

Democracy and Ethics: Dialogical Proposals at Stake

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Abstract The abandonment of moral and ideal normative sources has given way to proposals for an ethics – or, rather, morality – of recourse. Underlying these proposals seem to be the democratic model of politics and the quantitative model of experimental science. Designated globally as dialogical ethics, the proposals of Rawls and Habermas are based on this model. But this model is in itself contradictory, because it gives the majority the right to decide about all those involved, since it is utopian to think of participation – much less equal participation – by all members of a community. On the other hand, the interest of a community, no matter how large it may be, cannot be considered without a connection to the whole of Humanity and to an ideal of improvement. Quantity is not a moral criterion, much less an ethical one. Morality is sociocratic because it is a norm that is phenomenologically 'impositive'; and ethics is democratic, but only as a universal duty of improvement originating and proposed in the will of each one, and not because it derives from 'agreement' between interested parties.

Keywords: Procedural Ethics, Democracy, Morality, Perfectibility, Education, Ethical Sustainability, Anthropeugogy

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1. Introduction

In a very recent publication (Pedro and Maia, 2022) [1], morals and ethics were seen as conditioning forms of liberation and personal and collective fulfillment, overcoming the vision of limiting and even coercive conditioning. Using the metaphors of prison, cell, and cocoon, the authors acknowledged the beaconing dimension of moral norms, but they highlighted the possibilities for development provided by the universal respect for rules. These, however, are only meaningful as facilitators of an environment and incentive for improvement or refinement. The meaning of morality will be in the dimension of ethical perfectibility, rather than in the respect for the rules themselves.

It is with this assumption that the critical analysis of dialogical ethical proposals will be developed in these reflections. It will be necessary, however, to state first of all the theoretical presupposition of the relationship between ethics and morality. It is expressed in four complementary statements: morality is the singular and relative norm and ethics is the universal and absolute ideal; ethics is the foundation of the present moral norm and of proposals for change; morality is the concretization of ethics; and, in the absence of a higher ethical principle, the current morality will be the most viable expression of goodness. What is said about democracy as a political regime applies to this last statement: lacking a better one, it will be the preferable one.

The perspective of 'dialogical ethics'¹ will necessarily be framed by these statements. At first glance, the relationship between democracy and ethics reminds us directly of J. Bentham's utilitarianism: it was good what was useful for someone and for those who depended on that someone. This author's utilitarianism is often referred to as collective egoism. S. Mill's criticism of J. Bentham's moral materialism will not be the greatest of those that should be made: limiting is the lack of perspective of an ideal of goodness, that is, of the aspiration to virtue through the practice of good actions according to the model of good people.

We know that this model is tautological in the practical terms proposed by S. Mill – along the lines of Aristotelian ethics – given that the actions so designated by good men are good and these are the ones who performed good actions². But on the theoretical level it is ethically valid: the meaning of being a man is to perform the best possible actions. We will see that these actions can be the exemplary ones embodied in the morals in force; and that above them will be those that seek to surpass them

¹ We will keep this expression because it is the one commonly used. But the author's option is clear: dialogical morality will more faithfully translate the content of these "democratic" perspectives for the construction of a minimum of rules for social coexistence and individual fulfillment.

² Only through the educational process can this tautology be overcome: education is not only the transmission or cultural reproduction (*educare*, in Latin), but also the revelation (*educere*) of potentialities that allow the addition of quality to the culturally received.

through determination and personal effort – or, what is very frequent in history, small group effort – of new ethical proposals. We can exemplify the first perspective with the virtuous formality of a community's tradition; and the second perspective with the refusal – badly regarded according to the moral tradition of a society – of the application of slavery, the death penalty, or discrimination. My 'natural' disposition or inclination to act accordingly or to refuse a moral norm will not, therefore, be the sole, nor much less the maximum, criterion of goodness of an action or omission.

We should also affirm, as a complement to the presupposition of the relationship between morality and ethics, that this dimension is consubstantial to being human, that is, the definition of being human necessarily includes the ethical concern, as it includes the reflexive, the practical, the poetic³, the volitive, the religious, the evaluative, and the educative; but it seems evident that the ethical-moral dimension pervades all the others. Even when we relate only the three great axiological dimensions, the ethical-moral dimension is the last to be invoked for a decision on the existential option or meaning of the aesthetic and the religious. And it is also because of this intrinsic relationship between being human and being ethical that only men are bearers of this dimension and that ethics constitutes the core of the concern of being human, both in its singularity and in its interrelationality. Ethics and education have in common the dimension of perfectibility: ethically an aspiration, pedagogically an operationalization.

