

**Clashes of the Absolutes?
Coping with Moral Conflict in Genopolitics**

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Divisible and Nondivisible Conflicts

(Albert Hirschmann 1994)

Conflicts of Interest : power, wealth, status, opportunity

„more-or-less“

Conflicts of Values: truth, right, moral duty, authenticity

„either-or“

Divisive Ingredients: Moral Outrage and Moral Zeal

- Moral argument is a dangerous weapon
- Moralists are dangerous enemies
- „Gewaltrecht des Guten“ (Ernst Bloch)
- „Moral macht kriegerisch“ (Niklas Luhmann)

Max Weber on conflicting value commitments in modern societies:

„Es handelt sich zwischen den Werten letztlich und überall nicht nur um Alternativen, sondern um unüberbrückbaren tödlichen Kampf, so wie zwischen „Gott“ und „Teufel“. Zwischen diesen gibt es keine Relativierungen und Kompromisse. Wohlgemerkt: dem Sinn nach nicht.“

Max Weber (1917): Der Sinn der „Wertfreiheit“ in den soziologischen und ökonomischen Wissenschaften (Gesammelte Aufsätze zur Wissenschaftslehre⁶, 1985, S. 507)

English Translation:

„It is really a question not only of alternatives between values but of an irreconcilable death-struggle like that between „God“ and the „Devil“. Between these, neither relativization nor compromise is possible. At least not in the true sense.“

Individuals can cope with their conflicting values by refusing to choose between ‚God‘ and ‚Devil‘

„Das Verflachende des „Alltags“ ...besteht ja gerade darin: dass der in ihm dahinlebende Mensch sich [der] teils psychologisch, teils pragmatisch bedingten Vermengung todfeindlicher Werte nicht bewusst wird und vor allem: auch gar nicht bewusst werden will, dass er sich vielmehr der Wahl zwischen „Gott“ und „Teufel“ ... entzieht.“

English Translation

„The shallowness of our routinized daily existence ...consists indeed in the fact that the persons who are caught up in [the struggle of values] do not become aware, and above all do not wish to become aware, of the is partly psychologically partly pragmatically conditioned motley of irreconcilable antagonistic values. They avoid the choice between ‚God‘ and the ‚Devil‘.“

Societies can cope with value conflicts through the acknowledgement of pluralism

The historic model of religious tolerance

Respect for what is sacred is substituted by the respect for the right of individuals to choose and to live up to what they consider as sacred

The challenge of pluralism in the recent moral conflicts over bioethical issues

Moral conflicts: abortion, preimplantation genetic diagnosis, research with human embryonic stem cells, euthanasia or assisted suicide for terminally ill patients

Pluralism for questions of what constitutes a „good life“

Pluralism also accepted for commitments to moral ideals

Pluralism not an option when moral rules are at stake

Can deliberation resolve the moral conflicts?

Shifting the arena of moral conflicts to deliberative procedures - the example of the National Ethics Council in Germany (NER)

The use of argument – Road to reconciliation or weapon against the enemy?

The words used in political communication „are not plowshares to loosen the soil of contemplative soil, but swords against the enemy: such words are weapons

Max Weber: „Science as a Vocation“ (1919) (Translated by H. Gerth and C. Mills. From Max Weber 1948, p. 145)

„The tongue of man is a trumpet of war and sedition“

(Thomas Hobbes, De Cive [1642] Chapter 5, V)

Dialogue engenders the de-escalation of the rhetoric of the conflict

Constraints on divisive rhetoric :

Face-to-face communication

From moral position to moral as a problem

From interest to justification of interest

Mutual ascription of sincerity and authenticity

Rational Dissent in the National Ethics Council (NER)

- all parties agree on the moral point of view
- available moral reasons do not warrant an unambiguous conclusion
- dissent remains despite common ground regarding basic moral values and rules
- excluding the opponent from the moral community not an option

Rational dissent as evidence of moral pluralism (from an observer's perspective)

Outcome to the deliberation:

Diverse and inconsistent value commitments prevail in the bioethical conflicts before and after sincere deliberation.

The effort to integrate all available arguments into a well-reasoned “reflexive equilibrium” (Rawls) has failed or yielded more than one equilibrium (attractor).

Apparently, the cultural repertoire of the society lacks generally accepted standards to distinguish between the moral stances taken by the conflicting parties as true or false or morally right or wrong

The power of deliberation: Imposition of reflexivity

Moral commitments a subject matter for analysis
rather than a resource for crusades

Perspective taking despite confrontation

From moral communication to communication about
moral values and rules

Limits of deliberation in the NER : Explicit acknowledgement of moral pluralism is denied

Moral pluralism documented for the observer, but they not acknowledged by the participants

Asymmetrical burden on the conflicting parties: Pluralism is a defeat only for those who advocate rigerous moral controls

Escape from the impositions of reflexivity in the NER

No mandate for the staff of the NER to analyse contested moral issues.

No inclusion of pro-and-con summaries in the published reports

No discussion of meta-issues: regulation in case of dissent

Retreat from collaborative report-writing: Own moral belief presented as the „ethical minimum“

Half-way acknowledgment in the NER of the existing moral pluralism: Parliament must decide

Agreement on procedures of conflict resolution: Democracy trumps morality

The meaning of majority decision: political will, not moral validity

Translating the (indivisible) conflict of values into an (divisible) conflict of interest?

Ambivalences towards the proceduralization: Members of the NER yield to majority rule in the deliberative setting, but try to undermine it in the public arena

A broader role for deliberation in coping with indivisible (religious and moral) conflicts?

- Democratic rule and political liberalism operate towards acknowledgement of pluralism
- Fundamentalists will invoke moral pluralism as long as they are in a minority position

A broader role for deliberation in coping with indivisible (religious and moral) conflicts?

- Deliberations may accommodate moral clashes in the society better if they proceed from argument to bargaining
- Unclear and inconsistent regulation may secure moral peace better than intellectually satisfying rules – see the case of abortion rules

The inevitable choice between „God“ and the „devil“

Deliberation is not a blueprint to accommodate moral clashes

„Muddling through“ with compromise rather than all-or-nothing majority rules

Regulations conveyed as exercise of the political will, not as execution of the moral order

Political surplus to be derived from deliberation

Deliberations de-escalate moral conflicts by committing the parties involved to a reflexive attitude and mutual respect which constrains moral outrage and moral zeal – as long as the deliberations last