



Przemysław Kaczmarek*

Two manners of understanding of the code ethics concept in the light of Leszek Kołakowski's consideration

In the discussion of the code ethics concept, the problem of understanding it as well as the fact of accepting it as a factor which reinforces the sense of moral responsibility or leads to its distraction seems the key issue. In the reflections which follow I intend to prove that by maintaining skepticism about the code ethics concept it is possible to defend it from an understanding which boils down to the 'preparation' of: a) human personality, b) morality, c) choice of a decision which is taken. I shall also try to show that on the basis of L. Kołakowski's ideas two different methods of understanding the code ethics concept can be distinguished. The first method is characterized by the tendency to create an ethical code as a complete and coherent system of principles. L. Kołakowski objects to this attitude by defining it as 'code-like'¹ and contrasts it with the second method of understanding the problem, i.e. the attitude of being aware of a paradoxical character of the moral life². The purpose of the reflections which follow is to present the two methods of understanding the code ethics concept taking into particular consideration the questions about man's image which they suggest.

I

Is it right to say that the code ethics concept constitutes an example of avoiding responsibility? L. Kołakowski gives an affirmative answer to this question. He presents the following

* Faculty of Law, Administration and Economics, University of Wrocław.

¹ L. Kołakowski writes: *Idea of a code is an ideal of a perfect system from which, when combined with the description of a given situation, it is possible to deduce any evaluating judgment or its negation. A code is supposed to transform the world of values into a crystal landscape where any value can always be located and identified without a shadow of doubt.* See: [4, p. 153].

² In this meaning, ethical code concepts can be understood in the context of Leszek Kołakowski's project: ethics without a code.

three moral attitudes to prove this idea: nihilistic, conservative and existential [4, p. 152], which assume definite attitudes towards the code ethics. In the nihilistic attitude the code is useless because the clues contained in it do not have any chance to be put into practice. In turn, existentialism does not so much emphasise uselessness of the code as questions any values of professional ethical codes which are supposed to constitute 'a beacon' for the accepted moral attitude. On the other hand, in conservatism the code constitutes a basic instrument in creating a moral attitude.

Thus, nihilism assumes that an institutional structure in which the subject functions is not a positive value, but the subject himself is. According to this thesis, we cannot look for the basis of moral choices in the existing world, but only in the subjective sense of our own awareness. However, Leszek Kołakowski believes that in fact, nihilism – under cover of radicalism – means an escape from engagement which is necessary in a decision making process. In this sense, radicalism is apparent and tries to hide real intentions which lead to avoidance of responsibility. L. Kołakowski compares this attitude to the behaviour of a tightrope walker in a circus who apparently performs acrobatics without any protection but, in fact, with a protecting net which is invisible for the audience. In other words, a nihilist draws from programme radicalism [...] *only such conclusions which allow him to avoid making a decision but not those which hit him himself* [4, p. 144]. Conservatism, which assumes the identification of an individual with the existing practice and affirms this attitude by the behaviour according to the existing institutional mechanism, often opposes to this kind of attitude. A comparison of these two approaches shows that acceptance of the attitude of nihilism means the rejection of the existing order, while conservatism boils down to the behaviour according to the existing patterns. However, it seems that both of the distinguished attitudes can be understood as those which assume affirmation of the world, but with the reservation that for conservatism it constitutes an

initial assumption, while for nihilism it is a hidden assumption which is supposed to justify making no decisions. While nihilism can be looked at as a masked form of opting for arbitrariness which allows us to question every manifestation of responsibility, conservatism achieves a similar purpose through the reference to the existing practices. Seeing in the consequence a value in itself, conservatism also permits to avoid responsibility by shifting it onto the institution. In the light of the above, the employment of the code ethics concept may lead to a situation in which it is used as an argument – according to the idea: if I observed its principles, I behaved in a correct way. Here, responsibility boils down to the fulfilment of obligations that are specified in the code. Therefore, from the point of view of responsibility, both attitudes can be considered as an escape from it³. It may seem that the acceptance of the existential idea can prevent it. This attitude, which concentrates on a human being, causes man to become the only support for himself. However, it leads to the rejection of a choice or a moral dilemma because it assumes that each decision is equally good⁴. Therefore, responsibility is merely apparent and it becomes real only when the resting imperative assumes that the subject of responsibility is a value. However, according to L. Kołakowski, we do not deal with this situation in existentialism⁵.

