

# **Ethics in Mining**

<https://ethical-mining.eduloop.de>

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## Ethics in Mining



### About this book

The Russian war of aggression against Ukraine and the use of energy sources as a means of exerting political and social pressure dramatically illustrate the importance of raw materials. This current example of energy supply is exemplary for a large number of raw materials that play a key role in our economic and social lives. The global demand for raw materials is constantly growing. Take metal raw materials, rare earths and industrial minerals, for example, which are needed to maintain our standard of living. The extraction of raw materials and their supply chains have global dimensions and affect not only economic and political interests, but also the fundamental ethical and moral concerns of affected communities.

Raw materials engineers plan, organise and monitor the extraction of raw materials. Extractive engineers work in a field of tension between technical feasibility, economic profitability, legal protection and ecological and social responsibility. However, the training of raw materials engineers has so far lacked the teaching of basic ethical knowledge that would enable future engineers to recognise and evaluate ethically questionable situations and form their own sound judgement.

The following chapters aim to help close this gap and invite engineers and other interested parties - both in science and practice as well as in education or in the profession - to deal with ethical issues in the raw materials sector. Fundamental issues, practices in the extractive industry and the challenges it faces are highlighted. These will be made tangible using case studies.



Mehr als Technik: Ethics in Mining

YouTube – Berliner Hochschule für Technik (BHT)

## **1 SMG - The study module at a glance**

Coming soon

## 2 (WIP)DDT - Definition and differentiation of terms

by Anna S. Hüncke, Matthias Schmidt and Nina Küpper

Last updated: 2025/03/26

In this learning unit, important basic terms that arise in connection with ethics are explained and differentiated from one another. This sharpens the focus on the interrelationships and provides an initial terminological tool for categorising ethically conflicting issues in mining. Learning objectives



learningobjec-  
tives

### Learning objectives

After completing this learning unit, you should:

- be able to distinguish between ethics, morals, professional ethics and the law.
- be able to recognise whether a situation is a moral or ethical conflict.
- be able to explain what moral competence is and why it is so important.
- be able to recognise and discuss the problem of ethical relativism.



Outline

### Outline

Based on the concept of morality, this learning unit differentiates between the notions of professional ethics, ethics and law. This enables an initial terminological categorisation of conflicting issues. This is complemented by explaining the importance of moral competence. The latter is particularly important in our dynamic and pluralistic society with its different value systems. Accordingly, the issue of relativism is discussed, which goes along with a diversity of values and calls for resolution.

You will need approx. 90 minutes to work through the learning unit and approx. 120 minutes to complete the exercises.

### 2.1 Preliminary remarks on the definition of terms

As we have already seen in the first learning unit in the section "Two opposing disciplines", the connection between the two disciplines of ethics and mining has a strong legitimacy. At a very basic level, the focus is on the concept of human dignity as a point of reference for "right" thinking and behaviour. However, not every decision-making situation or action to which one would ascribe an ethical quality has to be argued with such heavyweight concepts as human dignity or human rights.

Just as in the conventional "everyday society", there are also numerous situations in the "globalised resource scarce society" in which ethical competence is required in order to avoid simply following a so-called "regulars' morality" or submitting to the opinion of (supposed) majorities. This is to say nothing of the value judgments of populist opinion-makers who serve certain moral concepts and exploit them for their own interests. Topics like resource (in)dependence and scarce resources have become the focus of heated debates. An example is whether the member states of the European Union should mine their own rare earths and become less dependent on the world market or whether they should not press ahead with mining for environmental reasons.



[News Article: Europe's green dilemma: Mining key minerals without destroying nature](#)  
Zimmermann, March 15, 2023 (politico.de)

Reading time 10 minutes

In order to achieve greater clarity in everyday life with its sometimes confusing mix of often contradictory moral values and to strengthen one's own ethical judgement, some key terms and concepts are presented below and differentiated from one another. This scientific sharpening of the relationships provides a terminological toolbox with which one is able to analyse and evaluate situations or upcoming challenges from an ethical point of view, so that one can arrive at the best possible "good" and ethically sound decision.

## 2.2 The notion of moral

In everyday language, the two terms ethics and morals are usually used synonymously and are not scrutinised further. They are often linked with paternalism. This is because moral statements are often associated to commandments or prohibitions. Its visible symbol is the raised index finger. It may reprimand one as well as show one the supposedly correct path from the perspective of its holder. But it is not that simple. Ethics and morality do not have to be associated with paternalism per se, nor are they identical notions.

Morality can be understood as a system of values that is actually practised in a community. It is a system of order that reflects the values and meaning of a community of practice. In such a community, certain patterns of behaviour have developed over time that claim validity for the members of this very community. This means that the members of such a community have expectations towards the actions of its members and are expected to fulfil these expectations themselves. A moral action is therefore an action that follows the rules of the prevailing morality of the group.



Moral actions follow rules to which the members of a community of values submit. The actions and their results are recognised via social mechanisms. If a person has acted well and correctly in the sense of the moral community, they receive appreciation and praise. If, on the other hand, they have violated the applicable moral standards, they will be disrespected and reprimanded and socially ostracised.<sup>[1]</sup>




example

A mining company explores a new raw material deposit in a remote region and begins mining after obtaining the necessary authorization and finishing the exploration of the deposit. The operation gives the region an economic boost and expands its infrastructure. At the same time, the extraction of raw materials changes the landscape and endangers the environment and the population's livelihood. As a result, one group could see the company as a positive promoter of the region and the indigenous people. In contrast, another group could call it an irresponsible destroyer of the environment and indigenous culture.



exercise

 **Task 2.1:** Moral judgments (transfer task)

Research a raw material extraction project:

- Describe the influence of the operation in your own words.
- Analyse the project for reactions (comments, discussions, etc.) in which moral judgements are expressed. Specify the reactions.
- Are the judgements consistent? Can you identify different values? Can you identify whether the (different) judgements come from different communities?
- How do you assess the impact of the mining operation? Why do you assess it this way?

Time to complete approx. 75 min.

Communities have morals. And morals can differ from community to community. We can see that there is not just one morality, but many morals. Some morals will be reconcilable and compatible with each other, while others may be contradictory or even incompatible. The mining example just outlined already points to these possible tensions.



In Depth

From: Manstetten (2005) *Ma05*, p.97-99, authors' translation

**Original Quote**

<sup>[1]</sup> Pieper (2017) *Pi17*, p.26

### **Individualismus und Fundamentalismus: Varianten einer begründungsfreien Moral**

Der Eindruck, dass Ethik bei aller Anstrengung des begründenden und Argumente kritisch prüfenden Verstandes zu beliebigen Resultaten führe, kann die Ansicht stützen, das Ziel, eine angemessene Moral und damit ein gerechtes Leben zu begründen, sei unmöglich zu erreichen. Diese Ansicht findet sich in bestimmten Tendenzen des Zeitgeistes wieder. Zwei davon möchte ich benennen, die nur auf den ersten Blick gegensätzlich erscheinen.

1. Viele Menschen vertreten die Ansicht, jeder Mensch möge doch für sich entscheiden, welche Moralvorstellungen er sich zu eigen macht. Was gut und gerecht ist, sagen sie, ist für jeden etwas anderes. Begründungen dafür sind weder möglich noch nötig. Daraus folgt, dass jedes Individuum, ohne auf ernsthaften Widerspruch zu stoßen, behaupten könnte: „Was gut und gerecht ist, ist es deswegen, weil ich es gut und gerecht finde.“ Wir können dies als ein individualistisches Verständnis von Moral bezeichnen.
2. Zunehmend machen sich Menschen, nicht nur in islamischen Ländern, sondern auch in den USA und Europa, eine bestimmte, meist rigide Moral zu eigen, die sie auf ihre jeweilige Religion, etwa das Christentum, das Judentum oder den Islam, zurückführen. Diese Moral wollen sie nicht begründen, weil sie von vorneherein sicher zu sein behaupten, dass diese und keine andere in ihrer Religion bzw. in den heiligen Schriften dieser Religion vorgeschrieben und eben deshalb die richtige sei. Selbst wenn andere Leser dieser Schriften daraus ein anderes Verständnis von Moral ablesen, lassen sie sich davon nicht berühren. Dies kann als ein fundamentalistisches Verständnis von Moral bezeichnet werden.

Individualistische und fundamentalistische Moral behaupten, Reflexion über Moral sei weder nötig noch möglich. Sie geraten jedoch strukturell in die gleichen Schwierigkeiten: Was geschieht im Konfliktfall zwischen einander widersprechenden Vorstellungen von Moral?

Betrachten wir den Individualismus: Jedes Individuum mag seine eigene Moral haben, solange es nur um das eigene Leben geht und niemand sonst von den Handlungen dieses Individuums betroffen wird; aber wenn Menschen in einer Ehe, einer Familie, einem Verein, einem Unternehmen oder einem Staat miteinander leben, handeln, und teilen, müssen sie sich über bestimmte moralische Prinzipien einig sein, sonst gibt es keinerlei längerfristige Interaktion zwischen ihnen bzw. sonst werden die Interaktionen zwischen ihnen in Streit und Krieg enden. Die individua-

listische Moral funktioniert nur, solange entweder die Individuen nur für sich leben oder solange sie – zufälligerweise – nur mit solchen Menschen in Verbindung treten, die sich an die gleiche Moral wie sie halten.

