

INTERETHICAL COMPETENCE

A PAPER WRITTEN BY

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WITH CONTRIBUTIONS FROM

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1. Introduction

Encouraged by the increasing level of resonance which my colleagues and I have been receiving among senior managers and other circles of people towards certain postulates concerning ethics, I decided to lay out some of the reasoning behind them in the form of a paper dedicated to the topic of *interethical competence*. The postulates begin as follows:

Postulate 1: *Interethical competence*, i.e. the ability to identify and overcome ethical differences and conflicts, will become a crucial success-factor in international business practice as a direct consequence of:

- a. increased inter-national, inter-disciplinary and inter-ideological engagement,
- b. efforts by various communities and organisations
 - to assert the universal validity of a certain set of ethical standards and/or
 - to propagate the need for mutual respect between differing cultures,
- c. the constraints which are inherent in the phenomenon of culture, which give communities their identity and which, in so doing, make consensus-building between communities so extremely challenging, particularly at the very fundamental level of ethics,
- d. the increasing prevalence and impact of 'man-made ethics'.

Postulate 2: Whilst numerous people in operative functions have had to develop their *interethical competence* intuitively in order to be successful, this competence is generally not adequately recognized by the organisations they are working for. In fact, people who possess it are often misunderstood and sometimes penalised for possessing it.

Postulate 3: The lack of recognition of the quality of *interethical competence* and of its significance for international business practice means that it is currently seriously underdeveloped in most organisations, thus jeopardising their sustainability.

Putting these thoughts to paper reminds me of articles which I wrote almost twenty years ago on the subject of *intercultural competence*, i.e. the

ability to identify and overcome cultural differences and conflicts.¹ At the beginning of the 90's, some people remarked that the thoughts which we were presenting were "ten years ahead of their time". In retrospect, this was to an extent true, but mainly owing to the general lack of sensitisation to the concept and the importance of intercultural competence - and not because it was not needed in significantly higher quantities already at that time. Two decades later, international business practice still continues to yield numerous examples of the inadequate levels of intercultural competence which are prevalent in large and small organisations alike. Whilst our banner-waving for the need for higher levels of interethical competence might have to suffer a similar fate as it did for intercultural competence, we are convinced that it is a core competence which needs to be recognized, understood and developed, most of all by senior management. In our opinion, the skills of intercultural competence and interethical competence are very closely related indeed, both in terms of content and in terms of importance, as I will expound below.

To begin the next section, I will discuss the reasoning behind the first postulate. Postulates 2 and 3 will be treated explicitly in Chapter 6.

2. Why will *ethical and interethical competence* be needed more than ever before in the global business environment?

Whilst the following list of answers to this question is not intended to be exhaustive, it hopefully addresses some of the most compelling arguments. These arguments will be expounded in Chapter Five of this paper where Christoph Brünner and I examine concrete examples of the everyday ethical challenges and dilemmas faced by business executives and supervisory boards.

At the time of beginning to write this paper in the Spring of 2011, we observe hundreds of thousands people in the Middle East protesting for greater democracy and, in some cases, overthrowing their regimes. Many outsider observers interpret this development as signifying a global movement towards a single understanding of democracy. Others see

it as the nascence of new and diverse societal forms, each form based on a certain understanding of ethical and non-ethical behaviour. Some see the world turning into a global village and embrace the notion that the world has arrived at the end of its socio-political, ideological development - see Fukuyama, *'The End of History'*.² Others see cultural diversity not only to be expanding, but also to be a precondition for sustainability - see Nancy, *'Dis-Enclosure'*; Saul, *'Collapse of Globalism'*; Watson, *'A Terrible Beauty'*.³

Such divergences concerning the way in which the world around us is perceived will necessarily pervade the remainder of this paper. In fact, it is not merely the undeniable presence, but also the increasing vociferousness of this multiplicity of world-views and ethics - and the conflicts which arise between them - which creates the need for adequate levels of interethical competence in numerous walks of life, including business and politics. Just as with the phenomenon of culture, the issue of ethics becomes relevant when ethical differences manifest themselves in such a way that they cannot be ignored. Otherwise, ethics is neither manifest nor relevant. It is a result of the fact that we are confronted with a multiplicity of non-ignorable ethical standpoints that ethics has become a major topic in today's world.

[The word *manager* will generally be used in the remainder of this paper to refer to people in positions of key responsibility in profit-oriented and not-for-profit organisations of all types. This includes not only executive, but also supervisory and advisory functions.]

2.1. Increasing exposure to ethically-loaded challenges, conflicts and dilemmas.

Both in local and global geographical contexts, the sharply increasing levels of transparency and individualised accountability in most sectors of life mean that very many of the decisions made by managers will, sooner or later, be subject to third-party and even public ethical scrutiny - the problem being that it is extremely difficult for them to predict which ones will be scrutinised, by whom and from which ethical perspective.

At the individual and micro-level, such managers have learned through watching the fates of their peers that they need to reflect ethically before deciding to claim certain personal expenses, accept certain fringe benefits or enter into certain private relationships - if, that is, they want to avoid possible moral and ethical embarrassment and even judicial proceedings later. Personal credibility is becoming increasingly synonymous with ethical authenticity, for reasons which I will explain below.

At the macro-level, managers recognize the increasing need to reflect on the possible consequences which their organisations and their environments will have to suffer if they themselves do not, for example,

1. fully eradicate corruption, nepotism, discrimination,
2. proactively prevent the exploitation of women and minors and/or
3. take adequate steps to prevent economic, social and ecological disasters.

It is not just what these ethically-exposable individuals do, but increasingly what they fail to do - what they overlook and what they underestimate - which becomes subject to scrutiny. The ethical factors and communities which need to be anticipated and integrated into decision-making processes have become so numerous and interwoven that they require ever-increasing levels of

1. well-deliberated, mono-ethical conviction and/or
2. interethical competence.

One of the reasons for this development lies in the fact that senior managers in the Western world in general have become less and less protected by their hierarchical positions and the corporate structures in which they operate. As organisational structures have become leaner and corporate cultures have become hierarchically flatter, individual responsibility has become accentuated. As a result, the potential material and moral fallibility of a manager's decisions has increased dramatically - and this applies not only to current decisions, but also to ones in the past. Many a manager has been forced to regret a decision which he/she made many years ago

under very different circumstances of accountability and transparency.

Another reason lies in the increased respect for and emancipation of cultural and ideological minorities, a development which is linked to increased free-speech and the technological facilitation of global thought-exchange created by the internet. Blogging, for example, permits anyone's actions to be exposed and commented on by people from immensely diverging ideological standpoints - regardless of time-zones, geographical position and mobility.

Consequently, managers are left with the choice of either ignoring or anticipating the potential exposure of decisions which they make, or have already made, and which could fall victim to discrepancies between

1. their personal ethics and the ethics of the stakeholders,
2. the different ethical standpoints of different stakeholders,
3. the ethical standpoints of others - or even themselves - which might change in their significance or content over time.

Whilst the *ignoring strategy* can possibly be triggered by a manager's strong convictions concerning a given mono-ethical standpoint, the success of the *anticipatory strategy* will nevertheless depend on his/her ability to access as many ethical standpoints as possible. In the case of decisions still to be made, managers ideally need to be able to integrate the various potentially relevant ethical views into their decision-making processes and/or pre-empt the potential criticisms from different ethical camps at least in their rhetorical planning.

When Tony Blair, the former British Prime Minister, faced questions at the Iraq Inquiry in January 2010, he said that Saddam Hussein was a "*monster and I believe he threatened not just the region, but the world.*" In justification of the military intervention, he commented: "*I do genuinely believe the world is a safer place as a result.*" In this instance, Tony Blair appealed with his use of the term *believe* to a mono-ethical conviction in order to justify the ethics of his decisions. He did so in a way which potentially - and possibly intentionally - moves

the discussion to a meta-ethical level, leaving his numerous ideologically and ethically diverse critics with the ethical dilemma of whether they have the right to question his belief-system, or not.

To a significantly greater extent than is the case for politicians, the task of being a CEO involves mastering the challenges of a multi-ethical environment within an overall context of accountability for the economic profitability of the organisation which he/she manages. In the mindsets of many managers, the moral dimension of decision-making is subordinate to the overriding fiat of ensuring short-term profitability and adequate shareholder returns. The sort of cultural conditioning which creates such mindsets has led many a senior manager to make decisions which he/she has had later to regret from an ethical and very often also from a material point of view.

Viewed holistically, the ethical dimension of decision-making lies not in some academic sphere of ideology or philosophy, nor merely in doing ethical business in an ethical fashion, but very essentially includes the ethics of work itself, i.e. the ethics of assuming one's responsibility to create and secure financial profit. It is in relation to this 'whole ethical package' that the Western manager has become personally accountable and runs the constant risk of being denounced and fired.

Confronted with this whole ethical package and a potentially very critical and multi-ethical outside world, managers are animated to question their own ethical position and that of their organisations. The pressure can also come, of course, from the inside of an organisation since the multi-ethicality of the outside world is often mirrored to a certain extent in the multiple ethical standpoints of its employees; differing internal ethical positions increasingly make themselves heard prior to, during and also following decision-making processes.

2.2 Modernism, the widespread death of 'god-given ethics' and the proportional expansion of 'human-made ethics'

A code of ethics is a set of values which prescribes how people should behave. In god-

fearing communities, it is generally the god or gods who are believed to ultimately represent, dictate and judge how people should behave, i.e. what is ethical and non-ethical behaviour. As more and more people around the world implicitly and/or explicitly assert non-god-fearing attitudes to life and death, belief at a metaphysical level in one community is matched by an expectation at a human level in another. Individuals in human-created positions of influence - be they political leaders or business managers - are expected to be ethical role-models, i.e. people who are able to display correct ethical behaviour to the rest of the community. In such communities, human-beings exercise their right

1. not only to live according to their own ethics
2. but also to question and judge the behaviour of others according to their respective ethical standpoints.

As a consequence of the increased prevalence of the exercising of this right, societies becomes increasingly sensitised to:

1. the potential fallibility of human behaviour,
2. the potential fallibility in the content of any and all human-made, human-held ethical standpoints,
3. the potential misuse by humans of their self-made ethical standpoints and
4. the potential flaws of ethical integrity in the behaviour of their role-models and superiors.

For people in exposed functions and positions, living up to a community's ethical expectations can prove to be very challenging.

2.3 The hypocrisy trap

One type of ethical challenge manifests itself in the form of personal dilemmas within the individual. As I have argued in previous papers ⁴, cultural and ethical conflicts can exist both outside and also inside the individual. Not only do people live in a multi-ethical outside world, many of them also live in a multi-ethical inside world. The source of the true ethical dilemma for the individual lies in the fact that

1. he/she has internalised more than one value-system, i.e. more than one set of values and/or prioritisations of those values which in turn impact on his/her behaviour;
2. the differing value-systems have entered into serious competition with each other.

The latter is also the source of what the self-professed moral or ethical purist would label as hypocritical behaviour, i.e. when a person's actual behaviour is influenced by a different value-system than the one which they are expected to represent to the outside world by virtue of their function and public standing.

Professing to adhere to a single code of ethics can very easily run the danger of being criticised as hypocritical. In a televised debate with Bill Clinton in June 1998, Jiang Zemin made veiled, but unambiguous allusions to double standards, i.e. hypocrisy, in the USA in relation to its observance of human rights, thus countering Bill Clinton's efforts to preach ethics to his peer. The fact that Bill Clinton was impeached by the House of Representatives later the same year for perjury and obstruction of justice concerning his extra-marital affair with Monica Lewinsky highlights the inherent vulnerability of mono-ethical preaching.

Vast segments of society have been shocked time and time again by reports of physical and psychological abuse perpetrated by individuals and institutions purporting, believed and/or expected to be ideological role-models. Not only journalists, but also vying political and ideological factions avidly pick up on possible moral and ethical transgressions such as misappropriation of funds, public-health scandals, plagiarism, sexual exploitation of minors etc. and turn the ethical spotlight on their target suspects. Many a revered political, religious or business figure has been irreversibly toppled from power by revelations of unethical and immoral behaviour, in a way which is reminiscent of the pulling down of the statues of Lenin after the fall of the Iron Curtain. Once fallen, it is impossible for such figures to stand upright again.