Two pieces of information of a moral-ethical nature are required here in the field of scientific production. As the objective is not to exegetize the thought of Rawls and Habermas, the sources consulted were limited to those that could confirm the reasonableness of these reflections, either in the positive form of agreement or in the negative form of incoherence⁴. Secondly: the theme is not that of the ethical dimension of democracy(ies), but that of the critique of an ethics – or, rather, morality – subordinated to the interests of a 'quantity' of 'implicates'. In an earlier

approach (Pedro, 2022, 34) [1], this relationship was affirmed, with the explication that the formation of democrats – the substance of democracy (idem, 29) – requires ethical dimensions such as the development of intellectual capacities, critical thinking, empathy, autonomy, and freedom of thought. Here is the summary text: "to think of education without democracy and education without democracy is an impossible task, especially in troubled times like the ones we live in today" (idem, 34). It is not, therefore, a matter here of emphasizing the ethical dimension of democracy – without which it will move towards suspension – but the risk to which ethics is subject if it depends on a quantitative vision of democracy itself – in which the interests of a group become its own good and the imposition of that good on 'others' is legitimized.

2. 1. Assumptions and dilemmas

The assumption of the relationship between ethics and morality, as well as the ontological dimension of ethics and the pedagogical dimension of morality, is not the only question posed in addressing this theme. There are several issues, including seemingly insurmountable but unanswerable dilemmas in the realm of ethical reflection and its implementation. The first of three essential dilemmas can be seen as the source of the other two. That is: neither the decalogue, nor positive law, nor any other axiological source has succeeded in determining a set of practices that would be sufficient and accepted by the individuality of the members of a broad community. The second dilemma is expressed in the dichotomy between the Kantian formalism of the categorical imperative and the materialism that represents the legislative ideal of the post-revolutionary French National Assembly. Indeed, the ethical-moral duty to obey the law because it is law presupposes that the law is perfect and of universal validity.

And the third dilemma is not of minor immediate implications: the gap between the resolution of present moral problems and the sense of improvement or ethical progress. In fact, if there is in every age a lament – or even prospective anxiety – about moral 'degradation', there are also desires and exemplifications of the search for an advance in ethical demand. In the application of justice, in social relations, and in the individual ideal, both degrading forms of action and admirable examples of overcoming and goodness appear. Look at what has happened in the area of sentencing, slavery, or gender equality, and we will see that the barbarity of certain practices has coexisted with practices of refusal and elimination and if these barbaric acts have not yet ended, the ideal of their end remains. It is indeed not possible to determine today the best of tomorrow⁵; but it is possible to envision a greater ideal and to direct the will towards its achievement.

It is certain that today – or perhaps always? – adherence to "just causes" is done in a *light* way, as Lipovetsky says,

³ In the broad sense of utopia, idealization, transcendence, or simply overcoming.

⁴ Just three examples. Varela (2015, 38) takes kantian autonomy as the possibility of determining the law for oneself – an idea that the jurist Mendes da Silva (1998, 199) had already expressed in a statement half correct and half incorrect: [Kant says that] freedom consists in acting according to the law we set for ourselves. Now, autonomy is a manifestation of freedom, which is the possibility of realizing the synthesis of duty and should-be, so that the law is assumed as one's own ideal, but is not singularly determined. This same author confuses perfectibility with perfectionism (Mendes da Silva, 1998, 204) and affirms the relevance of a just social structure over an unjust law (idem, 205) that will nevertheless be binding – from which one would have to accept that all legal government would be legitimate or that a ruler's legal rise to power conferred on him the legitimacy of a dictator. Or, more directly related to our reflection, that all morality would be ethical. The third example has a broader character and takes advantage of Varela's (2015, 41) statement that "the great challenge of the experience of living with each other is, without a doubt, the construction of an organized, stable, and just society. We know that Roman society was organized and not just; that the evangelical ideal was just and not stable; and that when two models become stable they lose their original identity – as happened with Rome and Christianity: the former lost its capacity for conquest and the latter its capacity for charity.

⁵ This is the basis for the perspective of the duties of present generations as superior and conditioning the rights of future generations – which, not existing today, are not subjects of rights and cannot mandate anyone to represent them – as mentioned by Pontara (1996).

that is, in a sporadic and non-consequentialist way in the acceptance of the implications. In other words: one easily adheres to an ethical position as long as this does not imply a reduction of our comfort, well-being, independence, 'freedom'. This is what the same author calls 'painless ethics'.

It is undeniable that today there is no climate of acceptance of norms of individual or social conduct coming from a religious, political, family, or even party power. But it is uncontested, it is well accepted, and it even makes the well-paid professional activity subject to temporary sacrifices. It is even taken as a just reward for something that should be seen as no more than the fulfillment of the duty to study, to perform a function, to work for one's livelihood, and to give back to society what it has given to the members who were taught and educated. Instead, it happens that poor pay, coming from little commitment to the profession or poor preparation for it, is attributed to outside culprits and not to one's own. We claim credit for success and refuse accountability for failure or simply for lesser benefits.