Bei den Fundamentalisten ist es scheinbar anders: Sie behaupten, eine Moral zu vertreten, die für alle Menschen gilt. Das funktioniert aber nur, wenn ausschließlich Fundamentalisten ein- und derselben Richtung miteinander Umgang pflegen. Was aber machen sie, wenn sie auf Menschen treffen, die dieser Moral nicht folgen – etwa Fundamentalisten mit einer anderen Moral? So gesehen, ist ihr ethisches Problem nicht strukturell verschieden von dem der Individualisten. Während aber die Individualisten im Konfliktfall erkennen könnten, was das Problem ihrer individualistischen Moralbegründung ist, neigen Fundamentalisten zu einer gewissen Blindheit: Da sie ohnehin im Recht sind, müssen die anderen im Unrecht sein. Es macht dann allerdings einen großen Unterschied, ob Fundamentalisten in der Lage sind, das Dasein dieser anderen irgendwie zu ertragen, oder ob sie der Überzeugung sind, man müsse alle, die das eigene Verständnis von Moral nicht teilen, bekämpfen, unterdrücken oder gar töten. In jedem Fall aber zählen die Moralvorstellungen der anderen nicht, man ist ihnen moralisch immer überlegen.

Bei aller Kritik am Individualismus und Fundamentalismus – beide Positionen können durchaus verführerische Züge annehmen. Dass jeder tun und lassen kann was er will – das ist eine Utopie, die tief in den Grundlagen moderner Gesellschaften ihre Wurzeln hat und dem Lebensgefühl vieler Menschen von heute entspricht. Dieses Lebensgefühl kann aber leicht umschlagen in ein anderes Lebensgefühl: dass die Lebensformen und Lebensumstände vieler Menschen in diesen Gesellschaften etwas zutiefst Haltloses in sich tragen. Dieses Lebensgefühl kann sich schließlich in den Charakter dieser Menschen einschreiben und Depression und Verzweiflung bewirken. Wer das moderne Lebensgefühl in dieser Weise an sich selbst erfährt, mag den Fundamentalismus als attraktiv erachten, insofern damit ein angeblich unzerstörbarer Halt mitgeliefert wird: Alles Zweifeln und Fragen ist zu Ende. Verlangen nach radikaler Selbstbestimmung und Sehnsucht nach einem sicheren Halt jenseits des eigenen Selbst – das kann sich sogar beides in einem Menschen finden.

### **Individualism and fundamentalism: Variants of a morality without reasons**

The impression that ethics leads to arbitrary results despite all the efforts of the reasoning and critically examining mind can support the view that the goal of establishing an appropriate morality and thus a just life is impossible to achieve. This view is reflected in certain tendencies of the Zeitgeist. I would like to highlight two of these, which only appear contradictory at first glance.

1. Many people take the view that everyone should decide for themselves which moral concepts they want to adopt. What is good and just, they say, is something different for everyone. Reasons for this are neither possible nor necessary. It follows that every individual could claim, without encountering serious contradiction: "What is good and just is so because I think it is good and just." We can characterise this as an individualistic understanding of morality.
2. Increasingly, people, not only in Islamic countries but also in the USA and Europe, are adopting a certain, usually rigid morality that they attribute to their respective religion, such as Christianity, Judaism or Islam. They do not want to justify this morality. This is because they claim to be certain from the outset that this very morality and no other is laid down in their religion or in the holy scriptures of this religion and is therefore the right one. Even if other readers of these writings deduce a different understanding of morality from this, they are not moved by it. This can be described as a fundamentalist understanding of morality.

Individualist and fundamentalist morality claim that reflection on morality is neither necessary nor possible. However, they run into the same structural difficulties: What happens in the case of conflict between contradictory ideas of morality?

Consider individualism: each individual may have their own morality as long as it is only about their own life and no one else is affected by the actions of that individual. But when people live, act and share with each other in a marriage, a family, an association, a company or a state, they have to agree on certain moral principles. If not there will be no long-term interaction between them or else the interactions between them will end in conflict and war. Individualistic morality only works as long as either the individuals live only for themselves or as long as they - coincidentally - only interact with people who adhere to the same morals as they do.

It is apparently different with fundamentalists: they claim to represent a morality that applies to all people. However, this only works if only fundamentalists of one and the same ideology engage with each other. But what do they do when they meet people who do not follow this morality - such as fundamentalists with a different morality? Seen in this light, their ethical problem is structurally not different from that of the individualists.

However, while individualists could recognise the problem with their individualistic moral justification in the event of a conflict, fundamentalists tend to be blind for that: since they are right anyway, the others must be wrong. However, it makes a big difference whether fundamentalists are somehow able to tolerate the presence of these others or whether they are convinced that everyone who does not share their own under-

standing of morality must be fought, suppressed or even killed. In any case, the moral concepts of others do not count, they are always morally superior to them.

Despite all the criticism of individualism and fundamentalism - both positions can certainly take on seductive traits. Everyone can do what they want - this is a utopia that has its roots deep in the foundations of modern societies and corresponds to many people's attitude to life. However, this attitude to life can easily turn into a different attitude to life: i.e. that the lifestyles and living conditions of many people in these societies carry a deep aimlessness. This attitude to life can ultimately become inscribed in the character of these people and cause depression and despair. Those who experience the modern attitude to life in this way may find fundamentalism attractive. This is insofar as it provides a supposedly indestructible foothold: All doubting and questioning is obsolete. The desire for radical self-determination and the longing for a secure foothold beyond one's own self - both can even be found in one person.

When differentiating between different morals, it is a challenge to determine what constitutes the actual community that is being talked about. One might often make reference to cultural similarities and differences. After all, it is very much cultural moulding and socialisation that provide people with the values which guide them. In most everyday situations, it is not even necessary to go to principle moral commandments as "Thou shalt not kill" or to discuss whether the death penalty is morally right or wrong in certain cases.

We are certainly all familiar with examples where we have put our foot in our mouth in encounters with people from other cultures. We can become particularly aware of violating moral rules when travelling: The often unquestioned patterns of behaviour practised at home might be punished in the host country with a wrinkled nose or even more severe consequences.



example

Think of kissing or flirting in public, for example, which might be considered a permissive behaviour in many westernized societies, but which can cause a moral uproar in other countries.

It is obvious that different groups only share the prevailing moral concepts to a greater or lesser extent. Especially in diverse and pluralistic societies, such as the Indonesian, South African or US-American society, one can assume that there are many different groups with specific group morals that have differentiated themselves over time. To ensure that these morals are not implacably hostile to each other, a certain tolerance is required, especially in the public sphere. And it needs a discursive agreement based on "principles whose recognition can be rationally understood and therefore expected of

everyone" [Pi17, p.12]. Nevertheless, even in such liberal societies, there are still serious offences against decency and morality. They can be described as a violation of a taboo in everyday language [cf. Pi17, p.30].



In Depth

From: Pieper (2017), pp 31-32 [Pi17], authors' translation

### Original Quote

#### Tabu

Als besonders schwerer moralischer Verstoß gegen Anstand und Sitte gilt im alltäglichen Erfahrungsbereich die Verletzung eines Tabus. Waren es früher hauptsächlich der religiöse und der sexuelle Bereich, in dem durch Verbote unter Androhung schlimmer Strafen gewisse Bereiche (des Heiligen, Numinosen, bzw. bestimmte erotische Spielarten) ausgegrenzt, als unzugänglich („unberührbar“) deklariert und der menschlichen Praxis untersagt wurden, so gilt heute die individuelle Privat- und Intimsphäre eines jeden als tabu. Sowohl die zu weit gehende Zurschaustellung dieses persönlichen Bereichs vonseiten bekannter Persönlichkeiten als auch unverschämte Übergriffe vonseiten der Massenmedien werden trotz der Neugier des Publikums in der Regel von den meisten als schamloser, unanständiger Eingriff in Dinge, die die Öffentlichkeit nichts angehen, empfunden.

Bei allen Tabus muss grundsätzlich immer wieder gefragt werden, inwieweit sie in der Tat noch dem Schutz wirklicher Werte wie Menschenwürde und persönliche Freiheit dienen, oder ob sie nicht zu bloßen Druckmitteln entartet sind, um missliebigen Verhalten einzuschränken und Kontrollfunktionen über das erlaubte Maß hinaus auszudehnen. Tabus können veralten und aufgehoben werden, wenn sich herausstellt, dass die Menschen inzwischen einen natürlicheren oder aufgeklärteren Zugang zu dem ursprünglichen tabuisierten Bereich gefunden haben, sodass die alten Verbote hinfällig werden oder einer Modifikation bedürfen. Als Beispiele wären hier die veränderte Beurteilung des Inzests und der Homosexualität zu nennen.