The broad occurrence and media coverage of such ethical and moral transgressions leads to

a level of sensitisation which causes several fundamental questions to be raised, such as:

1. Why has ethics become such a regularly discussed topic in the Western world?
2. What are the constellations of premises which underlie commonly-held concepts like liberal, utilitarian and other forms of ethics?
3. How can such constellations of premises apparently allow people to behave in ways which create inner dilemmas, often in retrospect, and which - to the outside world - contradict the value-systems which they profess to possess.

Whilst answers to such questions are not the focus of this paper - see Bielefeldt, '*Philosophie der Menschenrechte*'; Chappel '*Ethics and Experience, Life Beyond Moral Theory*'; Guthrie, '*Immanuel Kant and the Categorical Imperative*'; Lukes, '*Moral Relativism*'; Amartya, '*The Idea of Justice*' and Wiggins '*Ethics, Twelve Lectures on the Philosophy of Morality*'⁵ - the fact that increasing numbers of human-beings feel legitimised to question the ethical behaviour and the ethical systems of others indicates that there is an inherent negotiability in human-made ethics, even though people are conditioned to deny it.

2.4 Cultural and ethical conditioning

So many Western managers have been conditioned to adopt a universalistic, mono-cultural, mono-ethical approach, so few have been trained to recognise and reconcile the premises behind differing ethical standpoints, that the choice mentioned above between a mono-ethical and a multi-ethical approach to the management of multinational operations remains a largely theoretical one.

A talk entitled '*Ein Plädoyer für Neutralität*' given by the German journalist and Middle-East expert, Ulrich Tilgner, at the University of Zürich on 29th March, 2011, revealed itself to be nothing more than an oration in fundamental support of the spread of western-style democracy into Libya and neighbouring countries. There was no mention of a possible synthesis between local and western cultures or a partial absorption of western ethics. With respect to democracy, his thesis was

undifferentiated and absolute. Accordingly, his talk portrayed contemporary events in the region through his personal mono-ethical lenses, i.e. without even explicitly declaring the nature of his vantage point.

A further symptomatic example of mono-cultural and mono-ethical conditioning is the use of the word *multicultural* in statements and discussions on corporate culture. Most managers of international organisations feel quite at ease with the word *multicultural* until they are asked a question like:

“Does your company have a *weak mono-culture*, a *strong mono-culture*, a *weak multi-culture* or a *strong multi-culture*?”

Ninety-nine percent of the managers whom we have talked to have never asked themselves such a question. Commonly, they point out that the word *multicultural* figures quite centrally in their organisation's global corporate culture statement, but they are apparently quite unaware of the inherent paradox in using the word *multicultural* in a singular cultural statement, i.e. in a single cultural statement which is intended to apply to the whole organisation. Similarly, the top-managers of such supposedly *multicultural* organisations very often require their employees to adhere to a single code of conduct or code of ethics, regardless of the latter's local cultures and ethics.

It is this same cultural conditioning which explains the lack of sensitivity towards the need for adequate intercultural competence in cross-border business ventures. Not only have millions of dollars been lost in such ventures, but also vast amounts of social capital and numerous professional careers have been severely jeopardised as a result of this fundamental oversight. Whilst some organisations have been through phases of trying to rectify the oversight by systematically developing the intercultural competence of their employees, the majority of those whom we have been able to observe have abandoned their efforts; the reasons lie not only in the sporadic changes of people occupying senior management positions, but at the more fundamental level of a marked drift towards mono-culturalism of a certain sort, i.e. towards a universalistic, individualistic and atomistic

approach to organisational management, an approach which has hitherto dominated western-led globalisation - see Robinson *'The Ethical Implications of Feedback'*.⁶

Cultural conditioning also leads people to build their relationships on a mono-cultural, mono-ethical understanding of *trust*. People trust their partners as long as the latter meet their expectations and do not disappoint them. Expectations are, of course, the product of a certain cultural and ethical conditioning and thus vary from one culture to another. It is not at all surprising, therefore, that serious frustrations occur at the core of cross-border business ventures due to conflicting sets of expectations and the fact that the parties had built their relationship on what they each were accustomed to define as *trust*. As soon as fundamental distrust sets in, projects turn into one-way tickets to disaster, as takes place in so many of the seventy percent of international ventures which fail - see Morosini, *'The Importance of Cultural Fit in Cross-Border Mergers and Acquisition Deals'* and Robinson *'Why Have 70% of All Joint Ventures Failed?'*⁷.

In the world of politics, David Cameron, Britain's prime minister felt it appropriate - after just a few weeks in office - to make the following declaration at a security conference in Munich on February 11th 2011:

"Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives ... we have failed to provide a vision of society to which they feel that they want to belong."

Many people are aware that these statements were made in the context of a historically tainted, geo-political backcloth which was illuminated by the statement on 17th October 2010 by Germany's Chancellor, Angela Merkel, that her country's attempts to build a post-war multicultural society had *"utterly failed"*. What these two politicians are suggesting is that, within their respective countries, there exist thriving cultural communities whose ethical standpoints differ so significantly from one another that they fundamentally undermine the concept of an ethically unified state. Such reasoning indicates an inescapable mental conditioning to seek mono-ethical solutions.

Numerous authors and social commentators have proposed - based on their respective views of the events of world history - that the hegemonial assertion of a single set of ideological tenets by a given regime has generally been based on the pursuit of material self-interest and not been sustainable. Just as in politics, the universalistic assertion of a single code of ethics in business also runs several sustainability risks. If a company asserts the universalistic validity of a certain code of conduct or compliance for competitive, protectionist reasons, then the ethics behind that assertion - i.e. the ethics of the ethics - are likely one-day to be exposed. Being the first to put a national flag on the Moon or the Antarctic no longer means that the rest of the world will accept a go-it-alone strategy of self-interest. Similarly, being the first in a certain branch of industry to attain accredited ethical certification and thereby disqualify the competition from bidding for contracts raises ethical questions about the use or misuse of ethics for reasons of material self-interest.

In historical terms, there are numerous examples of endeavours by humans to assert what they believed and/or purported to be god-made forms of ethics around the world. The same is true of man-made forms of ethics such as ISO 26'000, ISAS Ethics 2010 or the UK Bribery Act 2011.

Not all the targeted countries and communities have succumbed to such endeavours. In many of them, resistance has either arisen immediately or manifested itself at a later date. With respect to recent events in Libya, Vladimir Putin, the Russian Prime Minister, commented on March 21st, 2011 that the UN resolution which authorised military action against the Ghaddafi regime resembled "mediaeval calls for crusades". In making such a statement, Putin appealed very consciously to the centuries-old resistance in the Arab world against ideological colonialism from the West. As the United States marked the 150th anniversary of its Civil War, John Blake writing for CNN on April 11th 2011 quoted various historians in arguing how that same civil war is still being fought today. There are plentiful examples of human beings - individually or collectively - defending their cultural and ethical identity when confronted

with what they perceive to be ideological oppression.

The 9/11 attack on the World Trade Center in Manhattan, and thereby on the cultural values and policies which it represents, was portrayed by some as an opportunity for the USA and other western cultures to reflect on the effects of their attempts to ideologically and materially dominate the rest of the world, i.e. as a chance for those societies which have been conditioned to want to assert their own ethical standpoints over others

1. to reflect on the fact that they themselves have
 - a. developed over time and
 - b. changed their understanding of what is ethical, and what is not ethical, in accordance with their own social and material development;
2. to reflect on what the underlying premises are which might lead them to deny other societies the right and the opportunity to develop their own ethics over time as well;
3. to reflect on how the universalistic assertion of premises such as parity, fairness and free-will might narrow their understanding of ethical and non-ethical behaviour - see Robinson 'The Value of Neutrality' (*op. cit.*).

As discussed above in Section 2.1, one alternative to a mono-ethical approach is a multi-ethical one. This requires managers to not only escape the confines of their cultural and ethical conditioning, but also to develop a truly multi-ethical mind and a significant level of interethical competence. The fact that adequate levels of interethical competence are widely missing is, of course, one of the main motives behind writing the current paper, as laid out above in Postulate Three.

In Chapters 3 and 4, I will attempt to outline my understanding of the concept of *interethical competence* and how it can be developed and experienced.

In Chapter 5, Christoph Brunner and I will describe how *intercultural competence* can be applied to significantly reduce the stress and risks which are inherent in decision-making processes and conflict situations. Critical for the success of resolving interethical conflicts is

the manner in which they are perceived and addressed, as will be expounded using examples from real life. Very often, the resolution of interethical conflicts is hindered by premise-circularity, i.e. when people employ the same premises to resolve a conflict as were engaged in the contributions to its creation. In the examples, we will show how interethical competence can create an environment of *ethical space*, where people have the opportunity to reflect on their ethical standpoints and explore fundamentally new possible solutions to their ethical conflicts.

3. What is meant by the term *interethical competence*?

3.1 Introduction

Interethical competence is the ability to behave appropriately at the interface between different ethical standpoints.

Behind this relatively simplistic and somewhat obvious definition lie a number of premises which warrant adequate clarification. For example, the definition begs the following questions:

1. What qualifies as an *ethical standpoint*?
2. Who decides what behaviour is *ethically appropriate*?
3. What is the difference between *interethical competence* and *intercultural competence*?
4. What is the difference between *ethical competence*, *multi-ethical competence* and *inter-ethical competence*?

I will first address Questions 1, 3 and 4 and then return to Question 2 at the end of this Section.

3.2 What qualifies as an *ethical standpoint*?

Again, I offer certain definitions, as follows:

An ethical standpoint is a set of values and concomitant priorities, i.e. a value-system, concerning human behaviour which, at a given point in time, is perceived to be different from other value-systems.

Thus, like personal or cultural identity, ethical standpoints attain relevance by virtue of the perceived coexistence of one or more different, but comparable entities.

An ethical standpoint can be held by an individual and/ or an ethical community.

A person can hold one or more ethical standpoints at the same time - as long as these are distinguishable from one another.

Ethical standpoints can be expressed implicitly and/or explicitly in the words and actions of their holders.

The holders of ethical standpoints can understand them to apply

1. to themselves only or
2. to themselves and the other members of the same ethical community only or
3. to themselves and larger societal groups including, for example, the whole of humanity

The holders of ethical standpoints can understand them to apply

1. rigorously at all times or
2. situationally and, for example, with differing degrees of rigour.

It follows that there may be perceivable discrepancies between the actual actions and the uttered words of the proponents of ethical standpoints.

3.3 What is the difference between *ethical competence*, *multi-ethical competence* and *inter-ethical competence*?

In order to make a meaningful distinction between these three terms and to leave the definition offered above in Section 3.2 intact, the first two can be defined as follows:

Ethical competence is the ability to behave in accordance with a given ethical standpoint.

Multi-ethical competence is the ability to behave in accordance with more than one given ethical standpoint respectively.

Following on from these definitions, we can argue that

1. ethical or multi-ethical competence in a person does not preclude that person from being interethically competent and
2. a person may develop his/her multi-ethical competence into interethical competence, but the former is not necessarily a prerequisite for the latter.

It follows that a person with multi-ethical competence is not necessarily inter-ethically competent. In other words, the ability to behave appropriately at the interface **between** different ethical standpoints can be meaningfully regarded as being different from the ability to act appropriately **within** one or more given ethical frameworks or communities. It is here that the question of the beholder becomes relevant, a point which I will return to in Section 3.5.

3.4 What is the difference between *interethical competence* and *intercultural competence*?

According to current usage in literature and contemporary dictionary definitions, the terms *morality*, *ethics* and *culture* can be used interchangeably in many contexts.

The meaning of *morality* is sometimes associated with that of *normative ethics*, in the sense that rules are established and applied concerning what is good or bad in terms of human behaviour. *Normative ethics* is distinguished from *descriptive ethics* in that the latter is non-judgemental in character.