Thus, we can state that a desire for moral safety results in aiming at the code-like character of ethics. Nihilism questions moral safety as a state which is possible to be achieved and offers moral relativism instead, in which there are neither determinants nor conditions for being responsible and, therefore, it does not constitute a method of creating a responsibility-type human image. Nevertheless, it is only in conservatism that an escape from responsibility is fully visible as conservatism shifts responsibility to the principle of behaviour. In the case of an existentialist attitude, we deal with yet another situation. Nonetheless, existentialism seems to suspend the concept of responsibility by trusting exclusively man's own engagement and seeing it as a source of the right choices. As it has been mentioned above, this is the reason why responsibility becomes illusory. Therefore, according to L. Kołakowski, each of these attitudes can be understood as mystifying the state of responsibility [4, p. 152].

³ When comparing both attitudes, L. Kołakowski notices that: [...] they are two ideological versions of the same initial inspiration. A nihilist finally reduces the world to himself, while a conservative reduces himself to the existing world. See: [4, p. 144].

⁴ Enlarging on this idea, L. Kołakowski, while characterising existentialism in the context of responsibility concludes: *In this way, the idea of engagement which apparently postulates a maximum responsibility, transforms itself into a new means to avoid a real responsibility*, see: [4, pp. 150, 151].

⁵ [4, pp. 149–151]. Similarly to R. John: [...] whatever we do in a given situation, whatever decision we make, we do not bear any moral responsibility because each time we behave correctly, and behaving correctly, we do not disturb a moral order [...] Existential idea of engagement transformed the notion of responsibility into an appearance, i.e. into its own opposite. See: [3]. This issue is problematised by J. Filek, see: [2, Chapter 4.1].

II

A reference to L. Kołakowski's thought allows us to understand the code ethics concept in a way which is not limited to perceiving it as an escape from responsibility. It is determined by accepting assumptions, which – in my opinion – are concentrated on exposing the idea of responsibility⁶.

The first assumption suggests accepting the ethical code as a set of indications, but not as a complete system of principles. We should not use it in such a manner as if it could regulate our entire reality and every moral dilemma could be resolved on its basis.

The second assumption postulates understanding the ethical code as a system creating 'a place' for a human being – an interpreter of its rules. Therefore, we cannot understand the ethical code concept as a reliable point of support which alleviates our anxiety while making decisions. Strictly speaking, an attitude towards the code ethics concept is supposed to assume that the notion of a principle requires an action of application, which is not a mechanical process but an act of choice and a decision taken by the interpreter.

The third assumption refers to the symmetry of obligations and claims. According to L. Kołakowski: *In fact, the most precious moral values are created as a result of asymmetry between a code obligation and a claim, i.e. in situations in which someone decides to treat an obligation as his own without being forced to do so by a third person* [4, p. 158]. This idea suggests an ethical claim for independent defining moral obligations. Consequently, this means that a concept of morality should not be replaced by ethics of principles. The process of taking into consideration a code principle should not constitute the only factor which determines an ethical action. If we accepted such assumptions, we would rule out individual morality.

The fourth assumption suggests that in the ethical code concept a homogenous image of values cannot be accepted. This means an objection to the establishment of their hierarchy and as a result an exclusion of the conflict between them.

The fifth assumption refers to the symmetry of obligations and values. In understanding the ethical code concept – in this scope – it should be assumed that [...] *it is not only the thing which is the value that is the subject of obligation at the same time but also the contrary, whatever is the subject of obligation is also a positive value* [4, p. 166].

⁶ L. Kołakowski writes: *Namely, the main idea that we wish to defend can be formulated like this: a desire for a complete code originates from the desire for perfect moral safety and this desire, in turn, is antagonistic in relation to certain phenomena of awareness which are indispensable for opposing social and moral degradation [...] Our objections have double intention: they are to turn our attention to the fact that looking for unfailing support in perfect codes is a means to deaden our awareness of certain real properties of moral situations occurring no matter whether we know or don't know about their existence; secondly, they are an expression of our suspicion that a well codified moral awareness breeds contempt for certain values, which otherwise enjoy a high position in the cultural tradition that we consider as ours*. See: [4, pp. 153, 157–158].