#### Taboo

In everyday life, the violation of a taboo is considered a particularly serious moral offence against decency and custom. In the past it was mainly the religious and sexual sphere in which certain areas (of the sacred, the numinous, or certain erotic varieties) were marginalised, declared inaccessible ("untouchable") and prohibited for human practice. This was through prohibitions under the threat of severe penalties. Instead today everyone's individual private and intimate sphere is considered taboo. Despite the public's curiosity, both the excessive display of this personal sphere by well-known

personalities and outrageous encroachments by the mass media are generally perceived as a shameless, indecent intrusion into matters that are none of the public's business.

With all taboos, it must always be asked to what extent they still serve to protect real values such as human dignity and personal freedom. Or whether they have not degenerated into mere means of pressure to restrict unpopular behaviour and extend control functions beyond what is permitted. Taboos can become obsolete and be lifted if it turns out that people have now found a more natural or enlightened approach to the originally tabooed area. Then the old prohibitions become obsolete or require modification. Examples include the changed judgement of incest and homosexuality.



exercise

### **Task 2.2:** Terms (reflection exercise)

Would you say that mining forms a community of practice whose members share common values and a common purpose? If so, which ones? Do you know any taboos that you assume the members of the mining community (more or less) share? What are they? What are the reasons for these taboos?

Time to complete approx. 15 min.

## 2.3 Professional ethics

A culture can be described as a superordinate community of values. It very fundamentally orientates the moral thinking and actions of the community as a whole. Within a culture there can be various special morals that have developed or evolved due to the specific characteristics of sub-communities. In relation to different professions, we can speak here of a professional ethics.



example

For certain groups of people, for example, one could speak of a "civil servant ethic", a "self-employed ethic" or perhaps also a "student ethic".

The respective morals of a professional group regulate in a more or less concrete way how one should behave as a member of this professional group. Even a gang of robbers, a mafia or a clan can be said to have morals, because these communities also follow rules that apply to their members and are enforced. Think, for example, of the commandment not to betray others or the moral duty to support the "family". The ver-



nacular uses the term "gangster's honour" here, which to a certain extent represents the professional ethos of a career criminal.<sup>[1]</sup>

Over time, different morals have developed for different professional groups. The respective ethos that applies to members of a profession therefore expresses the values that should apply to this group. They are binding, i.e. it is expected that the members of this group are committed to the moral demands that the profession entails.



example

### Hippocratic Oath

Probably the best-known example of the moral standards of a professional group is the Hippocratic Oath. Members of the medical profession commit themselves to it. It is not known exactly who wrote the oath in its original form. However, it goes back by name to the Greek physician Hippocrates. He is said to have lived and worked around 2500 years ago.<sup>[1]</sup> Even in its original version, the oath formulated the service of humanity as its central moral imperative. The currently valid version of this medical vow is the "Declaration of Geneva". It has been adapted to modern times and was updated by the World Medical Association (WMA) in 2017. It ends with the promise "I solemnly swear this, freely and on my honour".<sup>[2]</sup> The oath thus indicates that its violation is a moral transgression. Correspondingly the doctor in question is dishonoured and discredited in the community of values. After all, the oath was taken voluntarily and has a self-binding character. This can also be seen in the formulation "I will ...".



In Depth

From: WMA (2017) *WMA17*, Official English translation of the Declaration of Geneva

### Declaration of Geneva

AS A MEMBER OF THE MEDICAL PROFESSION:

I SOLEMNLY PLEDGE to dedicate my life to the service of humanity;

THE HEALTH AND WELL-BEING OF MY PATIENT will be my first consideration;

I WILL RESPECT the autonomy and dignity of my patient;

I WILL MAINTAIN the utmost respect for human life;

I WILL NOT PERMIT considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other factor to intervene between my duty and my patient;

I WILL RESPECT the secrets that are confided in me, even after the patient has died;

<sup>[1]</sup> Pieper (2017) *Pi17*, p.29

<sup>[1]</sup> Manjikian (2018) *Ma18*, p.15

<sup>[2]</sup> World Medical Association (2017) *WMA17*



I WILL PRACTISE my profession with conscience and dignity and in accordance with good medical practice;

I WILL FOSTER the honour and noble traditions of the medical profession;

I WILL GIVE to my teachers, colleagues, and students the respect and gratitude that is their due;

I WILL SHARE my medical knowledge for the benefit of the patient and the advancement of healthcare;

I WILL ATTEND TO my own health, well-being, and abilities in order to provide care of the highest standard;

I WILL NOT USE my medical knowledge to violate human rights and civil liberties, even under threat;

I MAKE THESE PROMISES solemnly, freely, and upon my honour.

There are no universal moral standards of the professional international mining industry. Given the two and a half millennia that lie between Hippocrates and today's mining professionals, this is hardly surprising. Nevertheless, numerous efforts are being made to establish moral imperatives and voluntary self-commitments in the raw material sector. These efforts include creating and implementing standards, guidelines, and best practices by various organizations. These aim to reduce or manage the social, environmental, and economic impacts of mining. One significant association is the International Council of Mining and Metals (ICMM), to which over 20 leading mining and metal companies belong. In 2003, the ICMM defined ten mining principles for sustainable development to promote ethical corporate governance, environmental responsibility, social performance, and respect for human rights. These are formulated as follows:



In Depth

From: International Council of Mining and Metals (2003) *IC03*

### **Mining Principles**

- **Ethical Business:** Apply ethical business practices and sound systems of corporate governance and transparency to support sustainable development.
- **Decision Making:** Integrate sustainable development in corporate strategy and decision-making processes.
- **Human Rights:** Respect human rights and the interests, cultures, customs and values of workers and communities affected by our activities.
- **Risk Management:** Implement effective risk-management strategies and systems based on sound science and which account for stakeholder perceptions of risks.

- Health and Safety: Pursue continual improvement in physical and psychological health and safety performance with the ultimate goal of zero harm.
- Environmental Performance: Pursue continual improvement in environmental performance issues, such as water stewardship, energy use and climate change.
- Conservation of Biodiversity: Contribute to the conservation of biodiversity and integrated approaches to land-use planning.
- Responsible Production: Facilitate and support the knowledgebase and systems for responsible design, use, re-use, recycling and disposal of products containing metals and minerals.
- Social Performance: Pursue continual improvement in social performance and contribute to the social, economic and institutional development of host countries and communities.
- Stakeholder Engagement: Proactively engage key stakeholders on sustainable development challenges and opportunities in an open and transparent manner. Effectively report and independently verify progress and performance.

Just as the Hippocratic Oath of the medical profession has changed over time, so have the Mining Principles. For instance, in June 2022, the ICMM Mining Principles were critically revised to eliminate harassment and unfair discrimination and achieve gender equity in this industry sector. Further adjustments seem likely in the future: In August 2024 the ICMM has issued a position statement on commitments towards indigenous people and effects on their lives.

## 2.4 Moral competence

Morality, understood as the factual value system of a community, regulates the coexistence of this community through its commandments and prohibitions. It determines the thoughts and actions of its members. People in such a community are socialised through everyday interactions but also through education and training. This occurs in such a way that the prevailing moral concepts are often unconsciously and unquestioningly taken for granted. It is often only when you are personally affected and realise that your own individual value system collides with group morals that you become aware of this self-evidence. In this sense, you would feel remorse if you acted in accordance with a moral system that you do not support.



### Example 1

A classic example of the breakdown of such moral self-evident truths is the internal conflict that can arise in a situation where one does not want to betray a friend, but would be violating the moral commandment "Thou shalt not lie".



## Example 2

In another example that is often cited, internal conflicts can arise in a pacifist who strictly rejects violence but suddenly finds him or herself in a situation in which the use of violence for self-protection appears to be the first option.

## Example 3

In the area of mining, an inner conflict with remorse may arise if a construction equipment operator is tasked to level the sites of a resettled indigenous community to prepare the space for mining activities. While they may want to comply with their orders, they may also feel remorse due to the fact that the site consists of sacred land of the indigenous community, such as ancestral graves.

The problematic situation for an individual who finds themselves in such a situation is that they are thrown back on themselves if there is no public authority or institution that could solve such a case in a generally binding manner. Also the individual cannot shift their own moral responsibility to such entity. Such cases of conflict depend on the individual concerned and their inner values. Ultimately they have to be decided by the individual themselves. Moreover the behaviour resulting from this individual decision must after all be justified and legitimised before others.



## citation

From: Pieper (2017) *Pi17*, p.33, authors' translation

## Original Quote

Doch ist die grundsätzliche Bereitschaft, eine solche Entscheidung zu rechtfertigen, vor anderen zu verantworten, ein Indiz dafür, dass die betreffende Person nicht unmoralisch ist, sondern dass es in Ausnahmefällen und Extremsituationen rechtens sein kann, den Anspruch einer bestimmten moralischen Norm zugunsten einer höher geschätzten Norm nicht zu erfüllen.

However, the fundamental willingness to justify such a decision, to justify it to others, is an indication that the person concerned is not immoral, but that in exceptional cases and extreme situations it may be right not to fulfil the demands of a certain moral norm in favour of a more highly valued norm.

A person can therefore also act morally even if they violate a moral standard. This sounds contradictory at first, but can be resolved if the term "acting morally" is analysed from two perspectives.