The word *culture* has a variety of meanings, one of which overlaps with *ethics* and *morality* when what is meant is a common set of mores, values, behavioural patterns which the members of a certain community possess.

The fact that the terms *ethics* and *ethical* are often used – at least in the Western world - in a normative fashion would allow a distinction to be drawn between *ethics* as being normative and *culture* as being descriptive, or non-judgemental.

In the case of discussing or acting at a conflictual interface between individuals or communities who hold differing ethical standpoints or belong to differing cultures, it becomes less easy to draw a meaningful distinction between *ethics* and *culture*: the conflict parties quite simply possess differing value-systems. As soon as one recognizes that some cultures are more normative than others, then the distinction between the two terms becomes difficult to uphold. Accordingly, the terms *interethical competence* and *intercultural competence* are indeed very closely related. Perhaps the most significant insight lies exactly in the fact that the topic of ethics appears most prevalently in contexts where at least one of the parties involved holds a strongly normative standpoint which it is seeking to assert and apply with a high level of rigour.

It is here that a question arises as to **why** an individual or a community should seek to assert a certain ethical standpoint with normative rigour.

1. Is the party which is able to establish the ethical norms and assert their universal validity first, the one who will ultimately prevail? In other words, is ethics, or the use of ethical standards, just another form of survival of the fittest?
2. Is ethics used by some as a form of economic or even ideological protectionism, just as some parties make use of the penal system - e.g. by accusing others of crimes like extortion during a negotiation process - in order to protect what is nothing other than their own civil and economic interests?

In other words, there may be a level of motives behind the assertion of an ethical standpoint which is, in itself, the expression of a particular set or system of cultural values. This covert level of motives behind the assertion of ethical standpoints can add significant challenges to the task of interethical conciliation, as we will discuss using examples in Chapter 5. Interethical competence can help to discern among other things to what extent the motives behind, for example, the altruistically formulated ethical assertions of a given party are in truth ultimately self-serving and not altruistic at all.

3.5 Who decides what behaviour is *ethically appropriate*?

In the case of *ethical* or *multi-ethical competence*, it is the members of the respective ethical communities who are able to discern whether a person's behaviour is appropriate or not. Of course, any acting individual also has the possibility to evaluate his/her own behaviour as being appropriate according to his/her own ethical standpoint, a point to which I will return in Section 4.2.

In the case of *interethical competence*, on the other hand, it is arguable that the members of the ethical communities involved in a given situation, e.g. in an ethical conflict, would all need to perceive the behaviour of a person positioned between them as being appropriate. In order for this to be the case, the ethical communities may - depending on the cultural and situational circumstances - need to be able to perceive the behaviour of the person in question as being *ethically neutral* and/or *ethically empathetic*. In the following, I will firstly focus the discussion on the topic of *ethical neutrality* and then discuss *ethical empathy* in Section 4.5.

4 Developing and experiencing ethical neutrality

4.1 Introduction

In my own current understanding of the above terms, *ethical neutrality* - rather like *cultural neutrality* - should not be confused with the concept of *neutrality* as it is commonly used in Europe or North America. *Neutrality*, as applied for example in Western forms of mediation, is generally associated with a role-understanding of impartiality in relation to parties between whom a relationship of fundamental parity pertains and which thereby warrants the search for a consensual solution with the help of the mediator (for a more detailed treatment of the distinction between *neutrality* and *cultural neutrality*, see Robinson "The Value of Neutrality" *op. cit.*). Western mindsets are typically pre-programmed to understand the concept of ethical neutrality as implying that all ethical standpoints are to be regarded as being equal

in status. This is why *cultural* and *ethical neutrality* are often equated with *cultural* and *ethical relativism* respectively. But does being *ethically neutral* mean that one is an *ethical relativist*? In accordance with my usage of these terms in this paper, I draw the following distinction:

The term *ethical relativism* is often used in the sense that whoever holds the quality of *ethical relativism* – or purports to hold it – recognizes

1. that there is a plurality of ethical standpoints,
2. that all ethical standpoints are relative to each other and therefore equivalent in status and
3. that consequently no judgement can be made about the superiority or inferiority of any individual's or group's ethical behaviour.

Given the presence of the premise of parity in this general understanding of the term *ethical relativism*, it makes sense to retain it under the condition that we reserve a different term for a state of mind which does not necessarily presuppose parity or any other ethically-relevant premise; in the case of this paper, I call this state of mind *interethical competence*. The latter is a precondition for being perceived by third-party beholders as *ethically neutral*, i.e. in the broad sense of the latter.

Among other things, *interethical competence* consequently recognizes the possibility of equivalence as well as non-equivalence between co-existing ethical standpoints. It is not the task of an interethical conciliator to necessarily - explicitly or implicitly - ensure that parity is observed in an interethical conflict-resolution process or to steer it in the direction of a consensus between parties as if they necessarily possess *equal rights*; on the other hand, parity may already pertain and thus be appropriately upheld though the contributions of an interethical conciliator in situations where all of the conflicting parties share the premise of equal rights in relation to their respective ethical standpoints.

In recognising the premises which lie beneath Western understandings of neutrality, one can begin to access a level of *intercultural* and *interethical* competence which takes no implicit,

a priori stand on premises like *parity*, *fairness* or even *responsibility* - or on any others for that matter.

The fact that I have proposed that the element of being perceived to be *ethically neutral* can under certain cultural and situational circumstances be crucial to the concept of *interethical competence* indicates that, in my use of the term in this paper so far, *ethical neutrality* is essentially a perception on the part of the beholder(s). Accordingly, if a person is not perceived to be *ethically neutral*, then he/she *de facto* is not. One of the many challenges for people who possess many of the inner prerequisites for *interethical competence* is that some of the beholders of their contributions may not be sensitised or inclined in such a way that allows them to actually perceive *ethical neutrality* when confronted with it - or even to conceive of ethical neutrality as being appropriate. I will return to this rather central issue in the sections below.

4.2 To what extent can a person exercise *ethical neutrality* in relation to his/her own ethical standpoint(s)?

This question relocates the position of the beholder from that of an external third-party to that of the same person as the one who holds one or more specific ethical standpoints. In order to exercise *ethical neutrality* in relation to his/her own ethical tenets, this person would need to be both willing and able to sense and question the situational and/or contextual appropriateness of the various ethical tenets. I propose that this process of sensing and questioning could take place consciously and/or subconsciously; in other words, it need not necessarily be a conscious process - see Robinson, 'The Value of Neutrality' (*op. cit.*). In order to enter into a state of ethical neutrality, the person concerned would need to be able to distance him/herself from any and all inner ethical standpoints, as the case may require. In other words, this person would need:

1. to be able not only to sense ethical dissonance in the outside world, but also to sense it between their own inside world and the outside world (and, in the case of *multi-ethicality*, to sense it within their own inside world) and

2. to be willing and able to relinquish personal adherence to any and all internalised ethical standpoints.

If the process of socialisation conditions people to internalising, and acting according to, an ethical standpoint which they then share with others in the same social/cultural/ethical community, then interethical competence on the part of genuinely socialised people must include the ability to neutralise ethical standpoints which they have internalised and which they can authentically assert in a given situation.

In other words, *interethical competence* must include the ability to

1. exercise *interethical competence* towards oneself and
2. perceive and experience oneself as being neutral towards the ethical standpoints which one can and does otherwise authentically assert.

The faculty of *multi-ethical competence* might appear similar in the sense that it allows a person to genuinely adopt and authentically assert differing ethical standpoints; however, it differs quite crucially from *interethical competence* in that the latter pre-requires one to perceive and experience oneself as being *ethically neutral*, whereas *multi-ethical competence* does not.

4.3 The crucial distinction between *perceptions* and *perceiving*

One of the elements which are central to *ethical neutrality* is the ability to *sense* or *perceive*. So far in this paper, I have defined *ethical neutrality* essentially as a perception on the part of the beholder – in analogous fashion to my earlier treatment of *cultural neutrality* (see Robinson, 'The Value of Neutrality' *op. cit.*). At this point, I am compelled to elucidate and modify my use of the term *perception*, not least because of the fact that I have been using the term as a noun.

In general, nouns are used to refer to identifiable items which exist in some 'objective' sense - cf. 'signifiers,' de Saussure

'*Cours de Linguistique Générale*'.⁸ Perceptions, however, crucially involve not objective, but subjective experience - which is why it is notoriously so difficult for human beings to veritably share each other's perceptions.

In general usage, *perceptions* seem for the vast majority of people to be inextricably linked with concomitant judgements and/or opinions. Opinions arise as a result of integrating sensory information into a backcloth of individual and cultural values and ethics. This process allows people to arrive at what I would like to term their *views* or their *evaluated perceptions*. *Views* are objectivisable and thus can be talked about. Hence, the use of the word *perception*, in being a noun, captures quite appropriately what often takes place when people perceive and when they talk about what they have perceived.

The inner mental process of *cultural* and *ethical neutrality*, on the other hand, involves the faculty or predisposition of:

1. being open to perceiving beyond one's own frame of reference and
2. not needing to evaluate sensory information in relation to some pre-determined value-system.

As mentioned above, it also entails:

3. the ability to sense ethical dissonance in the outside world, between the inside world and the outside world and also within the inside world and
4. the willingness and ability to relinquish personal adherence to any and all internalised ethical standpoints.

In contrast to the use of the word *perception* as a noun, the word *perceiving* suggests an on-going process. In grammatical terms, *perceiving* is a gerund and, as such, adopts a status somewhere in-between a noun and a verb. The word *perceiving* is arguably a more appropriate term for the process which lies at the core of *inner ethical neutrality* and *interethical competence*. The gerund implies a non-terminated, i.e. an open and on-going processing of sensory information.

The distinction between the noun *perception* as an objectivisable view and *perceiving* as

subjective and open-ended, non-evaluative, non-judgemental processing of sensory information sheds explanatory light on the frequently articulated opinion that there is “no such **thing** as neutrality”. Based on the premise that the quality of inner neutrality can *per definitionem* not be objectivised or judged, the statement that there is no such thing as neutrality is validated.

For people in the process of developing their *intercultural* and *interethical competence*, it may in fact be a helpful first step to realise that **neutrality isn't**. A further helpful insight may be to realise that the roots of the use and understanding of concepts like *neutrality* and *empathy* are steeped in Western culture and history. Through recognizing the cultural roots of the use of concepts like *neutrality* and *empathy*, one can

1. develop a significantly broader cultural understanding of them and
2. become aware that, for some ethical communities and situations, such concepts are not appropriate.

4.4 Experiencing *ethical neutrality* as a third-party beholder

Whilst the inner mental prerequisites which are conducive for being perceived as *ethically neutral* may be challenging to develop, third-party beholders are indeed able to experience another person as being neutral, or non-neutral, in a given situation.

Beholders who have been conditioned by democratic values, for example, are generally able to detect if another person, e.g. a mediator, is genuinely impartial in relation to issues or people in a certain context, or if that mediator is interacting in a biased way. Whilst the sense for - and the sensitivity to - impartiality is a natural product of those societies which embrace inter-human parity, it is important to realise that impartiality is only one form of being (perceived as) neutral. The cultural roots of the Western mediator who works on the principle of impartiality will be readily noticed by people from divergent cultures, if he/she applies this principle for example in a conflict situation. In such situations, the mediator will not be perceived

as being *culturally neutral* by at least one of the conflict parties.

In other words, cultural and other forms of conditioning bear a very strong, if not a determining influence on how people perceive, define and place value on *neutrality* - and if they place any relevance or value on it at all. It is for this reason that I have been arguing that *neutrality* is a beholder's perception or perceiving.

Assuming that the application of *inner ethical neutrality*, as the term is being defined here, is indeed appropriate for at least some ethical communities, the latter would require of an interethical conciliator that he/she can

1. sense the presence and appropriateness of differing premises and the values attached to them and
2. be observed to act accordingly and thus to act appropriately.