On the basis of each of the presented assumptions, a distinct character of two manners of understanding the code ethics concept can be illustrated. Let us then pose a question about a man's image that is suggested by both of these attitudes. In the first attitude, the image of a man who was brought up by an institution and whose identity was internalized by an institutional structure seems to be proper. Thus, in this image the ethical code concept constitutes 'a shelter' from anxiety connected with making a decision. This shelter is a poor substitute of safety and certainty as these are the values which are sought for throughout our existence. A desire for the world, in which the appearing moral dilemmas are already resolved and their solutions that can be referred to with the sense of safety, makes people behave in a proper way. Therefore, there is no place for anxiety anymore. In this image, man becomes merely a recipient of institutional imperatives provided by the code. In brief, man avoids responsibility by shifting it to the community. On the other hand, the second attitude presents the image of man as a participant of the community he belongs to. He co-creates the institution within which he acts and consequently he is responsible for it. By accepting such an image of man, L. Kołakowski defends, among other things, the idea of collective responsibility so that it is not understood in a pejorative sense. For that reason he indicates another way of its possible understanding⁷. According to this understanding, institutional responsibility is based on: a) individual responsibility, b) causative power of man, i.e. a process of creating institutions which he is a part of [4, p. 169]. By reference to these assumptions, L. Kołakowski in his essay *Responsibility and History* points out to moral responsibility of an individual. We deal with it not only in the situation in which individuals participate in activities they undertake, but also when they are passive in relation to them by having no objections. Here, silence means approval. Another possible manner of considering two ways of understanding the code ethics concept is connected with the question about assumed morality. As it appears, we can say that they reveal two moral attitudes which are defined in literature as 'ethics of principles' and 'ethics of sensitivity'⁸. While in the first attitude it is assumed that responsibility is limited to the observance of established principles of behaviour, whereas the second attitude leads to the formation of an open attitude to moral sense of a given matter and decision to be made. Following this viewpoint, we can understand the code ethics concept as a tool in education. Accordingly, this concept becomes an instrument by which man is educated in the sense of responsibility for the decisions he makes and for institutions in which he functions. On the whole, the concepts of the ethics code can be understood in the context of its educational role.

III

As we could notice, L. Kołakowski – by opposing to the understanding of the code ethics concept as a system of

principles which exempts man from resolving moral dilemmas – postulates another manner of understanding, which allows the inclusion of man, morality and choice into the process of decision making. However, pointing out to this understanding, we must admit that Kołakowski is by no means enthusiastic about the code ethics concept itself because, as the philosopher emphasises, it creates a space for deadening moral responsibility for the choices which are made [5, pp. 103–104]. We could even say that Kołakowski warns against this concept. Therefore, the defence of the code ethics concept perhaps ought to be viewed as a manifestation of the departure from the project of ethics without the code; this departure is justified by appropriating the understanding of this concept by an attitude which L. Kołakowski defines as 'code-like'. This is the conclusion which I intended to place at the end of these considerations. However, now it seems to me that it is possible to assume yet another hypothesis illustrating the basis of the defence of the code ethics concept. Perhaps, the aforementioned departure is motivated by pragmatic arguments, i.e. by the fact that our actions cannot take place without the notion of a principle. In this meaning, the defence of the code ethics concept could be understood as accepting the priority of responsibility over a principle. If so, a key element in this discussion is to pinpoint the notion of responsibility and to understand the code ethics concept with regard to it.