On the one hand, from the perspective of the applicable moral system, which demands that the applicable rules are adhered to. From this perspective, breaking the rules would be immoral and should be sanctioned.

On the other hand, from the perspective of the inner "will to do good", the unconditional desire to do the right thing in the given situation. From this perspective, one violates the applicable morals with good reason and still acts morally. This is the case even if one is sanctioned or disregarded by the community. One then refers to the concept of morality.

The aforementioned examples and the two perspectives on moral behaviour point to the fundamental freedom that every person has. This inner freedom is expressed in the fact that, despite all the sanctions and moral constraints of a community of practice, one can also act differently. In some cases one may even have to act differently out of one's own conviction. A person demonstrates moral competence by claiming their freedom in this way and taking a clear stance for good reason. That are reasons that arise from a person's unconditional desire to do good and for which s/he is responsible both to him/herself and to his/her fellow human beings.



From: Pieper (2017) *Pi17*, p.38, authors' translation

#### Original Quote

Moralische Kompetenz im eigentlichen Sinne besitzt somit nicht derjenige, der den geltenden Moralkodex und das gängige Wertesystem fraglos internalisiert hat – so jemand wäre mit NIETZSCHE gesprochen nicht mehr als ein gut abgerichtetes Tier –, moralische Kompetenz besitzt vielmehr ausschließlich derjenige, der sich Moralität zum Prinzip seiner Willensbildung und Praxis gemacht hat.

Moral competence in the true sense is therefore not possessed by someone who has unquestioningly internalised the applicable moral code and the common value system. Such a person would be no more than a well-trained animal, to use NIETZSCHE's words. Instead moral competence is possessed exclusively by someone who has made morality the principle of his or her will forming and practice.

Morality here refers to the special inner quality of a person's morally relevant decisions and actions. It is the striving for goodness that has become a firm basic attitude, which utilises inner and outer freedom in order to act for good reasons. The more a community's prevailing moral system undermines this aspiration and uses power and coercion to enforce the established, perhaps outdated or imposed values of supposed authorities, the greater the need for moral competence and the examination of the morality of individual actions.

A moral system that forces its members to adhere to certain behaviours and fails to convince them loses its claim to moral commitment; a commitment that can only ever be based on the free self-commitment of individuals.



**Task 2.3:** Moral conflicts (exercise for reflection)

Please name or develop three examples in which raw material engineers may experience internal moral conflicts or remorse. Which moral imperatives or prohibitions collide here?

Time to complete approx. 15 min.



**Task 2.4:** Moral behaviour (knowledge exercise)

- Why is the following sentence only an apparent paradox: "A person can act morally even if they violate a moral code"?
- What is morality?
- Can the mafia have morals?
- What is moral competence?
- What is a professional ethic?
- How are offences against morality sanctioned?
- Why is mutual understanding particularly important in pluralistic societies?

Please explain your answers.

Time to complete approx. 45 min.

## 2.5 The notion of ethics

Ethics and morality are not the same. Nevertheless the terms are closely related and are often used synonymously outside the discipline of scientific ethics or in everyday language. This mixing of the terms can also be seen in the example of mining principles presented above, which was discussed from the perspective of moral behaviour. Mining principles as the professional ethos of a mining industry, if you like, can be interpreted as a moral system. It is a value system that applies to the raw material engineering community. The mining principles therefore fulfil the definitional requirements of a moral system. However, whether it really is an ethic still needs to be determined at this point. To do so, it is necessary to clarify what ethics actually means.

While the moral system of a community has the character of something self-evident, of valid rules that the members of this community accept unquestioningly, ethics goes a fundamental step further. As we have already seen in our discussion of moral competence and of individual morality, conflicts can arise between value systems. This is when the small but very important question "Why?" arises. This is because the "why" question puts the advocates of a prevailing moral system into a sometimes very uncomfortable position. They have to justify the values and prohibitions that are under scrutiny in this community of values. Why should I act this way, why should I not be allowed to act differently? These "why" questions call into question the prevailing moral rules and therefore shake the foundations and convictions of the very community. For instance, the idea of economical linear growth being what modern societies strive for can be questioned by the debate about finite resources and sustainability. Then questions of how we can use resources in the most efficient way and what can we do to recycle material come to the fore.

Asking why means asking for reasons. And in this question, at least if it is asked seriously, lies the possibility for counter-reasons. Further questioning may reveal that the reasoning structure may be inconsistent. In other words, the logic regarding the values of a community and the associated ideas of right and wrong, of good and evil, may be inadequate. This scrutinising and questioning challenges the prevailing morals and subjects them to a stress test. What was previously unquestionable in a community becomes questionable, the self-evident becomes subject to justification.



citation

From: Manstetten (2005) *Ma05*, p.94, authors' translation

#### Original Quote

Es ist nun immer ein Angriff auf die geltende Moral, wenn man fragt: Warum gilt dieses und nicht jenes? Denn damit wird unterstellt: Was gilt muss nicht gelten, es könnte auch ein anderes Gebot gelten.

It is always an attack on established morality to ask: Why does this apply and not something else? Because this is an insinuation: What is valid does not have to be valid, another commandment could also apply.

In authoritarian communities in particular, in which the monitoring of morality is used as a means of power, ethical questioning cannot only be an attack on the prevailing morals but also an attack on power and power relations. Then they are called into question and come under pressure.

Ethics is the reflection on morality. While morality is a binding system of values, ethics is the reflection on a given morality. This also involves the search for better morals, better reasons and better ways of living together in the community. It is about finding reasons and counter-reasons for certain moral positions, which are reflected in norms and rules.



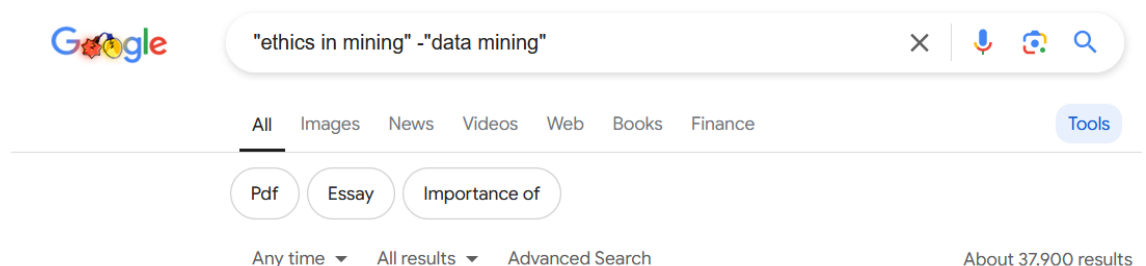
From: Manstetten (2005) *Ma05*, p.95, authors' translation

#### Original Quote

Aber darüber hinaus geht es der Ethik auch und vor allem darum, schließlich zu einer möglichst gut begründeten Moral zu gelangen, zu einer Moral von der wir sagen können, dass sie für den Menschen die beste ist. Mit anderen Worten, das Ziel jeder ernstzunehmenden Ethik ist es, herauszufinden, was gut und gerecht ist derart, dass es sich auch in einer überzeugenden Begründung als gut und gerecht erweisen werden kann.

But beyond this, ethics is also and above all concerned with ultimately arriving at a morality that is as well founded as possible, a morality that we can say is the best for a human being. In other words, the goal of any serious ethics is to find out what is good and just in such a way that it can also prove to be good and just in a convincing justification.

The term “ethics in mining” has been recently used more frequently in the public domain, e.g. a google search of “ethics in mining” in distinction to “data mining” delivers 37.900 results:



**Fig. 2.1:** Google Search: Ethical Mining

As is often initially assumed, this includes social and environmental responsibility and transparency in the raw material sector. Ethical mining practices aim to reconcile the increasing demand for and extraction of raw materials as well as new extraction technologies with the environment and society. Our society’s digitalization, electrification, and energy transition are shifting the demand for raw materials and presenting us

with new fundamental ethical questions. From the general goal of ethics, namely to find out what can be convincingly justified as good and just, the question is posed: What is good and just for our coexistence in the context of socio-technological developments brought about by the extraction of raw materials.

## 2.6 Relativism

Ethics reflects on and scrutinises current morals and values. It looks for good reasons to formulate commandments or prohibitions for actions that are considered ethically desirable. Now, one could argue that ideas about what constitutes good behaviour differ from society to society, for example by pointing to cultural differences. Is it possible to make an ethical judgement and refer to something good or bad in general terms without considering the particular circumstances of a community, the era in which it exists and the cultural characteristics it has developed? Is there any central moment in ethics that is non-relative and can be binding across time and epochs?

We shall first approach the answer from the other side. We know that there are different morals. Let us assume that all moral concepts are relative and that the ethical reflection and theory that are developed from them largely confirmed morality. Then nothing could be labelled unambiguously good or unambiguously bad. This idea in turn has consequences. For if, for example, "another epoch approves of the deeds and intentions of Hitler and Stalin, there is not even hypothetically an authority that can oppose this value judgement. All that remains is: some have seen atrocities in these deeds others have not."<sup>[1]</sup> One could therefore ignore it on the grounds that it is their values and as long as we are not affected, it is none of our business. If a conflict arose, there would be no basis for mutual understanding of the communities and ultimately the (militarily) strongest community enforced which moral concepts apply, and that is it.