A person's *inner ethical neutrality* or *non-neutrality* can reveal itself to third-party beholders not only in the premises contained within that person's verbal acts, but also in the fluctuations in his/her facial expressions, general body language and energetic presence. Even if the words which a person uses in a given situation might be interpretable as being ethically neutral, the concomitant body language, eye language and facial expressions will reveal to what extent that person's inner mental and emotional state is consonant or dissonant with the words which he/she is using.

If a person were to apply *ethical neutrality* in non-appropriate situations, or indeed permanently, this too would be very quickly picked up by third-party beholders. Most human beings have to socialise at certain points in their daily lives and, in so doing, align their behaviour and opinions in various ways with those of others. The permanent or inappropriate application of *inner ethical neutrality* can be socially unsettling. People do not always want to hear that there are multiple ways of look at a situation, i.e. from differing ethical standpoints.

4.5 Ethical empathy

I will now outline my current understanding of the term *ethical empathy* and how it relates to *interethical competence*.

In Chapter 3, I proposed that *interethical competence* entails an open-minded process of non-evaluative, non-judgemental *perceiving*. *Ethical empathy* allows one to access any given ethical standpoint with relative ease and consequently to absorb it into one's mind relatively fast. Feeling one's way into any ethical standpoint through ethical empathy avoids grappling with the mental and emotional processes of evaluation or comparison. In fact, there needs to be no distinction between *ethical empathy* and other forms of empathy if the term *empathy* is understood to entail *feeling one's way non-self-referentially and non-judgementally* into the idiosyncrasies of other people's mental and emotional states.

By internalising the premise that it is not possible to think or feel in an identical way to other people and that – as an interethical conciliator – it is prudent not to make assumptions, expectations or judgements about others, one can get much closer to the uniqueness of other people's inner worlds than otherwise – very simply because there are fewer self-created mental or emotional barriers to overcome. Even the question: "Do I want to get close to this person's inner world?" does not raise itself in such an understanding of empathy. Nor do empathy-destroying thought-processes like the following arise: "I know exactly how this person feels. I have been there before myself."

In terms of self-development, the greater the number of human idiosyncrasies which one has been able to access through *interethical competence*, the greater one's chances will be of being perceived as authentically *ethically neutral*.

Such an understanding of *ethical empathy* differs, of course, from *ethical sympathy* and *ethical antipathy* in that the latter both entail value judgements, whilst ethical empathy does not. Nor does *ethical empathy* mean that one endorses, condones, is interested in or is fascinated by any ethical standpoint; instead it

entails accepting the existence of ethical standpoints as a fact of human life, but this form of acceptance does not incur a personal agreement or involvement with them.

It follows that *ethical empathy* is a concomitant of *inner ethical neutrality* and therefore of *interethical competence*.

At this juncture, I would like to stress that *ethical empathy*, *ethical neutrality* and *interethical competence* emanate from a state of mind which is able to accommodate among other things:

1. relational asymmetry as well as parity, whether in terms of gender, of generation, or positional standing;
2. a structured, anticipatory-preventive way of ordering the world as well as a present or a past-time orientation;
3. individualistic as well as collectivistic premises;
4. the values of achieving and progressing as well as the values of being at one with nature and the world as it is;
5. dualistic-atomistic as well as holistic premises;
6. universalistic as well as particularistic premises – see Hampden-Turner, 'Corporate Culture'.⁹

4.6 Creating and experiencing *ethical space*

As mentioned in the introduction of this paper, *interethical competence* can create an environment of *ethical space*, where people have the opportunity to

1. reflect on and develop their respective ethical standpoints and/or
2. explore possible solutions to their ethical dilemmas and conflicts.

Not seldom, the resolution of cultural and ethical conflicts mostly involves what I in previous articles have called *identity management* – see Robinson, 'The Value of Neutrality' (*op. cit*) and also Faure & Rubin, 'Culture and Negotiation'.¹⁰

The fact that one's cultural and ethical values constitute a core element of one's personal and

collective identity means that ethical conflicts are often impossible to resolve unless cultural or ethical development takes place among the parties involved. Such development can be facilitated through providing the parties with *ethical space* for reflection.

Not only in the case of individuals, but also in the case of groups and organisations, it can also be helpful to allow an ethical profile to be drawn up and discussed. People tend to be more open to such a possibility if they know that the creation of their ethical profile will take place in a non-judgemental, ethically neutral environment. If this opportunity is taken by all the conflict-parties prior to the resolution process, the latter can be significantly shortened and also take place at a far more fundamental level, which in turn will impact on the sustainability of the attained solution.

As I have stated in other articles, there are very few conflicts which from my perspective do not have cultural or ethical dimensions, since it is values which lie at the source of most inter-human conflicts and which hinder their resolution. It follows that nearly all conflict resolution processes can benefit from being conducted in an environment where - with or without the help of interethically competent conciliators - the appropriate levels of *ethical space* are created for individual reflection and collective development.

5. Examples of the ethical challenges faced by people in positions of key responsibility and of the application of *interethical competence* in such situations.

In our treatment of the following examples, we first outline the case itself. Then we identify and discuss the pertaining conflicting ethical standpoints. Finally we examine the role of *interethical competence* and the possibility of providing *ethical space* in order to facilitate ethical development and conciliation.

The information given in the anonymised case descriptions is necessarily detailed in order to capture the major facets of the different ethical conflicts as adequately as possible. It goes without saying that ethical conflicts are complex phenomena and that the faculty of *interethical competence* includes the ability to handle complexity not only at the content and the relational level, but also at the level of the underlying premises.

As an overriding remark, the reader should be cognizant of the fact that the descriptions and discussions are necessarily formulated in such a way as to make them as comprehensible as possible, particularly for Western mindsets. Also, we, the authors, are compelled by the written medium and by describing the various situations to use *perceptions* and *views* as opposed to *perceiving*. It follows that the formulations cannot adequately represent the thought processes of many of the parties involved and thus fail to capture the totality of the issues at-stake.

In an attempt to reduce the volume of information and the complexity, each of the case-descriptions focuses on the dilemmas facing one particular party and on how these are resolved. Further, the information has had to be reduced and simplified for reasons of sheer volume and readability. In the first and the third case descriptions, in particular, the names and the locations been anonymised; also certain contents have been deliberately changed in order to protect the identity of those involved.

In Case No. 1, we look at a manager who initially finds it easier to deal with the ethical dilemmas at his workplace than to address the

ethical dilemmas in his private life. As the mental and emotional pressures increase, he seeks third-party help. The ethical space which he then receives allows him

1. to recognize and address the full spectrum of his dilemmas,
2. to develop his *interethical competence* and
3. to find - in his own mind - long-term solutions with which he can identify himself.

The case will also show that various factors lie outside the manager's personal influence and that he cannot control all later developments.

In Case No. 2, we examine ethical differences in the handling of the deportation of renitent migrants from Switzerland. In particular, we discuss how the Swiss Red Cross found itself in various ethical dilemmas after it was asked if it would adopt a monitoring role during the physical deportation process.

This case highlights the differences between cultural, ethical and other forms of neutrality and delineates the potential of ethical neutrality and ethical space.

Case No. 1: Challenging Decisions

Mr Kay was a qualified engineer with ten years' working experience. For six years, he had worked very contentedly in a large company, progressing up through its hierarchy on a well-planned managerial career path. Then he began to notice that the company he was working for would have some very serious problems to overcome in the immediate years ahead. He also noticed that the senior management was not addressing these problems in an adequate way, despite very clear warnings from various sources. This realisation made him feel very insecure and he began to worry seriously about his future career. As a result, he started to listen to head-hunters with a reasonably open mind whenever they approached him subsequently. However, he felt extremely disloyal in doing so, not only towards his employer and work colleagues, but also to his father. Mr Kay's father had spent most of his working life with this employer and had only just recently gone into retirement.

At home, Mr Kay had two young children, whom he and his wife were raising bilingually. They had built a new house and Mr Kay had been spending considerable time and effort in getting the inside and the outside of the house to match his dreams. His father, who had never owned a house of his own, had given him considerable material and moral support. Mr Kay's spouse, who came from a neighbouring country, did not feel at ease in her husband's native country where they now lived. She did not get on particularly well with her parents-in-law. The latter were very charitable people; however, they had increasing reservations about their daughter-in-law, whom they felt to be *"quite a selfish sort of person"*. The latter had been mentioning increasingly – also to her parents-in-law – that she would *"prefer to go home"*.

Following various selection-interviews which the head-hunters had organised for him, Mr Kay finally decided to accept a job offer which was made to him by another major player in a related part of the industry in which he was working. This company's name was GGG Ltd. One of Mr Kay's reasons for taking the position with GGG Ltd was the fact that his

place of work would be quite close to the new house in which he and his family now lived. To Mr Kay, this meant that he would be able to maximise his time with his family. Another reason for taking the offer was the fact that, in contrast with his last employer, GGG Ltd. had over the past five years initiated significant changes and undertaken considerable investments into new technologies and new markets.

The function which Mr Kay took on was a very prominent line-managerial position as Group Production Manager. He also had overall responsibility for corporate compliance and for the mentoring of specially-recruited, high-potential graduates. During his own studies, Mr Kay had contemplated going into the teaching profession because he enjoyed helping young people to develop: therefore, he was very content to find out that this mentoring function was part of his new brief. During the course of the interviews, Mr Kay had been told that GGG Ltd. required these new, carefully-selected specialists in order to achieve its technological turn-around.

From a personal perspective, Mr Kay was also motivated by the fact that his new position offered him some very attractive career and financial perspectives. Prior to signing the employment contract, he had reasoned with his wife that the family's financial stability would thereby be guaranteed for many years to come; this would allow them, he said, to spend numerous weekends and holidays in her native country. Mrs Kay replied that it was his decision to make and that, if he was convinced about this new career-step, he should go ahead. Mrs Kay was a person who fully believed in the principles of self-determination and self-responsibility, not only for herself, but also for her husband and children. Concerning her own unhappiness, she told her husband that this was her problem, and not his!

At work, Mr Kay spent the first two months in his new post getting to know the company and its various departments. The process of getting to know new people made him acutely aware of the fact that it had not been easy for him to leave his previous employer and colleagues. These feelings – and also his own pride – made

him all the more determined to devote all his energies into making his new career-step a complete success.

One of the key issues on his mind was organising a visit to the various production sites as soon as possible, in order to meet the employees and establish a good working relationship with them. Two of the sites were recent acquisitions and were situated in Eastern Europe. When Mr Kay visited these latter sites, he was shocked and deeply horrified by what he saw. It took him very little time to realise that:

1. there was considerable, extremely toxic environmental pollution on both sites caused by the old technology which was being used in the production factories,
2. the working conditions of the employees were completely unacceptable by Western European standards,
3. the employees' children and their extended families were suffering from severe health problems, especially those who lived closest to the factories and
4. the employees were dependent on the work in those factories due to a lack of employment alternatives in their respective regions.

As he continued his site-visits, he discovered that two of the other sites were loss-making, only partly functional, but that they had to be kept running for two main reasons:

1. to close the sites would incur prohibitively high costs for cleaning up the considerable soil-pollution caused by the production processes;
2. to lay off the staff who were employed there would also incur enormous costs due to local employment legislation.

Not least, he realised that the majority of the employees on these sites also had few employment alternatives, partly because they had never been trained in anything but the old technology.

In his efforts to make his new career-step a success, Mr Kay decided not to make an issue of the fact that he had not been told about these conditions at the various sites during his recruitment interviews.

As he got to know the thirty new, high-potential graduate specialists based in the company's different locations, he realised not only how well-educated they were, but also how crucial they were in the company's plans to change its technology. He also felt that these young people were very glad that he had taken on the job: he had heard that they had not been well-treated by his predecessor.

Towards the end of the third month of his employment at GGG Ltd., Mr Kay was approached directly by the company's Chairman to deal with a crisis situation. The press had got wind of some suspected 'corruption' involving the acquisition of some lucrative contracts from overseas. The Chairman instructed Mr Kay to deal with the matter in an exemplary fashion immediately, in order to safeguard the company's reputation.

