Kaliský (ed.): *Dobro a zlo, alebo o morálke I: psychologické a filozofické aspekty morálky v edukácii* [*Good and evil, or about morality I: Psychological and philosophical aspects of morality in education*]. Banská Bystrica: UMB, pp. 215–222.

KOMENSKÁ, K. (2018): The concept of moral community in ethics of social consequences. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 196–211.

KUŘE, J. (2018): 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. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 88–118.

LEŠKOVÁ BLAHOVÁ, A. (2018): New contexts of (the value of) life in ethics of social consequences. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 184–211.

LOSYK, O. (2018): Postmodern relativism in the context of ethics of social consequences: selected aspects of potential interaction. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 24–48.

MISSERI, L. E. (2018): Ethics of social consequences and reputation capital in cyberspace. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 298–319.

MYSONA BYRSKA, J. (2018): The ethics of world of consumption and the ethics of social consequences: a few remarks. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 49–57.

POLOMSKÁ, J. (2018): Human dignity within ethics of social consequences. In: V. Gluchman (ed.): *Ethics of social consequences: Philosophical, applied and professional challenges*. Newcastle: Cambridge Scholars Publishing, pp. 137–183.

SINGER, P. (2001): *Writings on an ethical life*. New York: Harper Perennial.

SYNOWIEC, J. (2016): Ethics for everyday heroes – from utilitarianism to effective altruism. In: *Ethics & Bioethics (in Central Europe)*, 6(3–4), pp. 147–156.

ŠVAŇA, L. (2016): „Etika" vojny a terorizmu ["Ethics" of war and terrorism]. Bratislava: Veda.

WILLIGENBURG, VAN, T. (1991): *Inside the ethical expert*. Kampen: Kok Pharos.