It is in this context of generalized failure of the traditional sources of ethical-moral values that these reflections on what Marina (1996)⁶ generically refers to as survival ethics, and where I include here only John Rawls' theory of justice and Jürgen Habermas' theory of consensus. They are generically referred to as dialogical or discursive, pragmatic or deontological ethics. More correct, as will appear justified, would be to call them procedural morals or minimal ethics. The core of these reflections is in the criticism of the relationship that these proposals under analysis establish between the quantity of decision-makers and the quality attributed to the decisions.

2. The concepts

In the limit, this quantity would be the whole. Perhaps none of the authors imagined the whole of humanity; but we gave merit and credit to the remark Cortina (1989, 550) makes in this regard, when he states that it is not "all the *actual participants* in the dialogue, but all those *affected* by the coming into force of the norm"⁷. In order not to remain in an indefinite of "a group," let us lean toward the whole to which Bentham was referring, that is, to himself and those to whom his action extended.

Placed – if this were possible – in the 'original situation', supported by the 'fleece of ignorance', and freely exercising communicative reason, an X amount of individuals would define the truth and the good for themselves. Regarding the ethical neo-empiricism, Abbagnano (1978^a), 86) [2] transcribes a statement by Pap according to which "... value is objective only when it is intersubjective, that is, when it is the object of desires that are shared or can be shared by a large number of people" – a statement that contradicts Locke's position, according to which one should only propose moral rules that can be justified. Even recognizing the democratic character of decisions and choices made by many on behalf of all, what happens is that the quantity of decisions is taken as a criterion of the truth and goodness of the decision and of the action or omission. Now, the ethical, or even moral, domain is beyond quantity. When not, a homogeneous group of 'lobbyists', thieves, xenophobes, nazis, fundamentalists, murderers, and the like, would have the legitimacy to determine as good their decisions and actions. On the other hand, the assumption of able and 'sympathetic' participation of 'stakeholders' recovers the conception – or simple wish for it? – of man's original goodness, which explains the culpability of society⁸ in favor of unaccountability and individualism⁹.

Let us begin by clarifying some of the concepts used here. The quantity to which the authors refer comprises the greatest possible number of those who use reason and have the capacity for action - one of the rules of discursivity (Procópio, 2012, 328-329) [3]. In the ideal limit, it would be the totality of the members of a community. The quality would be the equitable action, with which Rawls translates just action; and it would be the truth or intersubjective agreement, of Habermas. If in quantity those who cannot participate are left out, in Rawls' quality only the existing goods can be shared, and in Habermas' quality only what does not deny the rationally and honestly argued objectified reality can be weighted.

Now, the ethical-moral realm also comprises the possible and ideal in relation to self-improvement; and that determined by the formation of personal moral consciousness and relationships of emotion. Einstein said that science tells us what things are, but not what they are worth. The term quality will indicate the greater goodness

⁶ The suggestive title of one of his works is *Ethics for Shipwrecked People*. And its content does not deal with ethical issues in a situation of maritime disaster and no lifeboats for everyone; it deals with the harmful conformism to the minimum possible morality and, as a consequence, with the abandonment of an ethics of excellence.

⁷ We will see that the legitimacy of someone presenting himself as the defender of the non-existent, or even of those who are unable to participate, is not clear. On the other hand, either we are content with an ethics of occasion, or we have to admit that before normative determination lies the anthropological, philosophical, religious, political, ethical, etc. foundation of that practical orientation decided by agreement among the participants in the discourse or dialogue. And I may not agree in advance with those theoretical assumptions for rational or emotional reasons - even while maintaining a generic attitude of personal good faith and trust in others.

⁸ Even more than the rousseauian idea of man's original goodness, today it is the praise of the educated, autonomous, master of his own destiny 'good savage' that attempts the same goal as Rousseau: to counter the 'original guilt' preached by religion and assumed with stoicism in the face of life; and, without this guilt, to deny the need for redemption, religion, and even hetero-education and moral improvement.

⁹ These 'ethical theories' show the influence of Carl Rogers' non-directive psychology, according to which the individual will orient himself in a constructive way unless he is limited by his environment. Philosophically, the influence of structuralism confirms this view and can be invoked to justify that a group or individual can claim to represent the interests of the collective, or even that the accountability of the latter replaces that of the former.

or truth of an option or omission and the increase in estimable qualities promoted by that option or omission. At the theoretical level, it is measured by the degree of improvement. At the practical level, it can be seen in universal declarations of rights, in the renewal introduced by individuals or small groups when it comes to solidarity, tolerance, altruism, etc., where the ideals of estimable qualities are realized.

We are particularly interested in distinguishing the concepts of ethics and morality. We skip the similarity derived from Greek and Roman etymology (respectively ἔθος – *étos*; and *mos, moris*), as custom and habit, but point out that the Greek term phonetically similar to the one that originated our word ethics (ἠθός¹⁰, *êtos*) means one's way of being, character or personality, but also protection, defense or foxhole - as already mentioned (Pedro and Maia, 2022) [1].