Having been informed by the Chairman of the situation and the risks to the company's reputation, Mr Kay arranged a meeting with his line-superior who was Head of the Business Unit - a function which had been presented to Mr Kay as a career perspective for himself, since the current incumbent had only four years till retirement. The latter, Mr Gold, explained the following points to Mr Kay:

1. the sales engineer who had gained the contracts in-question had been working for the company for over 25 years;
2. these contracts had been essential to the company's ability to remain profitable in order to safeguard the employees' jobs and to invest in the company's new technology.

He continued by saying that:

3. without winning these large contracts, the company's future would have been highly jeopardised; the market was being so fiercely fought on price that there were only a few realistic possibilities of gaining further contracts within the mid-term future;
4. the sales engineer in-question, Mr Tek, was the key to gaining those contracts as well.

Mr Kay explained the task given to him by the Chairman, upon which Mr Gold elaborated on the situation in more detail. He stressed to Mr

Kay that he should realise how Mr Tek had been protecting jobs for the company and safeguarding the livelihoods of all its employees and their families, including those in Eastern Europe. Secondly, he should understand that Mr Tek was the primary trusted contact for the company's clients in that geographical area and had been working with these clients for over 15 years; to change him would obviously have very negative consequences for the company. Thirdly, he should know that Mr Tek's wife had died a couple of months previously and that he had nevertheless been battling on in the full and loyal service of the company. Fourthly, said Mr Gold, if Mr Tek would be compelled to leave the company, he would demand a 6/7-figure severance package for Mr Tek, plus an 8-figure package for himself; otherwise it would be made known that the Chairman had also been involved in secret meetings concerning the contracts in-question.

It was at this juncture that Mr Kay felt himself to be caught up in so many dilemmas that he needed some third-party help. As a result of the *ethical space* which he then received, he was able to develop certain sustainable solutions for his predicament, as we will go on to describe below.

The fact that Mr Kay was finding it extremely difficult to decide on his way forward reflects the fact that there was a set of divergent ethical standpoints in his mind all at the same time.

The following ethical standpoints were the source of the dilemmas which he now needed to overcome:

Conscientiousness, loyalty & commitment

Conditioned by the core ethics of his family upbringing, Mr Kay is a very conscientious and reliable person who strives to always uphold his commitments to other people. Just as is the case between his parents, he takes his marriage oath tremendously earnestly.

In moral and material respects, he feels deeply committed and indebted to his father and mother.

In the same way, friendships with people outside the family are also bonds which he treats very seriously.

Whether at home or at work, the more senior a person is, the more obliged Mr Kay feels to deliver what that person expects from him/her.

Work and security

In carrying out his role as a husband and a father, Mr Kay sees it has his responsibility to generate and guarantee the family's income.

At work, he starts early and finishes late, trying always to keep ahead of his tasks and conduct his work to the very best of his knowledge and ability. He places great emphasis on top performance, top quality, and top levels of security and safety. He tries hard to anticipate and resolve any potential risks before they materialise.

During his time at home also, he constantly works on improving the house, tending to the garden and other tasks. Consequently, he rarely finds the time to sit down and relax or pursue any of the hobbies which he had had when he was younger, even though he often says that he would like to do so.

Altruism, solidarity and responsibility

Mr Kay has a high level of social conscience. He sympathises with the less fortunate and tries to assist them as best he can through moral and material support, e.g. through donations to charities.

He cares very much for his wife, children and his parents and tries to alleviate any suffering when it occurs. The unhappiness of his wife impacts very strongly on his own happiness and he sees himself as co-responsible for her situation and her feelings. The fact that his wife's parents have age- and health-problems also gives him much cause for concern.

Mr Kay is aware that the house which he has built is also one of his father's own dreams coming true. His feelings of personal pride concerning this achievement are closely linked with his father's pride, i.e. he feels proud that he can make his father proud.

Mr Kay has a strong sense of both empathy and sympathy. The sight of the factory workers and their families suffering under serious health problems due to the company's production technology is emotionally horrifying to him. Despite the fact that he has only just joined the company, he feels co-responsible for their predicament.

Similarly, he feels responsible for the young graduates and sympathises with them concerning their previous bad treatment. He sees it as his job to care for their well-being and to keep them in the company.

Children's well-being & education

Mr Kay devotes as much time and thought as he can to ensure that his children are well-nourished, emotionally content and optimally educated. He also actively promotes their interests in extra-curricular activities such as music and horse-riding - and he spares no expense in this regard.

Democracy & principles

Mr Kay is a man of principle who strongly believes in the upholding and enforcement of laws, rules, regulations and agreements. There should be no grey areas. He also staunchly endorses democratic principles and the equality of rights and opportunity.

Business & pleasure

Mr Kay strives to behave as a true professional. Work and pleasure do not mix. His private life is his private life. When he is at work, he is at work.

Principle of self-determination and self-responsibility

During his school- and university-education, Mr Kay had learned the value of self-responsibility.

According to this premise, problems are of one's own making and therefore they need to be resolved by oneself.

This is a value which he had also very much admired in his wife's character and family upbringing when he first met her.

This value plays a significant role in the dynamics of their relationship. Consequently he is always trying to prove to his wife that he has the strength of character to be the master of his own destiny.

Acting on these various values and the priorities pertaining between them, Mr Kay seems to have been focussing his attention first and foremost on resolving the issues at work.

Other people in such a situation might, of course, focus primarily on the matters at home, including the unhappiness of Mrs Kay. So, what might this say about the priorities and ethics of Mr Kay?

As portrayed in the case-outline above, Mr Kay seems to have got himself into a problem between his work-life and his private life – a problem which other people might have avoided from the outset. One might be tempted to conclude that the fact that he put his work and his career first is the reason:

1. why the problem was created in the first place and
2. why he focussed on the issues at work instead of those at home.

In point of fact, Mr Kay himself later realised that he had, at a subconscious level, been using the exigencies of work as a way of suppressing certain dilemmas, i.e.

1. up holding his obligation to provide adequate family income in the short- and long-term
vs.
 giving vent to his devotion to his wife and enabling her to be emotionally happy and culturally 'at home';
2. realising that the building of the house was the fulfilment of his father's dreams and that, having left the employer for whom his father had spent most of his working life, it would be all the more unthinkable to ever move away from the new house which he and his father had just built together
vs.
 realising that the physical anchoring of his wife to the new house and the foreign environment had been increasing the strains on their marriage, which, in turn, had added further tensions to the relationship between his wife and his parents;

3. keeping the immediate family together, i.e. rejecting options such as commuting on a weekly basis between a home in his wife's native country and a flat close to his place of work
vs.
 attending to the needs of the larger family and enabling his wife to be closer again to her own ailing parents;
4. upholding his commitment to the employer who had just chosen him to fill the vacancy and had thereby rejected other possible applicants
vs.
 upholding his marriage oath to his wife and his commitment to his children;
5. being a role-model manager
vs.
 being a role-model father and a role-model husband.

In each of these five matters, Mr Kay had suppressed one part of the dilemma, namely the second part. In so doing, there was - on the surface at least - no immediate dilemma to be dealt with. Such suppression of ethical dilemmas of this nature seems to be fairly widespread in the business world and may be related, in part at least, to a widespread lack of interethical competence. Not seldom, it is the dilemmas which are 'closest to home' which people tend to suppress most. On the one hand, many people are conditioned to take certain things in their private lives for granted – often realising the consequences of doing so when it is too late. On the other hand, many people find it easier to manage problems in the outside world than those in the inside world: accordingly, these people tackle the external - or *externalised* - problems first.

Leaving the five suppressed dilemmas to one side for a moment, we see that Mr Kay has a further set of dilemmas to face. He is confronted with the options of:

6. following a path of adherence to corporate and legal compliance
vs.

integrating 'mitigating' factors such as safeguarding the jobs of the company's employees and protecting the Chairman's reputation into a solution which would deliberately cover up certain transgressions;

7. being instrumental in putting an immediate end to industrial activities which had been causing serious health problems for workers and their families for many years

vs.

being instrumental in facilitating a long-term transition from 'dirty' to 'clean' technology;

8. valuing the loyalty of an employee and taking his personal circumstances and bereavement into consideration

vs.

making the same employee accountable for non-compliance with corporate regulations.

Lurking in the background is a further dilemma, i.e.

9. having the courage to address a complex set of challenges at his new workplace

vs.

running the risk of jeopardising an otherwise successful career-path and admitting to himself and to others that he had no surety about being able to resolve the challenges in a satisfactory way.

The reader will notice that one of the key factors in this whole situation is that of *responsibility*. The fact, for example, that Mr Kay has been brought up to be a conscientious person influences:

1. which issues he perceives to lie within the scope of his responsibility,
2. the emotional intensity and the importance which he attaches to each such issue and
3. how he addresses these issues.

If he were less conscientious and less caring, if the scope and intensity of his sense of responsibility were reduced, then many of the dilemmas listed above would not exist or would carry less significance. Would it help Mr Kay if he were to reduce his level of conscientiousness? Would it help Mr Kay if he

were to reduce the loyalty which he feels towards his father, or towards his employers, or towards the company Chairman?

In a context of *ethical space*, people have the opportunity to reflect on the origins of their moral and ethical dilemmas and conflicts. Once a person recognises the relevant premises and values, they can question them. Mr Kay could ask himself for example:

1. Why am I so conscientious?
2. Why am I so loyal?
3. Why am I so caring?

Such questions address the intensity of a person's values and the priorities which pertain between them.

In the case of Mr Kay, he used the *ethical space* to reflect on the spectrum of his values and dilemmas. It was at this point that he realised that he had been suppressing several of them, i.e. those closer to home (1 to 5 above). He also realised that these suppressed issues had in fact been expending a considerable amount of his emotional energy by remaining unaddressed in the back of his mind and thus adding to his stress-load. When people take the opportunity to reflect in this type of way - i.e. free from the outer constraints which they have felt themselves subjected to - they often regain the levels of energy and self-confidence which they need in order to handle the full spectrum of their concerns simultaneously. This is what happened in the case of Mr Kay and he remarked that he found it relieving to let all of the suppressed issues enter into his overall decision-making process.

One of the major contributory factors to this new approach was the fact that the *ethical space* which he found provided him with a crucial new mental option. He realised that, until now, he had been processing some of the issues in a certain way, i.e.:

1. "*Problems have to be managed rationally and professionally! Issues have to be isolated out from one another, properly analysed and correctly resolved.*" In other words, he had been using an externalising, binary and normative approach.

2. *"Yes, I can!"* This means that his approach was also one of self-determination, i.e. an individualistic and achievement-orientated one.

Interestingly, it was exactly this combination which had led him to suppress certain more private issues, i.e. *"No, I can't"*. This will be explained below.

As Mr Kay began to realise various underlying premises, he was able to put them into a larger context and thereby recognise new basic strategies for his problem-solving. As part of this process, he was able to emotionally process and cognitively reflect on the spectrum and intensity of his altruism and solidarity (see box above). He began to discover why he had seemed to place a greater priority on his caring for others at work than on caring for his family.

If one looks at the issue of responsibility in Mr Kay's case in more depth, as he also did, one realises that it has a further, very fundamental facet - one which has been contributing significantly to his dilemmas: On the one hand, much of his thinking and feeling seems to have been based on the *premise of self-determination and self-responsibility*, as we have already noted. This premise conflicted, however, with the more collectivistic premise of *co-responsibility*. He had acquired the latter through his family upbringing. Mr Kay then realised that it was the same cultural conflict which lay at the roots of the tensions between his wife and his parents and often between his wife and himself. This cultural difference had also manifested itself in Mr Kay's parents' impression of their daughter-in-law as being *"selfish"*. For her part, Mr Kay's wife had disliked her husband's parents' *"lack of self-confidence"* and their *"constant looking for harmony"*.

As Mr Kay continued to reflect on his situation, he was surprised to realise that a large proportion of his dilemmas were caused by this cultural difference alone.