Irrespective of the judgement that we cannot want such a world, we can also put forward theoretical arguments against a moral "anything goes" and ignoring it on the one hand and against the primitive right of the strongest on the other. Irrespective of the judgement that we cannot want such a world, we can also put forward theoretical arguments against a moral "anything goes" and ignoring it on the one hand and against the primitive right of the strongest on the other. This is because the objection of relativism only applies to the variable content of morality, for example living according to the principle of monogamy or polygamy. However, there is also an invariable formal aspect to morality or ethics, for example living according to the principle of universally

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<sup>[1]</sup>Manstetten (2005) *Ma05*, p.94



acting well. This invariable principle transcends morals and does not finally merge into a specific moral. To a certain extent, it is a search process whose driving force is the unconditional will to do good, the morality of a person. In morality and its embedded principle of freedom lies the motivation to arrive at ever better and more humane standards and, as a result, ethically better value and moral systems.



citation

From: Pieper (2017) *Pi17*, p.42, authors' translation

#### Original Quote

Was also zunächst als bloße Relativität erscheint, erweist sich bei näherem Zusehen als die aufgrund unterschiedlicher sozio-kultureller Randbedingungen voneinander abweichende Ausprägung eines Freiheitsverständnisses, das sich in gemeinsamen Basisnormen, wie Gerechtigkeit, Gleichheit, Humanität etc. artikuliert.

What initially appears to be mere relativity turns out, on closer inspection, to be the divergent manifestation of freedom due to different socio-cultural conditions, which is articulated in common basic norms such as justice, equality, humanity, etc. [...].

These formal basic norms ultimately place demands on communities of practice where they materialise and gain validity through processes of recognition. Discourse and non-violent negotiation are the means of choice here - in contrast to the enforcement of a prevailing morality by force.



In Depth

### Three preconditions of ethics

From: Manstetten (2005), p 99-100 [*Ma05*], authors' translation

#### Original Quote

#### **Die erste Verbindlichkeit der Ethik: Gespräch ohne Gewalt, jenseits der Macht hingeordnet auf Verständigung**

Ethische Reflexion gibt keine Orientierung, die Individualisten und Fundamentalisten lassen nicht mit sich reden – ist es wirklich so? Wäre es so, dann würde sich die Frage der Moral als pure Machtfrage erweisen. In den Zeiten der Studentenbewegung hieß es: Die herrschende Moral einer Gesellschaft ist die Moral der Herrschenden, das heißt derjenigen, die die Macht haben, ihre Moralvorstellungen anderen aufzuzwingen. Wenn sich aber unser bisheriger Eindruck bestätigen würde, dann müssten wir sagen: Es ist nicht nur faktisch so, dass Moral mit Macht durchgesetzt ist, sondern es ist auch ganz in Ordnung so, wenn Moralfragen durch Macht gelöst werden - denn, wenn alle Moral relativ ist, an welche Instanz jenseits der Macht könnten wir appellieren?

Ethik besteht unter dieser Perspektive zunächst darin, sich nicht damit abzufinden, dass Moralfragen durch Macht entschieden werden. Ethik ist vielmehr die Aufforderung, sich über Fragen der Moral ohne Gewalt und jenseits der Machtverhältnisse zu verständigen, Ethik ist damit vor allen Inhalten ein Angebot zur gewaltlosen Verständigung.

Verzicht auf Gewalt, Absehen von Machtverhältnissen, Bemühen um Verständigung, das sind drei Vorbedingungen der Ethik, die selbst schon einen ethischen Charakter haben, weil sie sittliche Anforderungen an diejenigen stellen, die sich an ethischen Auseinandersetzungen beteiligen. Wer also eine bestehende Moral mit der Frage warum konfrontiert, kann seine Anfrage nur dann als ethisch geltend machen, wenn er gegenüber Andersdenkenden diese drei Vorbedingungen einzuhalten bereit ist. In der Tat lässt sich zeigen, dass keine Moralbegründung darauf verzichten kann. Damit ist schon ein nicht-relatives Moment in die Ethik eingeführt.

### **The first binding force of ethics: dialogue without violence, beyond power towards understanding**

Ethical reflection provides no orientation, the individualists and fundamentalists do not allow themselves to be talked to - is that really the case? If it were, then the question of morality would turn out to be purely a question of power. In the days of the student movement, it was said that the prevailing morality of a society is the morality of the ruling class, i.e. of those who have the power to impose their moral concepts on others. But if our previous impression were to be confirmed, then we would have to say: not only is it the case that morality is interspersed with power, but it is also quite all right for moral issues to be resolved through power - because if all morality is relative, to what authority beyond power could we appeal?

From this perspective, ethics initially consists of not accepting that moral issues are decided by power. Rather, ethics is the call to come to an understanding on questions of morality without violence and beyond power relations. Ethics is therefore above all an offer of non-violent understanding.

Renouncing violence, refraining from power relations, endeavouring to reach an understanding - these are three preconditions of ethics, which themselves already have an ethical character because they place moral demands on those who take part in ethical disputes. Anyone who confronts an existing morality with the question of why, can only claim that his enquiry is ethical if he is prepared to comply with these three preconditions towards those follow a different line of thought. In fact, it can be shown that no moral justification can do without them. This already introduces a non-relative moment into ethics.



exercise

**Task 2.5:** Ethics and morals (transfer exercise)

Please critically discuss whether and to what extent mining ethics are ethics or morals from a scientific perspective.

Provide reasons for your answer.

Time to complete approx. 30 min.

## 2.7 Law

The terminological distinction between ethics and morals also touches on the notion of law. This is because the law of a community, in the sense of a state, also has the function of regulating the behaviour of the members of this community. The special feature of law compared to morality is that the norms of a legal community are laid down in binding laws. In contrast to morally binding commandments or prohibitions, legally binding commandments or prohibitions can be enforced by the state. Thereby a legally desirable behaviour can be brought about. Instead, moral behaviour is enforced through praise and disapproval, through respect and disregard for people in a community; or in the sense of morality, i.e. a person's unconditional will to do good, through their individual conscience.

Legally binding norms must be followed in order to avoid the consequences of legal sanctions. Whether the person acting is ultimately convinced of the meaningfulness and the fundamental, including moral, justification of these laws is irrelevant. Legal norms are enforceable in court, moral norms are not. For a person acting in accordance with their conscience, this can lead to problems if it is no longer acceptable for them to comply with a law that they recognise as wrong. In this sense, a person would violate applicable law and, on the basis of their moral convictions, incur the legal sentences and punishments that can be imposed by state force. Taking these considerations further, one enters the realm of civil courage or even terrorism, which will not be pursued here.

Moral values and ethical reflections play a role in the law and especially in legislation.



example

A simple example of this is the punishment for making false statement in court, which corresponds to the ethical commandment "Thou shalt not lie".

Last but not least, ethical insights and moral reflections have a strong influence on the law, especially at very fundamental levels. This is because the aforementioned human rights and the reference to human dignity, for example, arise from ethical reflection. In the words of the philosopher Jürgen Habermas, the ethically based fundamental rights provide a kind of "ethical impregnation"<sup>[1]</sup> of the constitution. Through social discourse and processes of understanding and negotiation, moral ideas and ethical insights are incorporated into the laws of a legal community and, in addition to being morally binding, become legally binding and find their way into the sphere of legal liability.

New technological and social developments, such as those brought about by digitalisation, pose a particular challenge to law and legislation. This is because the new conditions may require a reflection and adaptation of the existing understanding of the law and the regulating statutes. The fluid nature of the search for morally and ethically sound and appropriate regulations is evident at contemporary crossroads such as these.



example

Take, for example, the discussions surrounding the securing of critical raw materials in countries of the European Union: Should they mine their own rare earths and become less dependent on the world market or rather not press ahead with mining for environmental reasons?



Med. 2.1: Critical raw materials

<sup>[1]</sup>Habermas (1998) *Ha98*, p.252-254 (Original Wording: "ethische Imprägnerung")

YouTube – European Parliamentary Research Service

In the course of these societal search processes, so-called ethics committees or ethics councils are often set up, whose expertise is intended to advise and support legislation and whose proposals can be incorporated into legal standards.



In the field of critical raw materials, for example, the European Commission's High-Level Expert Group on Critical Raw Materials, for example, analyses the supply of raw materials regarding human rights

Over time, moral ideas from society, combined with ethical reflection and expertise, can find their way into legislation through the discursive debate on new developments. The fluid becomes (at least temporarily) solid. In a figurative sense, one could therefore say that the laws are something like congealed moral concepts; however, these are scrutinised and rendered fluid by new moral and ethical questions and are solidified anew in the process described.

We have pointed out many connections between ethics, morality and law. Here ethics has an important and central task. Ethics helps to reflect and justify what should be recognised as good and evil, right and wrong in a fundamental and resilient way. Ethics offers us a cognitive and decision-making aid for what we should do and must take responsibility for. In contrast to law and morality, it is based on a principle of freedom to which we can decide and behave as acting persons.