The two concepts were analogous until the end of the 19th century, with prevalence of the term moral. Here we are left with an essential distinction: morality as a set of internalized social relationship norms¹¹ and with repercussion in the pragmatic options of the group and its members; and ethics as the determination of the principle and criterion of goodness of actions and existential aspiration to improvement. Morality is based on ethics and makes it concrete; and ethics evaluates the legitimacy of a set of actions – reserving for the moral conscience the evaluation of each particular action. Included in ethical evaluation is the proposition of ideals. This is why Rawls' and Habermas' proposals will be characterized as moral, not ethical. The critique made by the authors of teleological ethics as ethics of conscience does not ground an ethical position, but a moral attitude: the agreement with others – and not everyone – and not the pursuit of the best, even if not everyone glimpses it, not everyone achieves it, or even not everyone persistently desires it. The dimension of rationality underlying ethical determination justifies in itself that the designation 'ethics of conscience' should not be taken as pejorative. This unwillingness is even the greatest of the profound reasons for the critique of Rawls' 'original position' and the fleece of ignorance, as well as Habermas' common sense and rational use: in the equitable distribution or argumentative dialogue of communication the participants cannot abdicate their life history, which includes frustrations, traumas and threats – real or effabulous, but determining for the subject. And, at the same time, they cannot eliminate differences in rational potential of ontogenetic and non-cultural origin. In the film *In Time*¹², the main male character thus disarms the argument of incompatibility of the love relationship due to the possible

conflict between his poverty and the wealth of his beloved: "nobody is to blame for the circumstances in which he was born"¹³ – but for what he does with them, the film implies.

3. Two aporias in the essence of ethics

Dialectical materialism proposed *praxis* as the synthesis of a theoretical vision and concrete action. But in fact, this synthesis was never realized and evaluated. On the one hand, ideology applied politically produced new forms of social and economic degradation; on the other hand, actions were standardized and assumed the value of fundamentals embodied in contradictory ways of life.

Kant proposed the ethical-moral experience in the domain of the conjunction of good will - a personal and common element in men - with the law - a universal element derived from the personal contribution. Characterizing Kantian ethics as deontological can only make sense in the possibility that the law representing the individual will changes. When it does not, complying with the law is a purpose or teleology, as is acting equitably or consensually.

Nor do the so-called teleological or essentialist ethics escape this enormous difficulty of combining concrete practice with a theoretical principle: not only must ethics be livable, but moral practice must be referenced to standards of goodness whose validity can be regarded as universal. In moral practice, what happens in scientific induction or in the Kantian apriorism of sensibility and understanding must be verified: each concrete practice is unique¹⁴, but the whole conception of goodness possible or idealized by the agent is present in it. One feels like invoking here Leibniz's thought, according to which each nomad is closed, but connected to the others; and each one represents an aspect of the world and represents more or less all the others (Abbagnano, 1978, 35) [2].

This specificity distinguishes the moral act from any other, because these others are closed in on themselves, that is, the commitment of the agent to the action or omission ends with the temporality destined to not act or to act. Now, in the moral act, the connection with anteriority and posterity is determinant and revealing of the human being¹⁵. It is in this context that we say that someone of whom we know the way of being a person would not be or would be capable of doing or omitting a certain action or having a certain moral attitude.

The specificity of the moral act manifests itself in a special way in two aporias: the action must be good according to a principle, but it does not exhaust or even

¹⁰ A. Bailly's dictionary presents ἠθός with a circumflex accent (^) instead of the tilde (~). Not to be confused with ἡδονή – *êdôn*, which means, joy, pleasure, delight; and whence the term hedonism is derived).

¹¹ For the purposes of accountability, this internalization is presumed to be manifested in moral consciousness – which presupposes that a pragmatics imposed by others or hypocritical action neither generates accountability nor deservingness and, consequently, does not define an ethical attitude.

¹² *In Time*, in the North American original; the film is from 2011 and was directed by Andrew Niccol.

¹³ An egalitarian anthropological view transposed to politics seems to want to blame the more materially advantaged for usurpation or theft done by their ancestors; and, transposed to the school, it tends to blame the more able for their initiatives of lawful advantage and to justify mediocrity and disempower the less committed in the learning process.

¹⁴ This is why moral conscience is immovable, that is, it determines the moral value of each action or omission - before, during and after it happens - and does not alter its judgment, although it may do so in a future analogous situation.

¹⁵ ἠθός (*êtos*) in Greek means exactly 'way of being'.

restrict the principle. In other words: an action – or omission, because not doing evil is already the zero degree of goodness – obeys a principle of goodness, but this principle can become more demanding, or be perfected, when a next analogous action must take place, is proposed, or is idealized.

On the other hand, an action or omission cannot be postponed on the grounds of the possibility or even necessity of a more demanding ethical principle. One reason is that the principle does not yet exist; and the other is because in moral-ethical, or existential terms, there can be no moratoria: moral action is always demanding in the sense of perfectibility, but it is also unpostponable.