Whilst this insight alone was emotionally alleviating, Mr Kay still had to work out how he wished to continue.

One option would be to henceforth process all of his *responsibility*-issues according to a set of self-deterministic, atomistic, normative and less-caring premises. For example:

Option A: *It's my life!*

1. His wife had said *"Yes"* to their marriage. She had said *"Yes"* to living with him. She had wanted to have children. So, she had to accept the consequences. Or she should change something. She should apply her cherished maxim to herself: *"Love it, change it or leave it."*
2. Mr Tek had got himself into the problem of bribery. So, he, too, should carry the personal consequences of his own actions. Mr Gold was his boss and was therefore responsible for allowing his employee to break the rules and damage the company's reputation. So, he should be made accountable.
3. The employees in Eastern Europe had each decided to live and work at such a factory. So, it was up to them to accept the consequences or find an alternative.
4. His mother and father had encouraged him to be successful in life. His father had helped him to build a house. If things went differently and the house had to be sold, then his father would just have to accept it, sad as it may be for him. *"That's life!"*

As Mr Kay reflected, he realised that he had not been consistent in his handling of the issues. The option just described would resolve his inner dilemmas and allow him to move forward with determination and professionalism, i.e. instead of vacillating and subjecting himself to permanent and unnecessary stress. More than that, he was convinced that this style would earn him respect and admiration at work. He had read somewhere that *"managers don't need to be loved; they need to be respected"*. He was convinced that it would also earn him more admiration from his wife.

A different option would be to apply a set of collectivistic, altruistic premises in a situational (i.e. non-normative) way:

Option B: *Isn't it about us?*

1. He and his wife had said "Yes" to each other and had become part of a greater unit which involved their respective parents. Perhaps they should all sit down together and talk the situation through, including Mr Kay's career, in order to find a consensus.
2. Mr Tek had acted in the interests of the company and all its employees, also during a time of personal bereavement. Mr Gold had supported him in these motives. Perhaps there was a way of explaining all these mitigating circumstances in order to internally justify the circumvention of the compliance regulations and to pacify the media.
3. The employees in Eastern Europe had all done their best to support their families and had, out of a lack of alternatives, sacrificed their own health in doing so. GGG Ltd had now acquired these factories and could perhaps look at ways of improving the working conditions, reducing the pollution, helping the employees' families with their health, gradually phasing out the old technology and re-training the employees. Perhaps he, Mr Kay, could get the company's decision-makers around a table and help them come to such a consensus.

There are, of course, other options than the two described here. However, if we examine and compare just these two, we arrive at the following questions:

1. On what grounds could Mr Kay lead himself to decide on one option or the other? Such a strategy would in itself be based on the atomistic premise of *duality* or *binarism*.
2. On what grounds could he exercise the right to involve other parties in his decisions, i.e. if he were to decide on Option B?
3. On what grounds could he exercise the right to exclude other parties from his decisions, i.e. Option A?

Returning to the topic of Section 3.5 *Who decides what is ethically appropriate?* it becomes clear that Mr Kay's environment is multi-cultural and multi-ethical. Moreover, he had not had enough interaction with the

management and employees of GGG Ltd to find out what the culture and ethics of the company are; nor did he know how high the levels of interethical competence in the company were. Without knowing this, whatever course of action he would choose to take, there was a danger that his actions could be perceived as unethical. On the other hand, Mr Kay did feel certain that neither his parents, nor his wife, nor her parents had the levels of intercultural and interethical competence to comprehend the roots of the various dilemmas and tensions. Consequently, whatever course of action he took ran the danger of being regarded as wrong by at least one of the parties.

Mr Kay then tried to share some of his reflections with his wife. For reasons which may include the fact that the tensions and her unhappiness had reached a point of no-return, Mrs Kay rejected her husband's wish to talk. Instead, she packed her bags and left both him and the children. At her insistence, the pair later became legally separated and then divorced. Mr Kay was able to draw on the immediate help of his parents in looking after the children while he continued to work at GGG Ltd. and earn the necessary income to support them. His efforts to give the children as much contact with their mother as possible brought little positive result; most visits ended in discord.

At work, on the other hand, Mr Kay went to the Chairman and laid out all the issues and underlying premises as clearly as he could. In contrast to his wife, the Chairman was open to listen. After a number of discussions at various levels, the management of the company adopted the approach laid out in Option B (Points 2 and 3). The management also took the opportunity to concretise its corporate ethical standpoint in the form of a Code of Ethics. Mr Kay's brief on compliance was extended to a broader responsibility for corporate ethics.

The authors and the reader are left wondering what would have happened if Mr Kay's reflections had fallen on deaf ears at GGG Ltd., or if his wife had been able to listen with open ears. This we will never know! What is certain is that Mr Kay was able to develop his ethical competence.

Case No. 2: Humane Expulsion

In the following case, we examine the effects of divergent ethical standpoints on an organisation's strategy. We also look at the role which *ethical space*, *ethical reflection* and *interethical competence* could play under such circumstances.

We, the authors, point out that the following account is exclusively a portrayal of our own personal views and is in no way intended to represent the position of the Swiss Red Cross.

In 2009, the Swiss government ratified the adoption of the Council of Europe's guidelines of 2005 concerning the forced return of migrants back to their own countries, or to third countries. The twenty guidelines include the monitoring of the conditions in which the physical deportation is carried out in order to ensure that the legal and regulatory requirements are fulfilled.

In the following year, the Swiss Red Cross (henceforth 'SRC') was formally asked by the Swiss Federal Office for Migration (henceforth 'FOM') if it would be prepared to enter into discussions concerning the modalities of taking on this monitoring task. From the information which was already available, the SRC learned that such a monitoring body would have to provide sufficient qualified staff to accompany *renitent* deportees and their police escorts on 40-50 special flights from Switzerland each year. The term *renitent* is used in cases where a deportee is expected to resist the deportation with such strong physical force that he/she cannot be transported to the country of destination on a regular air flight. The monitoring task would begin at the prison near the corresponding Swiss airport, where the deportees would be prepared for the flight. The task would end once the deportees had been handed over to the authorities in the country of destination.

The prudence of monitoring the act of deportation suddenly received heightened attention when, in March of 2010, a renitent Nigerian asylum-seeker died as he was being returned from Switzerland to Nigeria. In full compliance with Swiss law in relation to the level of physical resistance which the Nigerian

deportee actually made, his feet and hands had been bound and a helmet had been put on his head. Although the cause of death in this particular case was later established to have been a previously existing heart condition, all parties involved - including the Swiss police - welcomed the possibility of having an independent body to monitor any and all future deportations.

Following the request made by the FOM to the SRC, the latter decided to undertake a number of internal discussions before reaching its conclusion as to whether it would enter into negotiations on the terms of adopting such a monitoring role, or not.

As in other situations, the SRC now found itself confronted with a multifaceted ethical dilemma. The roots of this dilemma lie to a significant extent in the interaction between the various Fundamental Principles of the International Red Cross and Red Crescent Movement (henceforth 'RC/RC'). These Fundamental Principles (henceforth 'Principles') are as follows:

Principle of Humanity

“The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace among all peoples.”

Principle of Impartiality

“It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.”

Principle of Neutrality

“In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.”

Principle of Independence

“The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the Principles of the Movement.”

Principle of Voluntary Service

“It is a voluntary relief movement not prompted in any way by desire for gain.”

Principle of Unity

“There can only be one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.”

Principle of Universality

“The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.”

The fact that not only these seven principles, but also the everyday practical work of the Red Cross representatives frequently run into ethical challenges and dilemmas is well documented, also by the ICRC. The case at-hand concerning the deportation of renitent migrants shares various aspects with other challenges which the RC/RC and its member organisations have had to resolve since the Red Cross was originally founded in 1863.

We will now examine a variety of lines of thought which could be applied in trying to resolve the ethical challenges and dilemmas facing the SRC in this deportation case.

Before commencing the discussion, we, the authors, note that there have been numerous reports in the Swiss media which suggest that a high proportion of the migrants in-question have mental-health problems and/or are connected to drug trafficking and other forms of criminality. However, we cannot ascertain the extent to which such reports are based on empirical fact; nor do we have any knowledge about the extent to which such considerations might, or might not have, entered into any of the SRC's decision-making processes. Therefore, such factors will not be included in the following treatise.

As mentioned above, the SRC had been approached by the Swiss government asking if the SRC would be prepared to enter into negotiations about the terms under which it might be able to monitor the forceful deportation of renitent migrants. Such a request obviously requires an initial decision on the binary question:

- Should the SRC formally process this enquiry, or not?

Even though deportation can, in itself, be seen as an inhumane act, if the SRC were to decline the request from the outset, this could be construed as constituting a conscious violation of the Principle of Humanity due to the following factors:

1. The FOM was seeking help in its treatment of vulnerable migrants:
 - a. In its decision to adopt the EU guidelines on forced deportation, the Swiss government, like the SRC, was

also publically committing itself to the observance of the Universal Declaration of Human Rights in a particularly challenging type of situation for all concerned.

- b. The FOM was obviously very deliberately requesting well- renowned, qualified assistance in this matter from the SRC, also in the latter's official status as an "auxiliary in the humanitarian services of the Swiss government".
2. Forced deportations are by definition situations where individuals are subjected to acts against their free will. If a deportee's behaviour has to be classed as 'renitent', this can be construed to be an overt manifestation of human suffering. The SRC is committed to proactively alleviating human suffering.
 3. At the time when the request was made to the SRC, both the FOM and the SRC were aware of the fact that forceful means had been applied during a previous unmonitored case of renitent deportation in which the migrant had died.

In contrast to these potential violations of the Principle of Humanity, the Principle of Independence, on the other hand, would legitimise the SRC to decline the request. As with all National Societies, the SRC must see itself - and, most importantly, be seen by others - as being autonomous, i.e. not tied to its home-country's government or its policies. Consequently, the SRC should not feel itself to be obliged to provide assistance to the Swiss government, if this would prevent the SRC from acting in accordance with the Principles of the RC/RC.

The fact that the National Society of Luxembourg (LRC) had already been providing the same deportation-monitoring service to its own local government for several years would, on the one hand, create no binding precedent for the SRC. On the other hand, of course, it could impact on the SRC's arguments in its own response to the OFM. As it transpired, the SRC did in fact decide to consult with the LRC and asked them to answer a list of very specific questions related to the issue of deportation-monitoring. It was indicated that the contribution to the

deportations did not create a conflict with the ideals and principles of RC/RC. Neutrality and Independence could be upheld in the eyes of both the national authority and the deported persons.

Returning to the SRC itself, if it were to decline the FOM's invitation from the outset and to argue that there are other Swiss institutions than the SRC which could carry out the deportation-monitoring task, this could be interpreted in various ways, e.g.

1. Perhaps the SRC implicitly recognises that there is indeed a humanitarian need, but would prefer to let other parties carry both the reputation risks and the extra drain on their human resources.
2. Perhaps the SRC prefers to employ its resources for humanitarily "better" purposes than monitoring the deportation of renitent migrants.

It follows from the above discussion that, if the SRC should decide to decline the invitation, a clear explanation would be needed in order to reduce the possibility of undesirable interpretations being propagated by the media. An unqualified Yes/No response to the original request would therefore be unwise. Also, whatever arguments the SRC would decide to use, it would need to communicate them in a sufficiently credible way in order to convince the media, the public, the FOM and its own staff. However, the RC/RC's understandings of the Principles of Neutrality, Impartiality and Humanity make it very difficult for the SRC to offer credible and convincing arguments not to offer its help in cases such as that of deportation, as we intend to show below from different perspectives.