So why do we need ethics? It gives us guidance for our thoughts and actions on the basis of good reasons and helps us to make reflected and well-founded judgements and assessments. Basic ethical knowledge is indispensable for the new, dynamic and still unknown challenges of mining in general and for the responsible application of mining technologies in particular.



**Task 2.6:** Relativism, ethics, morality (knowledge exercise)

Please explain:

- What is moral relativism?
- What does the statement mean: Laws are coagulated moral ideas?
- What is ethics?
- What is the difference between or the connection between ethics and morals?
- What is the difference between law and morals?

- How can the European Commission's Expert Group of Critical Raw Materials, for example, incorporate ethical findings and moral concepts into law concerning the mining sector?

Please explain your answers.

Time to complete approx. 45 min.



## 2.8 Summary - Definition and differentiation of terms

- We need a conceptual toolbox with which we can analyse and evaluate situations or upcoming challenges from an ethical perspective so that we can make decisions that are as "good" and ethically sound as possible.
- Morals can be understood as a system of values that is actually practised in a community. It is a system of order that reflects the values and meaning of a community of practice.
- Communities have morals. And morals can differ from community to community. We can see that there is not just one moral principle, but many morals.
- The professional ethics, the respective morals of a professional group, regulate in a more or less concrete way how one should behave as a member of this professional group.
- Morality refers to the particular inner quality of a person's morally relevant decisions and actions. It is the striving for goodness that has become a firm basic attitude, which utilises inner and outer freedom in order to act for good reasons.
- Ethics is the reflection on morality. While morality is a binding system of values, ethics is the examination of a given morality. This also involves the search for better morals, better reasons and better ways of living together in the community.
- The problem of relativism raises the question: Is there a central moment in ethics that is non-relative and can be binding across times and epochs? Such an invariable moment could be seen in a person's unconditional "will to be good".
- Legally binding norms must be obeyed in order to avoid the consequences of legal penalties. Whether the person acting is ultimately convinced of the meaningfulness and fundamental, including moral, justification of these laws is irrelevant for the law.

## 2.9 Knowledge test - Definition and differentiation of terms

You will find the solutions to the following exercises within this learning unit. Try to complete the exercises independently before looking up the solution.



exercise

### Task:

Discuss whether the following situation is a moral or ethical conflict. Provide reasons for your assessment.

A mining company's health and safety officer instructs a group of new employees on the protective measures and obligations when working underground. All the workers and the health and safety officer then sign a form stating they have received full safety training. One of his colleagues notices that he abbreviates this instruction and does not address important aspects. Inadequate instruction poses a considerable risk to the workers, their colleagues, and the company's optimal operation. Since his family and friends value personal loyalty, he wants to keep her discovery secret from her employee. Thus he accepts the signed health and safety instructions, speaks to his colleague in person, and tells him to instruct the following workers fully.

The solution can be found in chap. 2.2 / 2.5

Time to complete approx. 40 min.



exercise

### Task:

Describe the issue of ethical relativism.

The solution can be found in chapter 2.6

Time to complete approx. 20 min.

## 2.10 References - Definition and differentiation of terms



webservice

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## 3 (WIP)DPE - Different points of reference for ethics

by Matthias Schmidt and Anna S. Hüncke

Last updated: 2025/03/26

This learning unit shows that there is not just one ethics, but many. Therefore, the difference between descriptive and normative (prescriptive) as well as material and formal ethics is first explained. Subsequently, different points of reference for ethics are presented. These provide criteria for what can be justified as ethically required behaviour. Finally, the function and significance of practical judgement is discussed.



learningobjec-  
tives

### Learning objectives

After completing this learning unit, you should:

- be able to explain what normative ethics is and how it differs from descriptive ethics.
- be able to distinguish between material and formal ethics.
- know and be able to explain different points of reference and therefore criteria for ethical behaviour.
- know what practical judgement means and what it is needed for.



Outline

### Outline

This learning unit is of explanatory nature. The aim is to introduce different theories of ethics. As a rule, ethical theories differ in their reference points used to determine which central criterion is used as a basis for evaluating an action as an ethically sound action. However, the fundamental difference between descriptive ethics and prescriptive or justifying (normative) ethics is clarified in advance. The distinction between formal ethics (open in content) and material ethics (predetermined in content) is also made in advance. This learning unit concludes by demonstrating the importance of practical judgement.

You will need approx. 90 minutes to work through the learning unit and approx. 150 minutes to complete the exercises.

### 3.1 Preliminary remarks on different points of reference for ethics

In the previous learning unit, we defined terms that appear in more or less every discussion about ethics. This was necessary in order to provide greater clarity and certainty when dealing with questions of ethics in mining. This is because discussions on ethics can quickly become heated and emotional. It is very easy to get into fundamental areas of our thoughts and actions in such disputes. This concerns areas in which we are confronted with our values and the values of other people. These different values can sometimes clash sharply. After all, it is about nothing less than what we should or should not do for moral reasons.

Our recognition in certain communities - or our exclusion from certain communities - is in turn linked to these moral concepts. A moral is a system of values that is actually practised in a community and by which the members of this community orientate and evaluate their actions. Ethics, on the other hand, is the (scientific) reflection on morality. Ethics questions morality and is therefore much more fundamental. This is also applicable for questions about the relationship between ethics and mining that are central to this course.

In this third learning unit, different approaches and theories of ethics will therefore be outlined so that a deeper understanding of moral and ethical contexts is made possible and practical judgement in ethical questions is sensitised and can be trained.

### 3.2 Descriptive ethics versus normative ethics

Ethics questions value systems and deals with justifications for the values that apply to them. If it primarily takes a descriptive approach, i.e. takes stock and interprets, it is referred to as descriptive ethics. A descriptive approach to ethics can be used to analyse social contexts.



example

For example, you can analyse what role morality plays in our lives or you can shed light on the phenomenon of disputes over moral issues, to name just two possible aspects.

It is important that this investigation maintains a neutral stance and is therefore not itself judgemental. Descriptive ethics makes value-free statements about existing value systems and moral concepts. It therefore has more the character of an empirical study. For more information on descriptive respectively normative ethics, see Scarano<sup>[1]</sup> and von Kutschera<sup>[2]</sup>.



example

If, for example, one were to analyse the values of an mining community, i.e. identify the values that guide its members and ask, for example, what role these values play for the mining community itself and for its relationship to other communities and areas of our society, then one would arrive at descriptive-ethical statements.

These findings can help to better understand such groups and possibly compare them with other mining communities or even other social groups, such as doctors, bankers or professionals of the electric industry. From this, conclusions could be drawn about the compatibility of their respective values. So if - to stay with the practical example - a chip manufacturer commissions a mining company to supply a specific raw material of suitable quality, then knowledge of the differences or overlaps between the respective value systems of the respective professionals could help to avoid misunderstandings and conflicts. However, the question of whether the values represented in a community are good or bad, whether they are desirable or despicable, cannot be answered by descriptive ethics.

There is also another type of ethics that is not neutral on moral issues but makes moral judgements and develops moral demands. This type of ethics is known as normative ethics. As a rule, when we speak of ethics, we mean precisely this type, i.e. normative ethics. Even and especially when the attribute of normativity is not explicitly mentioned. Many people intuitively associate the word ethics with a series of commandments or prohibitions.

In the broader context of ethics in relation to mining, ethics should also be understood in the sense of normative ethics, unless otherwise stated. After all, it is always about the key question "What should we do?", a question posed by the philosopher Immanuel Kant (1724 - 1804) in the 18th century. This initially very general question can become very concrete in practical situations, as the following example illustrates:



example

What should a company sustainability officer do if she discovers that her employer is not disposing of waste in accordance with Directive 2006/21/EC of the European Parliament and the Council on the management of waste from extractive industries, for example, when disposing of tailings? What should she do if she also discovers that this was made possible in the first place by a mining engineer friend from her company?

[1] Scarano (2002) *Sc02*, p.25-26

[2] Kutschera (1999) *Ku99*, p.42-43



Med. 3.1: What is compliance, and why is it important?

YouTube – Be Informed

Maybe the company has clear internal compliance guidelines according to which this case would have to be reported. But still the company sustainability officer may find herself in a quandary. She may feel obliged towards her befriended colleague, but may also feel the need to report the recognised misconduct. She may also be worried about her job, for example if she suspects that the colleague has acted on behalf of and in agreement with the management. In such a case, her possible moral intention to report the recognised breach of duty could be curbed by her own existential fears. So what should the company sustainability officer do in such an unpleasant ethical dilemma? What is the right thing to do? What is the ethical thing to do?