It is on these assumptions that, in the absence of better ethical principles, the best action to take is the one that fits into the prevailing morality – as Descartes advocated in his first provisional moral maxim; and that, on the other hand, the refusal to comply with the 'common' moral norms in a society or epoch can only be based on the determination of a superior ethical principle. Examples are the situation of slavery, the death penalty, or gender inequality. The slave master who began to treat his slaves a little better, the country that stopped applying the death penalty, or the man who recognized rights for his wife were disregarded in relation to the surrounding moral criteria; but they were still doing ethically 'better' than the others. It will not be a personal whim or even a group agreement that can determine the goodness of a different action or refusal in relation to the prevailing moral norm.

What happens in moral terms is similar to the aporia of education – which is not surprising, because the moral domain is a fundamental component of education: man will never be educated, in the sense of ending a process or reaching an end – in the possible sense of the Greek term *σκοπός* (*scòpós*), not *τέλος* (*télòs*); but he must present himself at every moment as already educated – in relation to his age, environment and circumstances. This value of deciding to perform or to omit a concrete action does not mean that principle A or B is a dogma, but it is seen as such in order to give dimension of universal validity (ethics) to man's attitude and practice before a specific situation (morality). But it cannot be confused with a religious dogma, which rests in the realm of faith, can be respected only out of fear, and is closed to any change in a later circumstance, however different it may be.

A second aporia is not a topic that is dealt with often: it concerns the ethical-moral perspective of man as an individual or as a partner. On the one hand, conflicts of personal and collective interests arise at the moral level. On the other, the educational dimension of man – that is, the tendency to spread to others the ideal of man considered best – and the need for order and perpetuation of society generate conflicts of conception at the ethical level. Neither the concept of interest and good can be confused; nor is it ethically accepted that the common interest can override the private good. It is the possibility of the common good conflicting with the private good that may merit and explain the proposals of Rawls and Habermas. If it were possible to determine precisely what was good in the common domain and in the private domain, then these new proposals for a social contract would make sense. But that too would be rendered useless given, strictly speaking, the non-incompatibility between

goods – unlike between interests or between goods and interests.

In this area, education plays a crucial role, although it is also fraught with the difficulty of combining socialization and individuation.

4. Ethics of recourse or compromise: the minimums of a new contractualism

It is in this context of tension that the proposals of John Rawls and Jürgen Habermas emerge, that is, the theory of justice and the theory of consensus, respectively. The former establishes the procedures for an equity practice regarding the enjoyment of living conditions; and the latter presents the foundations of a communication capable of establishing behavioral consensus among the members of a community. It is important to emphasize that, despite the risks and even being aware of them, the educational process is guided by and towards a consensus that is superior at the moral level and transcendent at the ethical level.

The postulate of the first theory is the acceptance of the veil of ignorance, that is, each element involved in the group tries to abdicate its personal history in order to place itself in an original situation. As a postulate of the second theory, it is assumed that each member proceeds rationally and with a clear intention.

It has already been mentioned that it is not the aim of these reflections to take an exegetical approach to the authors' works. Therefore, the comments that follow aim at the theoretical and practical evaluation of the proposals from the principles that guide them and that are commonly referred to by the various commentators.

First of all, their 'principles' sin by petition of principle. This means that they assume as already acquired as good what is a condition of goodness: accepting fair treatment and giving up one's – or also the group's, because social groups do not live in isolation – life history. Second, there is the identification of axiological value with procedural value. That is: the group's decision is taken as good as long as the conditions under which this decision was made respect equity and consensus¹⁶ – which already presupposes the acceptance of the other as a being of equal rights¹⁷.

And herein lies perhaps the greatest flaw of these proposals, in that the agreement between parties does not imply the goodness of the agreement itself. Acts of corruption, the codes and practices of evil or even criminal associations, and even certain rules of positive law¹⁸ are

¹⁶ If good ends do not justify bad means, it is also true that good means – such as goodwill, the free exercise of office without due preparation, the donation of property used by others for bad ends, etc. – do not guarantee good ends.

¹⁷ In the limit, we might have to accept what, according to Abbagnano (1970, 232), S. Mill thought to justify a moral positivism: that the individual's tendency to happiness more or less implies the tendency to care for the happiness of others.

¹⁸ The disagreement over the decriminalization of abortion, the decriminalization of euthanasia, the application of the death penalty, the undignified submission of women, the disproportion between penalties for financial damages and for attempts on life – to the

proof of this. In a somewhat exaggerated way, Moura (2008, 88) [4] refers to Rawls' theory by saying that the theory of justice as equity will not care about the value of principles but about the agreement of procedures. And, with the same exaggeration, Barbosa (2016, 487) [5] also considers that in Rawls' theory the just is what is defined by procedure and not what is determined *a priori* as such. Not unworthy of criticism, the exaggeration in the characterization may lie in the fact that Rawls recognizes the need for reference to 'primary goods' that cannot be withheld (Vallespín, 1989, 588) [6] and repeats the need for an 'ideal situation', which Barbosa (2016, 476) [5] summarizes in four parameters: the normative agent has to be considered rational, free and equal; there has to be principled agreement, for ordering relations; the 'veil of ignorance' is postulated, for impartiality; and primary goods are admitted, for guaranteeing material conditions.