At the outset of the following discussion, it is important to realise that, whilst the act of deportation of renitent persons and scenes of violence at an airport bring numerous legal and humanitarian issues into the spotlight of public attention, the process leading up to that final act is fraught with very much the same challenges which are created by the three Principles, as mentioned above. The SRC's work often starts shortly after the migrants arrive in Switzerland and it continues until the

day when some of them are forced to leave. Such work includes, for example, visiting migrants who are being held in custody. The objectives of such visits are to advise and support them regarding their return and to provide them with individual guidance. Whilst it might be easy to recognize how the Principle of *Humanity* can be implemented by making these visits, the practical application of the Principles of *Impartiality* and *Neutrality* is more challenging. For example, according to first-hand accounts by lawyers, a significant number of the migrants do not trust the legal counsel who is appointed to represent and advise them in legal matters. According to these accounts, many of the individuals admit nothing to their lawyer, even when the latter presents them, for example, with a video-recording of some criminal activity in Switzerland in which they were clearly involved. This lack of trust is understandable, we were told, since the migrants are very much aware that it is the Swiss State which is providing and financing their legal support. Therefore, in their minds, it would be highly likely that the Swiss authorities have sent a lawyer - under the pretext of personal legal counsel - with the real objective of obtaining an admission of guilt in order to strengthen the State's case for deportation. It is therefore not particularly surprising that some migrants become 'renitent' and consequently classed as such. It is in this context of distrust towards anyone provided by the Swiss authorities that the SRC also tries to offer its own humanitarian support, impartiality and neutrality. However, as expounded in Section 4.1, if a person is not perceived as being neutral, then he/she isn't. Moreover, if the SRC's representatives are likely to be perceived already during the detention phase as being part of the Swiss official apparatus and therefore as non-neutral, then why should such perceptions of the SRC's staff change during the final act of deportation itself? In other words, the SRC is already confronted with a significant credibility challenge when trying to implement the Principles of Humanity, Neutrality and Impartiality all at the same time with such migrants.

Ideally, the SRC would need to be able to convincingly address questions concerning its own neutrality such as the following:

1. Is the SRC complicit in its country's incarceration of migrants by visiting them in Swiss prisons?
2. By providing advice to such migrants concerning how they could return to their countries of origin in dignity, is the SRC factually aiding the Swiss authorities to effect its policies in such a way as to minimise resistance and negative public attention?

Obviously such questions need clear and convincing answers - and this depends on the extent to which the RC/RC can convincingly address certain more fundamental questions which are well documented in the media and its own publications. These concern the RC/RC's political, ideological and material neutrality:

3. How can the RC/RC National Societies be neutral and impartial if they are predominantly financed by the political systems, institutions and inhabitants of their own countries?
4. Does the RC/RC tell "two moral stories, one in public, the other in private"? - see Ignatieff in *'Hard Choices: Moral Dilemmas in Humanitarian Intervention'*.¹¹
5. In its motive to "promote mutual understanding, friendship and lasting peace amongst all peoples", is the work of the RC/RC not basically an expression of Western ideology?
6. Does the RC/RC implicitly accept war and violence by providing humanitarian aid to war victims? Or does it have a secret mission "nothing less than the sabotage of war"? - see Berry, *'War and the Red Cross'*.¹²

As Larry Minear points out, the Principle of Neutrality is not only a distinctive one, but also a controversial one. He writes that this Principle is "surely the least self-evident and most problematic of the Movement's seven cardinal tenets". He also writes that "the tensions between theory and practice experienced by the ICRC, especially with respect to neutrality, warrant reflection" - see Minear, *'The Theory and Practice of Neutrality'*.¹³

Perhaps the suggested need for reflection is caused not merely by

1. "tensions between theory and practice" or

2. the question as to "whether in highly politicised surroundings the RC/RC can in fact remain non-political"

but also by

3. the coexistence of differing ethical standpoints inside and outside the RC/RC and
4. the RC/RC's adoption of a single ideological standpoint which de facto disqualifies it from being able to act neutrally in a multi-ethical world.

We will now explore the last point in particular in more detail.

If we look at the actual wording of the RC/RC's Principle of *Neutrality*, we notice that it reads as follows:

"In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature."

This formulation begs an interesting question: Why are the terms *cultural* and/or *ethical* not included in the types of controversies covered by the Principle? Interestingly, we notice that the same terms have not been included in the Principle of *Impartiality* either. In the context of this paper and the definitions of terms used hitherto, we draw the conclusion that the RC/RC, by virtue of embracing the premises contained in the Universal Declaration of Human Rights and International Humanitarian Law, is compelled to restrict its understanding of *neutrality* to one which is compatible with its adoption of cultural premises such as *individualism*, *rationalism*, *egalitarianism* and *universalism*. In other words, the RC/RC

1. has taken sides in terms of culture and ethics,
2. promotes a certain ideological position which inevitably concurs with certain political tenets and factions and which distances the RC/RC from others,
3. is compelled by its own Principles to stop short of *cultural and ethical neutrality* (see above, Section 4.1).

In so doing, the RC/RC contradicts its own Principle of *Neutrality* by being party to, and taking sides in, an ideological conflict. Thus, it is not surprising that the RC/RC, the ICRC, the SRC and other National Societies repeatedly find themselves confronted with ethical dilemmas and suspicions concerning their true neutrality.

In the light of the various credibility challenges which the SRC faces, both in general and in relation to the specific case under discussion, we will now examine the arguments used - and some of those not used - by the SRC when, in September of 2010, it decided to decline the invitation. The reasons given to the media by the SRC spokesman at that time were:

1. that the SRC is embedded within the RC/RC and that the RC/RC does not support the involvement of National Societies in the deportation of migrants;
2. that any such involvement on the part of the SRC could, in specific situations, be seen as contradicting the RC/RC's Principles of *Neutrality* and *Independence* and could thus create a security risk, particularly to the ICRC;
3. that the SRC has no control over what happens to such migrants when they are returned to their country of origin.

It is interesting how Point 2 of this response very clearly underscores the fact that the RC/RC's neutrality steps short of *ethical neutrality*.

A significant point concerning the reasoning of the SRC is the lack of public mention of possible situations where SRC observers might

1. witness the perpetration of acts by the Swiss police which could be judged as inhumane and
2. later have to give evidence to that effect.

The fact that this particular aspect of not being seen to take sides is not publicly mentioned, even though such situations could very easily occur, automatically casts a further shadow of doubt about the true neutrality and impartiality of the SRC.

The reasoning of the RC/RC itself, as alluded to in the SRC's statement, was, in fact, as follows:

1. RC/RC policy and practice are to never repatriate someone who does not desire it, whatever the views or wishes of the authorities. Each individual scheduled for repatriation must be interviewed in private in order to ensure that the repatriation is taking place in accordance with his/her wishes.
2. If a National Society were to provide monitoring staff for deportations, there would be no satisfactory way for the monitors to converse with the deportees or observe every single event. Thus they would not be able to detect all forms of ill-treatment, especially psychological trauma such as humiliation, threats and various types of pressure.
3. The national authorities would, however, enjoy the image benefits of having a component of the RC/RC present, but without that presence actually resulting in complete or satisfactory monitoring. Though authorities have other sources of such services, they may ask the National Society in order to benefit from the positive image which the RC/RC lends and thereby soften perceptions and make a controversial act of force appear more humane.
4. National Societies are obliged to refuse any assignments which may be requested of them in their role as auxiliaries in the humanitarian services of their governments when such assignments could conflict with the RC/RC's Principles.
5. If one National Society would accept such an assignment, others might be put under pressure from their own governments to do the same - which could lead to the emergence of divisions within the RC/RC.
6. The humanitarian service provided by the RC/RC's staff who accompany deportees appears paltry compared with the problems and risks involved.
7. The authorities already have the means to ensure that their deportations are carried out lawfully and humanely.

This reasoning of the RC/RC makes a very clear ethical stand regarding repatriation per se. Also, they implicitly recognize the potential incompatibility between the ethical standpoint of the RC/RC and that of some national authorities and National Societies, particularly when the RC/RC expresses its appeal for a unified stance among its National Societies.

What these arguments do not address is the possibility that the ethical position of the RC/RC may, in certain cases, also significantly differ from individual migrants' own ethical premises and cultural origins. Of course, having taken an absolutist stand on the matter of repatriation, the RC/RC has no alternative but to remain true to its own ethical standpoint. It follows that it must dissociate itself from any inhumane treatment which might take place during the deportations.

At this juncture, we need to consider a factual development which involved the Swiss migration authorities and which, once again, brought the whole matter of deportation of renitent migrants into the focus of public attention. On 7th July 2011, nine months after the SRC's decision to opt out of deportation-monitoring, a group of approximately twenty deportees were taken to Zurich airport for boarding on a special flight to Nigeria. A Swiss news camera, which filmed the boarding process, captured a scene of one of the deportees resisting the attempts to put him on the plane. The film was broadcast the same day on Swiss television and showed how the migrant was carried up the loading steps by eight policemen. As he struggled, one of the policemen was filmed punching him. Then another policeman was filmed hitting him several times with a truncheon. For various reasons, including the fact that the SRC had declined to participate, there was no independent body present to monitor or intervene in what happened in this incident. Even though Swiss law permits the use of forceful means by the police in such cases, the general reaction to these scenes was so strong that an independent enquiry was demanded.

The significance of this further development is clear:

1. Once again, some would argue, suffering was being endured by migrants in the

hands of the Swiss authorities on Swiss soil, i.e. on the SRC's own territory.

2. The SRC had declined to negotiate on the terms for their possible involvement in the monitoring of deportations. It could therefore be argued:
 - a. that the SRC had thus factually denied two parties, the Swiss authorities and the deportees, the possibility of drawing on its significant expertise in such matters;
 - b. that the SRC had left the Swiss authorities alone with the task of finding a solution to its obligation to comply with the EU guidelines and with its own legislation;
 - c. that the SRC had left the deportees alone with the task of fending for themselves without SRC monitoring.
3. No impartial body was present at the time of the incident on July 7th, 2011 at Zürich airport to provide an independent account either in the interests of all directly involved or in the interests of the Principle of Humanity.

So, returning now to the main theme of this paper, we will address the question as to how *ethical space* and a greater degree of *interethical competence* could have prevented this outcome and/or contributed to the situations being faced by the various parties.

If the migrants, the RC/RC, the SRC and the Swiss authorities latter were already to possess - or could be helped to develop - a sufficiently high level of *interethical competence*, they would each necessarily recognize the existence of a multi-ethical outer world and perhaps also of a multi-ethical inner world. Since *rationalism* is one element of the known cultural and ethical spectrum, they would reflect rationally on the appropriateness of the cultural premises and motives behind

1. their own ethical identity and reasoning and
2. any approaches which could be chosen to overcome any pertaining divergences of ethical standpoints.

They would also consider the possibility that

3. there may be differences not only in the levels of interethical competence but also, for example, in the level and importance of *rationalism* among the other parties involved.

Ethical space enables people not only to pursue the *premise of rationalism* by reflecting in a cognitive fashion, but also to enter into the cultural contexts of what some might term *fideism*, *empiricism* and pure *emotionalism*. In so doing, they develop their *cultural and ethical empathy* (see Section 4.5).

Ethical space is, by definition, ethically non-exclusive. Consequently, the process of entering into ethical space can potentially become an integrative one. In other words, by recognizing the co-existence of other ethical standpoints, those who have been culturalised as *rationalists*, *fideists*, *empiricists*, *emotionalists* etc. have the possibility of gaining access to each other's worlds. Moreover, when conducted within a context of *ethical neutrality* and at a sufficiently deep level, i.e. not merely in a cognitive or theoretical fashion, the rational and emotional processes which the parties experience may relate, first and foremost, to their own beliefs and values. In the case of *emotionalism*, their emotionality could 'directed' itself firstly at themselves, i.e. as they allow their own standpoints to be challenged in the light of a multiplicity of possible ethical alternatives. In this respect, it is interesting to note a conclusion made in a paper published by the Kommissariat der Deutschen Bischöfe in which they described the recent initiatives undertaken in Germany concerning the deportation of migrants. They concluded as follows:

*Die bisher geleistete Arbeit hat sich bewährt und sollte im Rahmen der Rückführungsrichtlinie im Bundesgebiet flächendeckend etabliert werden. Es hat eine Enttabuisierung einer emotional besetzten Thematik begonnen, die fortgeführt und weiterentwickelt werden sollte. Dass dieser Diskurs allen Beteiligten im Blick auf ihre Diskussions- und Konfliktfähigkeit einig abverlangt, ist unbestritten.*¹⁴

The formulation of this conclusion suggests that its authors have witnessed individuals or groups undergoing various emotionally challenging processes, whilst addressing and discussing the topic of deportation.