Normative ethics formulates ethical commandments or prohibitions. It provides answers to the question "What should I do?". It is nothing less than a question of what is right and good behaviour. It is obvious that this is not a purely technical instruction. Ethics is not a simple instruction manual for life; it is not an algorithm for people in dilemma situations. Our pluralistic and differentiated society is too complex and interwoven for simple instructions and behavioural programmes to lead to (ethically) good and resilient decisions and actions. This applies all the more to the mining sector, which is highly interconnected globally. Simple answers to complex questions are not very promising.<sup>[1]</sup>

<sup>[1]</sup> Cf. Petersen & Quandt (2017) *PQS17*, p.142-143

### 3.3 Material versus formal ethics

The question "What should I do?" can be answered with varying degrees of concrete content. If, for example, certain commandments or prohibitions are formulated in specified terms, then we speak of material ethics. In a figurative sense, such ethics provide material instructions on what one should and should not do. Take, for example, the ten commandments of Christian ethics. Sentences such as "Thou shalt not lie!" or "Thou shalt not kill!" are material, i.e. content-filled prohibitions; they say exactly what is not to be done. This ethical requirement applies without any ifs or buts. In contrast, however, there is also a type of ethics that is less concrete in terms of content, but nevertheless just as binding. This type sets out its demands in formulae. In everyday language, most people are probably familiar with the so-called "golden rule".



definition

**Golden rule** In its general form, it is a saying that goes like this:

*"Do not do to others what you would not want done to yourself!"*

This commandment also provides an answer to the question "What should I do?". Although no formulated instructions are given, actions are fundamentally guided and arbitrariness is ruled out. This is because my actions should be determined in response to others, in reference to my fellow human beings. Instead of a generally valid formulated instruction, such as "Thou shalt not lie!" is replaced by a formula, which does, however, have a binding character. However, the formulaic nature of the golden rule leaves us a certain amount of room for manoeuvre. After all, if we ourselves thought it was appropriate to lie in a certain situation, we could use the golden rule in a similar situation to justify the fact that we could or even should lie to someone else.



example

In the above example of the sustainability officer who has discovered a serious breach of waste disposal guidelines by a colleague friend, possibly even in collusion with the management, the application of material ethics or formal ethics may well lead to different results. If, for example, the specific material ethical requirement "Thou shalt not lie!" is applied, then the sustainability officer would have to accuse her colleague in any case. Be it that she would be asked whether she knew about the breach of rules and whether she knew who was involved. Or whether she would be asked without being asked in an extended understanding of "Thou shalt not lie!" ("...and therefore bring the truth to light!") and therefore proactively reported their discovery.

However, applying the golden rule would at least enable the sustainability officer in this situation to think independently about what she should do in the given situation. This would give her more room for thought and action. Applying the golden rule, the

sustainability officer could come to the conclusion that she is covering for her colleague. After all, she herself would probably not want him to betray her if he caught her breaking the rules in her area. However, she could also come to the opposite conclusion, namely that she would deserve nothing less than to be reported to compliance if her colleague caught her breaking the rules herself. After all, a breach of the rules by a sustainability officer in her field is no trivial offense.

With regard to the golden rule, there are therefore degrees of freedom that would allow different actions, as long as they are also valid and considered necessary in relation to oneself. However, with this freedom also comes the responsibility to justify one's own actions and to take responsibility for their consequences. Last but not least, it can be assumed that a corrective is needed in order to apply the golden rule in the sense of formal ethics. A criterion for ethically appropriate or prohibited actions that goes beyond individual inclinations also appears to be necessary for formal ethics in order to prevent general arbitrariness and the justification of anything-goes. For example, the self-reflective reference that it is ethically justified to inflict pain on other people because one is "into it oneself" is unlikely to be a tenable answer to the fundamental ethical question "What should I do?". With the golden rule, we may get a little further in everyday life than with fixed, predefined commandments or prohibitions of material ethics. But the reference to oneself and thus also to one's own preferences or values as a standard for good ethical behaviour is not yet entirely convincing. Other points of reference beyond the individual seem to be necessary for ethical behaviour.



exercise

 **Task:**

- a) Consider various options for action that the sustainability officer described in the text  
could take after discovering her colleague's breach of company rules.
- b) What (ethical) problems could arise from each option?
- c) What would you do in the place of this sustainability officer?

Please give reasons for your answers.

Time to complete approx. 20 min.

### 3.4 Duty as a point of reference for ethical behaviour

The ethics of duty, developed and founded by Immanuel Kant in the 18th century, is an ethics that is virtually devoid of interests, primal needs and instincts. For him, the point of reference for ethical behaviour is reason. He understood this to mean the ability to transcend the senses and nature. Reason can become effective in the realm of the practical, i.e. in action, and thus guide our actions in an ethical sense. This "practical reason means the ability to choose one's actions independently of sensual determinants (the drives, needs and passions, the sensations of the pleasant and unpleasant); this ability is also called will."<sup>[1]</sup> What is decisive is that, according to Kant, this will arises from reason, i.e. it is a rational will. A will to act according to ethical laws that human as a rational being imagines for themselves. In this, the rational human being differs from animals, which Kant sees as mere natural beings that follow the laws given to them by nature. "The will means nothing other than the ability and willingness not to extinguish the natural impulses, but to distance oneself from them".<sup>[2]</sup>



example

The problem with the golden rule that our sustainability officer faced above with regard to the golden rule is resolved here. This is because the injunction "Do unto others as you would have them do unto you" is given a point of reference by Kant that abstracts from the inclinations and interests of the individual person. According to Kant, the expert can only want what a rational will wants.

We can now specify the golden rule of everyday language and summarise it as follows: 'Do not inflict on others what you cannot reasonably want!' In the language of Kant and his ethics, this formal ethical commandment is expressed as follows: "Act only according to that maxim whereby you can at the same time will that it should become a universal law."<sup>[1]</sup> This ethical commandment is also known as the categorical imperative. The word maxim means as much as a subjective principle on which my actions are

<sup>[1]</sup> Höffe (1992) *Ho92*, p.126, authors' translation

#### Original Quote

[Diese] praktische Vernunft bedeutet die Fähigkeit, sein Handeln unabhängig von sinnlichen Bestimmungsgründen (den Trieben, Bedürfnissen und Leidenschaften, den Empfindungen des Angenehmen und Unangenehmen) selbst zu wählen; diese Fähigkeit heißt auch Wille.

<sup>[2]</sup> Höffe (1992) *Ho92*, p.126, authors' translation

#### Original Quote

Der Wille bedeutet nichts anderes als die Fähigkeit und Bereitschaft, die naturwüchsig vorgegebenen Impulse zwar nicht auszulöschen, aber sich von ihnen zu distanzieren

<sup>[1]</sup> Kant (1993) *Ka93*, p.51, authors' translation

#### Original Quote

Handle so, als ob die Maxime deiner Handlung durch deinen Willen zum allgemeinen Naturgesetze werden sollte.

based. Like the general laws of nature, this principle should apply equally at all times and in all places - i.e. always, everywhere and for every person.<sup>[2]</sup> This sets a very strict framework for ethical behaviour and removes the argumentative basis for any arbitrariness.



example

Our sustainability officer is therefore ethically obliged to check whether what she should do in her conflict-laden situation is based on a reasonable will. Can she therefore reasonably cover for her colleague if he breaks the rules? Or is it reasonable to expose his misconduct and thus distance herself from her colleague friend, which could possibly be accompanied by feelings of betrayal towards him?

To be more precise: Is it sensible and generalizable to cover up a friendly colleague's breach of the rules with regard to corporate environmental protection, or do we have more of a duty to protect the environment as a principle of action? Perhaps even with a view to the many anonymous people who have a legitimate claim to a natural environment that is as intact as possible.

### **Duty vs. obligations**

An ethic such as Kant's, which develops and prescribes generally binding principles, is also referred to as duty ethics. It does not specify exactly how the duty is to be fulfilled. Nevertheless, an action can only be considered ethically good in the sense of duty ethics if it is in accordance with duty. Any behaviour contrary to duty would be unethical.

<sup>[1]</sup> From this binding nature, an ethic of duty develops a strong normative force.

In the example of the sustainability officer of a mining company, her personal friendship with a colleague who has committed a breach of the rules clashes with more fundamental responsibilities towards the environment. Nevertheless, one could say that other people are also affected by the environmental impact (at least in principle and indirectly). Our sustainability officer's consideration of the ethically required options for action therefore goes beyond her purely personal obligation towards her colleague.

With the question already raised above in Kant's sense of what would be reasonable to do, one can contrast the sustainability officer's friendship with her colleague, which is perceived as an (moral) obligation, with an ethical duty that is linked to reason.

### **Supplementary digression and example**

<sup>[2]</sup> Cf. Höffe (1992) *Ho92*, p.137

<sup>[1]</sup> Cf. von Kutschera (1999) *Ku99*, p.71



It becomes problematic when two or more duties collide with each other. As Kant argued and following the Constitution of the Federal Republic of Germany, human dignity is the highest protected good to which other duties of protection relate. However it is not always easy to weigh up how this protection can be guaranteed, especially in difficult and dynamic situations.

Take, for example, the political discussions in 2020 and 2021, which were dominated by the coronavirus situation. It is true that politicians have a duty to uphold and respect fundamental rights. Nevertheless, restrictions on rights were necessary at times in order to guide the country through this immense crisis. For example, a balance had to be struck between restricting freedoms (travel bans, curfews), economic consequences and health risks. For more details, see Schmid Noerr<sup>[1]</sup>, also with reference to Kant.