Third, the two proposals run counter to the core of ethical meaning and moral practice, which is improvement and dissatisfaction with the result achieved - even though the former is the best prospect in an era and the latter is the best practice possible in a given circumstance. In giving up this sense of improvement, the proposals lead to the same result to which conformism to a norm imposed by an external power (religion, state, tradition, ...) or to moral inertia that tends to dispense with the effort of improvement and to overestimate the consensus in relation to a traditional moral norm or the class advantage of certain pharisaical practices.

Following this criticism comes a fourth concerning the starting point for the establishment of equity and consensus: both theories start from the existing and not from the possible. The possible, in these two proposals, appears as a limitation and not as an opening: it is a conformism with a part of an ideal - which is not even formulated, except in the procedural aspect - and not a surpassing of the existing. Now, the search for the possible as a desirable ideal is constitutive of ethical-moral axiology - and, strictly speaking, of all axiology. And it is for this very reason that in Rawls justice is reduced to equity, and in Habermas actions are reduced to the minimum of acceptance of the various elements or only to the decisions of the majority.

It is clear that in the face of glaring situations of injustice, fairness is an ideal; and that in the face of arbitrary imposition of norms and codes, normative participation by those concerned proves axiologically better. But justice is more than equity - because men are not phenomenologically equal, but identical¹⁹; and agreement is of less value than willingness and commitment to improvement. Cortina (Camps, 1989, 535) [7] considers that "our [discursive] ethics arise precisely out of imperatives of the times at hand. If minimal principles meant great ideals guiding moral diversity, the problem of consensus or fairness would not arise. What causes perplexity and leads to a morality of minimums is

that the agreement between ethical principle and moral norm is not made or intended to be totally relative and subject to emotional dispositions. On the other hand, it is not the chance of time that should condition the ethical principle - although it may condition moral practice - but it is the latter that should guide the existential temporality of man and of societies.

Therefore, a sixth observation implies that justice must also be realized as to the obligation of each individual to seek to increase the conditions available to himself and the group; and that as to the norms on which consensus is sought they must be viewed with openness to the sense of improvement.

In both cases, the acceptance or unwillingness to violate the agreed-upon norms may be based on a fear or even fear of reprisals or, at the very least, of harm in comparison with obedience to the group's disposition. Now, ethics cannot be based on refusal through fear, but rather on affirmation through improvement. And there can be no fear of an ideal, despite the awareness of the distance of its horizon and the risks of abandoning a morality that is maintained by inertia but generates security.

Finally, and as a consequence of the above, an eighth observation becomes quite pertinent: the gap between a concrete moral practice and an ethical ideal cannot be denied. This gap is even constitutive of ethics and morality²⁰, without this meaning to justify the lack of ethical-moral axiological progress. But to abdicate from this ideal is to abdicate from ethical action or to abdicate from being a man - whose attraction to mediocrity results from a mediocre experience, from ideological poverty, or from the simple lack of an ideal that is observable and at the same time seen as possible. Herein lies the value of educational exemplarity and the foundation of that kind of intuition according to which a more demanding ethical proposal can be perceived as good even before it is realized. Zanella (2012, 134) [8], deduces the logical mode of this exemplarity in Habermas: "only the consensus established from the ideal conditions of speech can be accepted as a criterion of truth"; but, at the end of these reflections, we will see that Cortina (1989, 557) [7] situates it also in the emotional exemplarity of compassion and care.

5. Before good and evil²¹ : the duty to be a man

In the language of management and economics, we could say that Rawls' and Habermas' proposals have a bourgeois character. That is: they deal with the management of existing goods in order to use them with the maximum possible benefit and the minimum possible inconvenience; and they approach moral norms as simple

detriment of the latter - etc., exemplify well that an agreement among a majority or even a consensus within a large group does not constitute a universal criterion of legitimacy, much less goodness.

¹⁹ The identity of dignity does not imply - and much less is it reduced to - identity of needs, aspirations, capabilities, etc.

²⁰ The terms are not taken here in the sense that Kant gives them as objective manifestations of the spirit, but rather as referring to ethics and morals.