It is well known that, in the absence of ethical space and interethical competence, ethically divergent parties tend in general

1. to direct their emotionality at each other,
2. to use various forms of overt or covert ethical reproach, defence and self-justification,
3. to argue in a way which is determined by, and confined to, the specific ethical divergences pertaining in the situation at-hand.

One of the potential advantages of conducting ethical introspection in a context of *ethical neutrality* lies in the fact that the fears which might arise in other types of situations become ungrounded. There are no grounds for fearing that one might develop a negative attitude towards, or feel forced to abandon, the form of ethical identity which one has possessed hitherto. Nor does one have to fear entering into a process of cultural or ethical relativisation, i.e. where '*anything goes*' - see Robinson, "*The Value of Neutrality*" *op. cit.*

Ethical reflection in a context of ethical neutrality also enables people to address the notions of *responsibility* and *moral conscience*, which are core issues in many cultures' understandings of ethics, without the fear of external reproach or self-generated guilt. Ethical space allows people to internalise the insight that the definition and the importance of *responsibility* and *moral conscience* vary widely from one ethical standpoint to another, and from one culture to another.

If, for example, one applies the *premise of self-responsibility* to the case at-hand, not only the Swiss authorities, but also the migrants can be viewed as being in an awkward situation which they have 'each got themselves into'. In other words, each party bears its own responsibility for its predicament and for the consequences. Based on this understanding of *responsibility*, it could be argued that

1. Switzerland necessarily carries the consequences of
 - a. possessing such a high standard of living that it attracts not only the more fortunate, but also the less fortunate citizens of the world,
 - b. allowing certain or all migrants to stay;
2. those migrants who 'try their luck' at finding refuge in Switzerland, necessarily carry the personal consequences if their idea succeeds or fails; if it fails, they are not 'victims of Swiss deportation' but 'instigators of their own repatriation'.

If, on the other hand, one were to adopt *the premises of autocracy or oligarchy* under which the rights of decision-making lie unchallengeably with a supreme individual or body at the pinnacle of a hierarchy, then the concept of *responsibility* becomes a moot one. The members of such a culture are subject to the decisions of the ultimate authority. Based on this premise,

3. the authority of the 'host' country accepts or rejects migrants according to criteria which it does not need to justify to anyone;
4. migrants to and from such a culture are destined to accept their fate at the will of the superior authority, whatever that fate may be.

A third cultural premise might be that of *shared responsibility*, meaning that:

5. the Swiss authorities and the migrants equally *share the responsibility* for the predicament and the consequences,
 - a. regardless of any asymmetries of means and influence or
 - b. in proportion to each party's level of means and influence.

A fourth cultural premise could be that of *active collective humanitarian responsibility*. This would mean that

6. like the SRC and the RC/RC, the Swiss authorities and the migrants have a responsibility to accept, respect and be proactively compassionate to all individuals, regardless of their religion, gender or other category of difference.

Whilst the list of possible cultural premises is virtually endless, given the fact that they can also co-occur in various constellations, the following fundamental questions apply:

1. Which cultural premises apply in a given situation?
2. To what extent should the same cultural premises be applied by all the parties involved?
3. Who says so, why do they say so and to what extent should they be required to justify why they say so?

In particular relation to the case at-hand, the questions arises:

4. What role could the SRC play under any given set of cultural premises?

Whilst we, the authors, are at least partially aware of the efforts which are made by the SRC and the Swiss authorities to help the migrants to reflect on the precariousness and consequences of their position, we are unsure as to the premises behind

1. the motives for providing this help and
2. the manner which is adopted when providing this help.

Also we are unsure as to

3. the extent to which these people are provided with an environment of *ethical space* within which
 - a. to develop their *ethical and interethical competence* and
 - b. to reflect on the ethical standpoints which pertain in their countries of origin, in Switzerland and other countries and societies.

Our prognosis is that numerous seemingly insurmountable problems could be resolved if all three parties, i.e.

- the RC/RC and the SRC
- the Swiss authorities and
- the migrants

were to be given access to the *ethical space* which would allow the challenges of multi-ethnicity to be addressed in a fundamentally different way than they have until present.

In fact, it could be the SRC and/or the RC/RC who would create the ethical space for the Swiss authorities and for the migrants to reflect on their respective standpoints. Whilst this would pre-require *ethical neutrality* on the part of the SRC and the RC/RC, it would provide the opportunity for these bodies to prove their neutrality in a form which frees them from doubt concerning their motives. The nature and the quality of the expertise which the representatives of the SRC and the RC/RC offer does, of course, vary depending on how far these bodies' understanding of *neutrality* extends and consequently how they define their own identity and role in world affairs.

6. Conclusions

The examples in the last chapter illustrate some of the inner cognitive and emotional processes which people can undergo in developing their *interethical competence* with a view to resolving specific ethical dilemmas and conflicts.

The cases which we examined involved

1. a production manager and a sales engineer
2. the Swiss Red Cross

These specific cases also serve to show, of course, how common it is for individuals and institutions all over the world to be confronted with differing cultural and ethical standpoints, either with others or within themselves. Not only is the phenomenon very common, it also has very wide-reaching, often potentially irreversible, material and social consequences. If cultural and ethical conflicts are left undetected and consequently unresolved over longer periods of time, they can destroy relationships in political, business and private life beyond repair and, at the individual level, they can drain a person's energy to the point of emotional isolation, severe burnout, chronic depression and even suicide.¹⁵

Returning to Postulates 2 and 3 (see Chapter 1), this insight raises the question:

1. Why do so few individuals and institutions realise
 - a. that the true sources of many of their mental and emotional predicaments, dilemmas and conflicts are of a cultural and/or ethical nature and
 - b. that, if properly analysed, such predicaments are relatively easily to resolve through the application of *interethical competence*.

Whilst the simple answer is that there is a lack of awareness about the role and consequences of cultural and ethical differences, it must be recognised that the real reason lies in the fact that mono-ethical conditioning is so widespread and deeply-seated that the concept of *interethical competence* lies outside most people's mental paradigms.

We can see this in the way in which people who possess a high level of *interethical competence* are perceived and treated (see Postulate 2). Apart from the fact that some people may

- not be conditioned to perceive *interethical competence* at all, or to regard it as being appropriate (see Section 3.5), or
- confuse *ethical relativism* and *interethical competence* (see Section 4.1),

it can be very disconcerting for many people to interact with someone who outwardly displays a high level of interethical competence. Ethical 'flexibility' - which many might call it - is something which violates our general understanding of *credibility* and *trustworthiness*. The reason for this is, of course, that such attributes are generally mono-culturally and mono-ethically defined: How can we trust a person who is able to move from one ethical standpoint to another - and who is able to do so in an apparently genuine, and not merely a cognitive way?

However, it is only when we

1. begin to recognise the fact that the world around us is indeed multi-ethical and that our own inner worlds are often multi-ethical too, and
2. digest the consequences of that insight, which includes fundamentally redefining notions like *trust*, *trustworthiness*, *credibility* and, last but not least, *identity*,

that we can

3. discover new ways¹⁶ of resolving those inner dilemmas and conflicts which sap such considerable amounts of our mental and emotional energy – often without our even realising it and
4. begin to value and develop the quality of *interethical competence* in ourselves and others.

Interethical competence helps us to recognise and confront the assumptions which are sewn into the backcloth of our motives, judgements and actions. It allows us to examine our own *ethical footprints* and those of others with a very high degree of clarity.

As long as we are able to do this in a context of *ethical neutrality*, such examination brings relief instead of criticism, verity instead of illusion and thus enables us to find rationally and emotionally sustainable solutions.

Notes and References

- 1 Robinson, Stuart D.G., 'Learning to Interface: Serious Deficits and Encouraging Trends in Management Development', Barometer, 5C Institute, Zug, Switzerland, 1994 and 'Interkulturelles Management – die Kunst, Konflikte zwischen Kulturen zu bewältigen bzw. zu vermeiden' Barometer, 5C Institute, Zug, Switzerland, 1994
- 2 Fukuyama, Francis, 'The End of History', Avon/Bard, Free Press, New York 1989
- 3 Nancy, Jean-Luc, 'Dis-Enclosure', Fordham University Press, New York, 2008; Saul, John Ralston, 'Collapse of Globalism' Overlook Press, New York, 2005; Watson, Peter, 'A Terrible Beauty', Phoenix Non Fiction/History, London, 2000
- 4 Robinson, Stuart D.G., 'The Value of Neutrality', 5C Centre, Zug, Switzerland, 2007
- 5 Bielefeldt, Heiner, 'Philosophie der Menschenrechte', Primus, Darmstadt, 1998; Chappel, Timothy, 'Ethics and Experience, Life beyond Moral Theory', Acumen, Durham, 2009; Guthrie, Shandon 'Immanuel Kant and the Categorical Imperative' in The Examined Life On-Line, Philosophy Journal Vol. II, 2001; Lukes, Steven, 'Moral Relativism' Profile, London, 2008; Sen, Amartya, 'The Idea of Justice', Penguin, London, 2009; Wiggins, David, 'Ethics: Twelve Lectures on the Philosophy of Mind', Penguin, London, 2006
- 6 Robinson, Stuart D.G., 'The Ethical Implications of Feedback', 5C Centre, Zug, Switzerland, 2010
- 7 Morosini, Piero 'The Importance of Cultural Fit in Cross-Border Mergers and Acquisition Deals', Barometer, 5C Institute, Zug, Switzerland, 1993; Robinson, Stuart D.G. 'Why Have 70% of All Joint Ventures Failed?' Barometer, 5C Institute, Zug, Switzerland, 1993
- 8 de Saussure, Ferdinand, 'Cours de linguistique générale', Bally and Sechehaye, Payot, Lausanne, 1916
- 9 Hampden-Turner, Charles, 'Corporate Culture', Piatkus, London, 1994
- 10 Faure & Rubin, 'Culture and Negotiation', Sage, London, 1993; also Robinson, 'The Value of Neutrality' *op. cit*
- 11 Ignatieff, Michael, in 'Hard Choices: Moral Dilemmas in Humanitarian Intervention' by Jonathan Moore, Oxford, 1998
- 12 Berry, Nicolas, 'War and the Red Cross', New York, 1997
- 13 Minear, Larry, 'The Theory and Practice of Neutrality' in the 'International Review of the Red Cross', No 833
- 14 Kommissariat der Deutschen Bischöfe 'Abschiebungsbeobachtung – Ein Modell zur Umsetzung von Art. 8 Abs 6 der EU-Rückführungsrichtlinie', Berlin, 2010
- 15 Hess and Robinson, "Burnout – Ursachen und Heilung", Erfolg 6/2012, Zürich, 2012, Robinson, Stuart, "The Link between Personal Distress and Cultural and Ethical Assessments", 5C Centre, Zug, Switzerland, 2012
- 16 A concept termed *ethical incipience* is closely related to that of *perceiving*, as defined in Section 4.3 and is the result of a very specific form of *ethical reflection*. For a more detailed treatment of this concept, the reader is referred to Lynn, Richard, "I Ching – The Classic of Changes" Columbia, New York, 1994, who translates from the original Wang Bi interpretation as follows:

"To plumb the principles the pre-phenomenal world" is what is meant by *profundity*, and "to be ready just at that moment when the imperceptible beginnings of actions occurs" is what is meant by the term *incipience*. (p. 63).

The concept of incipience as it relates to the process of perceiving made possible by ethical space may overlap with certain understandings of the concepts of *tao* and/or *dharma* - see Subramanian, Ramnath, 'The Dharma Dilemma: The Challenge of Competing Duties', Huffington Post, 2011 - in particular when such understandings entail escaping the mental confines which have been created by adherence to a limited number of premises.