Summing up these reflections, I would like to notice that the defence of the code ethics concept as proposed by L. Kołakowski, despite its scepticism, can lead to a lesson that we all can learn from. Namely, in the world which, according to Kołakowski is 'full of holes', we deal with some situations in which it is necessary to accept a departure from an assumed concept. However, it is crucial that this departure must not entail relativisation of values⁹. This is, in my opinion, what Leszek Kołakowski warns us against and that is why he places such an emphasis on the education in the sense of responsibility. This idea also refers to the discussed code ethics concept, which is proved by his own words: *Morality which looks for support in good codes indeed contains a tendency to seek for unconditionally justifying rules, therefore, it assumes an optimistic and unconcerned faith in perfect parallelism of obligations and values and concludes immediately that if something is allowed or ordered, it is bound to be morally good [...]. Thus, education ought to make us realise the existence of disharmony between the world of values and the world of obligations; this disharmony is an authentic nature of human relations and it is only in some hypocritical theodicies that it can be shamefacedly removed from our eyes* [4, pp. 168–169].

Translated by B. Setkowicz

⁷ [7, pp. 53–54]. In its broader context, this problem is dealt with by the author in: [6, pp. 69, 84–87, 98–99].

⁸ For more on the two ethical traditions, see: [1], [8, p. 51 and further].

⁹ I formulate this idea on the basis of L. Kołakowski's reflections on the rule of truthfulness: *There are few people who would oppose to the statement that in certain cases a lie is morally prescribed [...]. However, it would be rather wrong to express this view by saying that 'on the whole a lie is bad, but we must allow for some exceptions' or 'a lie is sometimes good, sometimes bad'. Relativism [...] is truly dangerous and can easily be used as an excuse for total nihilism. It is safer to say that truthfulness is always good and a lie is bad and that in many circumstances we think that we should do something bad in order to prevent something worse.* See: [4, pp. 94–95].

References

- [1] Burzyńska A., *Od metafizyki do etyki*, [in:] *Anty-teoria literatury*, Universitas, Kraków 2001.
- [2] Filek J., *Filozofia odpowiedzialności XX wieku*, Znak, Kraków 2003.
- [3] John R., *Kołakowski o etyce*, „Dialogi Polityczne” 2005, No. 5/6.
- [4] Kołakowski L., *Etyka bez kodeksu*, [in:] *Kultura i fetysze*, Wydawnictwo Naukowe PWN, Warszawa 2009.
- [5] Kołakowski L., *Mała etyka*, [in:] *Czy diabeł może być zbawiony i 27 innych kazań*, „Aneks”, London 1984.
- [6] Kołakowski L., *Odpowiedzialność i historia*, [in:] *Pochwała niekonsekwencji. Pisma rozproszone sprzed 1968*, Vol. 2, Wydawnictwo Puls, London 2002.
- [7] Kołakowski L., *O odpowiedzialności zbiorowej*, [in:] *Mini wykłady o maxi sprawach*, Znak, Kraków 2001.
- [8] Rorty R., *Etyka zasad a etyka wrażliwości*, „Teksty Drugie” 2002, No 1/2.

Dwa sposoby czytania idei etyki kodeksowej w świetle rozważań Leszka Kołakowskiego

W niniejszym artykule, odwołując się do rozważań Leszka Kołakowskiego, zamierzam przedstawić dwa sposoby czytania idei etyki kodeksowej. Pierwszy z nich charakteryzuje dążenie do stworzenia kodeksu etycznego jako kompletnego, spójnego i zupełnego systemu reguł. Drugi sposób czytania idei etyki kodeksowej zakłada przyjęcie postawy pozwalającej uświadomić sobie paradoksalny charakter życia moralnego. Ukazanie obu sposobów pojmowania idei etyki kodeksowej zostanie dokonane

z uwzględnieniem pytania o: a) obraz człowieka, b) postawę moralną, jaką one suponują. Podstawową myślą podejmowanych rozważań jest próba obrony idei etyki kodeksowej przed odczytaniem, które sprowadza się do „wypreparowania”: a) osobowości człowieka, b) moralności, c) wyboru z decyzji, którą się podejmuje. Z tego powodu, zachowując sceptycyzm wobec idei etyki kodeksowej, staram się przedstawić takie jej odczytanie, które odwołuje się do idei odpowiedzialności.

Key words: code of ethics, deontology and axiology, moral attitudes, Leszek Kołakowski

Słowa kluczowe: kodeks etyki, deontologia i aksjologia, postawa moralna, Leszek Kołakowski