²¹ This is, of course, a paraphrase of Nietzsche's work. A different approach can be found in Maia (2020).

means of useful coexistence and respect of others and abdication of some rights in order not to be harmed in these relations. We know that Rawls' theory has no application in very affluent societies and in those of absolute scarcity, because in the former there are surplus goods and in the latter there are none for distribution; and that in Habermas' theory a society 'satisfied' in its interests would not need agreements for satisfaction. Now, if justice is needed, it is when resources are scarce to the point of endangering survival; and only childish optimism postulates a society immobilized in the desire to override others. This amounts to saying that both proposals are governed by the principle of interest or utility, extended at most to those with whom one may have contact²². The bourgeois will be the one who can still choose and therefore does not want to change; the rich neither need nor want, and the poor need but cannot. But all this logic is subverted if one accepts what seems to be the optimistic position of the two authors: Rawls, because he considers it possible for each person to be willing to give up his or her history in order to serve the interests of those who may contradict themselves. He writes: "a person acts autonomously when the principles governing his action are chosen by him as the best possible expression of his nature as a rational, free, and equal being" (cit. Varela, 2015, 38) [9] assuming one has acquired what one wants to aim for. Habermas' optimism presupposes the universal capacity for communication. Procópio (2012, 330) [3] translates by saying that it suffices that there is no coercion: "a rule accepted without internal or external coercion respects the principle of universalization and becomes valid." But all commentators refer to the conditions for communication to figure in discourse. The same Procópio (2012, 334-335) [3] sums them up to three: that the utterance be true, that the speech act be correct with respect to the existing norm, and that the speaker's intention be advised; and Adela Cortina (1989, 541) [7] says they are four: truth to propositional content; correctness to the realizable; truthfulness in intention and intelligibility. This optimism does not prevent Habermas from writing: "discourse ethics (...) sees the moral starting point as embedded in the procedure of its intersubjectively conducted argumentation, which urges participants to *lift the idealized barriers of their perspectives of interpretation*" (cit. Barbosa, 2016, 485 – with italics ours) [5].

All of this points to the reduction of 'interested parties' that can fully participate in the claim, in addition to presupposing conditions of intersubjectivity that would be conditions and manifestations of the uselessness of dialogical procedures, insofar as they would manifest a degree of hominity capable of combining individuality and solidarity.

As a consequence of this reduction of 'stakeholders', a utilitarianism based on a new social contract can derive from this. The difference with Locke's or Rousseau's is that the former gives up personal rights in favor of the

state – or very broad interest – and that these new proposals make this abdication in relation to a non-pre-determined and possibly very narrow scope of stakeholders.

In both cases, however, there is still a difference, to the disadvantage of these two new proposals: not only the number of those involved but also the range of values were greater in Locke's and Rousseau's contracts, but also these values were clothed with a historical dimension that facilitated singular and group identification and encouraged renewal or a sense of improvement.

An attitude of distributing existing goods or of administering current norms ends up benefiting those who, at the outset, have the conditions of origin or education – factors that no one can renounce, even if they are convinced of the usefulness or even the need for the 'fleece of ignorance'. A position of seeking to excel or to improve allows one of the members or a small group to present themselves as factors for improving the ethical principles and moral practices of a community. In this domain, the principle of liberalism has an advantage over a conservative one. But the practice of existing morals cannot be dispensed with without the justification resting on this new proposed ethical ideal. And so a 'noble' ideal trumps a 'democratic' practice.

It is in this sense that the anthropological conception is at the basis of the ethical-moral perspective of a present and a prospective. This subtitle intends not only this connection between the anthropological conception and the ethical ideal, but also the defended perspective that non-improvement – such as not being educated – cannot be accepted as a human option. My proposal around the concept of anthropeugogy has exactly this sense of denying that everything (in results, means, and ends) is educational; and affirming that results, means, and ends have to be marked by the dimension of goodness. This is what the greek etymological components of the term express: ὁ ἄνθρωπος, εὖ, ἡγεῖν (ántrôpos, eu, águein), i.e.: man well led; good leading of man; leading of man to goodness.

In the most radical atheistic existentialist theory, where man is not dependent on any external entity for self-determination, it remains true that everything must be done for the affirmation of human identity. It is clear that man is identity and project at the same time. As identity, his reference is moral; as project, his meaning is ethical. The synthesis of these two aspects is phenomenologically easy for others to verify: a well-educated person shows evolution in the more or less consensual characteristics valued by the community. But it is ontologically unquantifiable for two reasons: because it is impossible to evaluate the intention and effort of others to improve; and because an ethical ideal may, as already mentioned, require the negation or contradiction of a moral practice.

Thus, one can see why the devaluation of dialogical or procedural proposals rests fundamentally on two flaws: the reduction to morality and the substitution of a teleological ideal – or concern for ethical sustainability – for a methodological or pragmatic refinement. These proposals can translate the social giving up of the search for the realization of an ideal and the personal giving up of the effort to overcome or transcend – even only in the sartrian sense. Now, even regardless of what each man

²² Now, it is this opposition that justifies indifference, war, slavery, and murder (Petri, 2019) – or the simplest forms of indifference, forced enculturation, and political and social segregation, which are moral but not ethical.

considers to be 'more perfect', the attraction and dynamism of achievement is through improvement. And so, to reduce the human dimension to the search for the immediate pleasurable or for what a group agrees about possible advantages and avoidable disadvantages runs counter to that dynamism. It may be reasonable to explain much of the contemporary axiological crisis not by the imposition of values but by the lack of an ideal. And this cannot be reduced to a fashion, an idol or a star. The same observations can be made about minimalist proposals about education. Either it transmits and proposes ideals, or it is no longer seen as a means and a task that deserves attention and effort. An education for games, spontaneity, success at all costs, or rights is, at the very least, reductive – if not a deception or a hoax. Man needs and manifests himself through work, he becomes adult through mediated behavior, he builds his identity by facing failure as well; and he has, first of all, the duty to be a man, not the right for others to satisfy his whims. The dimension of transcendence is intrinsic and inalienable in man. Only the awareness of improvement motivates the pursuit of an ideal and sediments identity. This identity may phenomenologically be constituted by different manifestations; but it is ontologically identified as that of a good person – whose construction requires information, exemplarity, effort, encouragement, and persistence. And it is this perspective that justifies the legitimacy of educating and 'moral authority'.

The duty to be a man presupposes and is realized from the perspective of the construction of the conditions of existence also for others, because man is a social being (he needs others, he is grateful, he is an educator, he is perfectible and open), and not in the primacy of the right to have those conditions – which presupposes the fulfillment of duties on the part of others, making them 'servants'²³. It is in this perspective that consensus cannot consist in the collection of interests or satisfactions of what I can convince others to bestow upon me, but of what I consider it my duty to share and accept from others; and, rather, to build – at the very least without evident or expected prejudice from those others.

If this were not so, morality would derive, in the first instance, from the ethical principle of the individual interest of the recipient of the action, because the agent would only limit his options for action or omission to minimize harm and maximize advantage within the conflict of interests. On the other hand, this principle would be based on the egocentric anthropological conception, which seems to be the ideological mark of contemporaneity – which represents more the adherence to the egoistic principle of natural selection than to the altruistic principle of common improvement. Now, this is what explains and manifests the conservation, perpetuation and improvement of the human species and supports the sense of improvement of the person.

Conclusion

Although they intended to list a set of practical norms, but with universal value – that has always been the aspiration and the reason for deception in the field of ethics – what is certain is that these procedural proposals remained formal. I would even say that they would become unworkable if they intended to apply the proposed method of validation in relation to each concrete practice. It would be the same as, in politics, having a referendum to determine, in a catastrophic situation, where the repair of the damage would begin; and trusting that all the injured parties would give up priority and have equal capacity to explain the scope and importance of the damage suffered.

On the other hand, the recognized uselessness of these proposals in an environment of abundance or of agreement among people denies the whole nuclear dimension of ethics, which is that of improvement through the proposition of new principles or the inclusion of greater demands in existing ones. Hence, even the full satisfaction of the interests of a group does not represent the good moral practice of these elements: because there are elements that do not have conditions of equal participation in the demands, because there are other groups of humanity and because man is a being that is not only perfectible, but open, that is, it is constitutive in him the search for the best that is not only existing but also possible²⁴.

To the initial dilemmas a fourth can now be added, which presents itself as a logical-existential incoherence or contradiction: postmodernism extols individuality and at the same time proposes a group ethic with no place for the ideal. If Rawls' and Habermas' proposals are put forward to put some rationality into the euphoria of techno-scientific progress or to limit the drawbacks of a chaotic social ordering by subjectivism, then we are back to rationalist ideals in which science, religion, customs, beliefs, etc., would have to prove their logical coherence if they did not want to be ostracized.

The possible access to onto-ethical improvement – or, at least, total readiness to pursue that goal – is a manifestation of nobility in dignity. The democratic satisfaction and, even worse, the rejection of an ideal and the apology of a moral minimum deny the essence of ethics itself. Ethics can only be considered democratic from the perspective of being an indelible obligation of every human being. If morality is a dimension of the community, its living is the responsibility of each member in particular. And the ethical existential determination is inherent to the individual person, but the improvement or ethical sustainability of a community and of all humans simultaneously results from it and depends on it.

²³ Serving others is a component of the social-psychic dimension of being-for-others. But its ethical-moral value depends on the initiative and availability of the one who serves and not on the imposition of the one who is served.

²⁴ This dispensability derived from the tacit acceptance of fairness and consensus proper to a very small group of millionaires may explain why it is this group that decides everything to its own advantage and, in an anarchist's view, why the law does not condemn the elimination of the 'favored' group.

Although seemingly unreasonable, a Cortina's statement (1989, 557) [7] can serve to synthesize the critique of these procedural theories and to relocate the ethical question in a context of post-modernity so often invoked to justify little or no rational attitudes and beliefs, justifying a hedonism and excuse for indifference and demanding non-commitment: "the only positive virtue [from the point of view of deontological ethics] is justice, as if morality were not a thing of compassion and care."

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