The extent to which some people felt restricted and sometimes felt their dignity was violated is shown by the anti-corona demonstrations and concerns about a general mandatory vaccination.

Not to mention the triage issue faced by doctors, who are obliged to look after people's health, but in some cases had to decide who to save the lives of and who not to save in the face of a shortage of intensive care beds. This meant that patients had to be reified and were inevitably turned into a calculation factor.<sup>[1]</sup> However, Kant's ethics of duty is based on the fact that the value of a human being as a rational being goes beyond a mere calculation factor, a price: "Whatever has a price can be replaced by something else as its equivalent; on the other hand, whatever is above all price, and therefore admits of no equivalent, has a dignity."<sup>[2]</sup> The fact that a human being is always also an end in itself endows him with dignity. But human dignity must not be offset.

### 3.5 Discourse as a point of reference for ethical behaviour

An ethic of duty based on the principle of reason can be very helpful in principle. However, it is also confronted with problems, especially when many values clash and claim validity. This becomes obvious in the societal debates and discourses on a wide variety of controversial topics. It is therefore worth taking a brief look at contemporary approaches on discourse ethics, one of the best-known representatives of which is Jürgen

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<sup>[1]</sup> Schmid Noerr (2020) *Sc20*

<sup>[1]</sup> Cf. in more detail Zimmermann (2020) *Zi20*

<sup>[2]</sup> Kant (1993) *Ka93*, p.68, authors' translation

#### Original Quote

Was einen Preis hat, an dessen Stelle kann auch etwas anderes, als Äquivalent, gesetzt werden; was dagegen über allen Preis erhaben ist, mithin kein Äquivalent verstattet, das hat eine Würde.

Habermas (\*1929). This type of ethics attaches structuring weight to argumentation in pluralistic, non-traditional and modern societies.<sup>[1]</sup> However, discourse ethics is not about techniques on how to properly engage in a discourse in order to be justified in the end. Rather - as with Kant - it is about "giving an answer to the question of what we should orientate our actions towards in every situation"<sup>[2]</sup> In this sense, discourse ethics can be understood as a modification of Kant's ethics, whereby it also constitutes an ethics of duty.

Instead of reason (as with Kant), in discourse ethics the rational consent of all participants in an unconstrained discourse free of domination takes precedence. Ethical action then means nothing less than "that one should always act in such a way that all rational beings (and especially all those potentially affected by the behaviour) could agree to the chosen principle of action in an unlimited argumentative discourse".<sup>[1]</sup> It is about an argumentatively mediated understanding of norms and courses of action that all participants can reasonably recognise.<sup>[2]</sup> This means that discourse ethics is based on an ideal discourse and ideal conditions; a prerequisite that cannot be found in practice. Discourse ethics can provide valuable impulses for analysing the ethical question "What should I do?".



example

In order to shed a light on her problematic situation, our sustainability officer would have to consider, from the perspective of discourse ethics, which of her options for action can be considered acceptable for all those affected, but also, in principle, for all people. She would therefore also have to consider the arguments of those people who are affected by the potential environmental damage caused by the colleague who disregarded the relevant regulations. And even if the arguments of this very colleague should be heard, it is difficult to imagine that the cover-up of his behavior would meet with general approval in a (theoretically) domination-free and unrestrained course without any influence of power.

<sup>[1]</sup> Cf. Lutz-Bachmann (2019) *Lu19*

<sup>[2]</sup> Werner (2002) *We02*, p.140, authors' translation

**Original Quote**

[...] eine Antwort auf die Frage zu geben, woran wir unser Handeln überhaupt, in jeder Situation, orientieren sollen

<sup>[1]</sup> Werner (2002) *We02*, p.141, authors' translation

**Original Quote**

[...] stets so zu handeln, dass alle Vernunftwesen (und zumal alle von der Handlungsweise potenziell Betroffenen) dem jeweils gewählten Handlungsgrundsatz in einem unbegrenzten argumentativen Diskurs zustimmen könnten

<sup>[2]</sup> Cf. Lutz-Bachmann (2019) *Lu19*

### 3.6 Utility as a point of reference for ethical behaviour

Utilitarianism is a widespread ethic originating from the Anglo-Saxon world, whose classic representatives include the English philosophers Jeremy Bentham (1748 - 1832) and John Stuart Mill (1806 - 1873).

Ethics of this type focus on the consequences of actions, which is why they can also be described as consequentialist ethics. The criterion for ethical behaviour is the greatest possible benefit for the greatest possible number of people.<sup>[1]</sup> The basic idea behind this stems from the anthropological assumption that humans strive to increase their pleasure and avoid suffering. This initially sounds like an approach that seems to follow highly selfish motives.



example

For the sustainability officer in our example, this could lead to the conclusion that she is covering up for her colleague and maintaining harmony and friendship with him.

But it is not as simple as. Utilitarian ethics attach great importance to the non-partisan nature of the moral standpoint. It is about the equal promotion of the interests of all as a criterion for what is morally right. It is not about the promotion of self-interest.<sup>[1]</sup> This means: "Action is moral if it has the most beneficial consequences for all those affected, i.e. if the consequences of action are that they result in a maximum of pleasure and a minimum of suffering."<sup>[2]</sup> The assessment of consequences should be impartial and disregard all special sympathies and loyalties.

Our officer must therefore ignore her personal relationship with her colleague and adopt a neutral standpoint. Her actions should be orientated towards the greatest benefit for all.

Consequentialist ethics is focussed on a goal and is oriented towards the consequences of an action in order to assess whether it is ethically good or bad. In a specific ethical conflict situation, it is therefore necessary to examine which ethically relevant consequences would result from my options for action. The option that offers the greatest benefit is the one that is required. This gives rise to new problems that need to be clarified. For one thing, the consequences include "not only the outcomes that occur later, but also the outcomes of an action that occur simultaneously, as well as the action

<sup>[1]</sup> Cf. Pieper (2017) *Pi17*, p.238

<sup>[1]</sup> Cf. Nida-Rümelin (1996) *Ni96*, p.8

<sup>[2]</sup> Cf. Pieper (2017) *Pi17*, p.239, authors' translation

#### Original Quote

Eine Handlung ist dann moralisch, wenn sie die nützlichsten Folgen für alle Betroffenen hat, d. h., wenn die Folgen einer Handlung darin bestehen, dass sie ein Maximum an Freude und ein Minimum an Leid hervorbringt.

itself and its circumstances".<sup>[1]</sup> Furthermore, it is about the predictable outcomes, not the outcomes that actually occur - as the former cannot be predicted exactly.

The normative element of utilitarian ethics is the strict focus on the benefit, i.e. the positive outcomes that are expected in the foreseeable future. From this perspective, our actions must be guided by this alone. But what exactly constitutes this benefit? What is of such great value that it can be set as a goal and benchmark? Consequently, another element is necessary, a theory of value that can answer precisely this question. The aforementioned pleasure or well-being can represent such a value. But this still does not say exactly what it can mean in concrete terms and what constitutes it. These are formal determinants that must be filled with the concrete content of values. The extent of this content (of "pleasure minus suffering") must ultimately be added up. This is in order to determine the total benefit for all that results from the consequences of an ethically relevant action. "An action is considered right if its consequences are optimal."<sup>[1]</sup> It is obvious that such an optimisation process could also lead to further conflicts. For what if the optimal outcomes can only be achieved through reprehensible actions? What if the colleague of the sustainability officer in our example deliberately broke the rules because, based on his own professional expertise, he knows that his breach will result in significantly less environmental impact than if he had blindly obeyed the rules and regulations?



**Task 3.3:** Maximising benefits (reflection exercise)

Think about an example from raw material mining in which it might be ethically necessary from a utilitarian point of view to carry out a "bad" action in order to maximise the benefit for everyone involved.

Give reasons for your considerations.

Time to complete approx. 20 min.

<sup>[1]</sup> Birnbacher (2002) *Bi02*, p.95, authors' translation

**Original Quote**

[...] nicht nur die zeitlich später eintretenden Wirkungen, sondern auch die gleichzeitig eintretenden Wirkungen einer Handlung sowie die Handlung und ihre Umstände selbst

<sup>[1]</sup> Cf. Nida-Rümelin (1996) *Ni96*, p.9, authors' translation

**Original Quote**

Eine Handlung gilt als richtig, wenn ihre Folgen optimal sind.

### 3.7 Virtue as a point of reference for ethical behaviour

beyond basic duties and purpose-oriented maximisation of benefits as points of reference for ethical action, virtue ethics are also repeatedly cited. The word virtue stands for the disposition of a person's character that leads to a way of life that enables an individually and collectively good life. In most cases, reference is made to the Greek philosopher Aristotle, who lived in the 4th century BC. His ideas still have an impact today. For him, the question of the good life took centre stage, resulting in the ethical question "How should I live?". Virtue ethics therefore does not primarily focus on the evaluation of individual actions, but on the evaluation of the acting person as a whole.

[1]

In the Aristotelian sense, virtue ethics represents an understanding that emphasises a certain wisdom of life and avoids extremes. It is about finding the rational balance of a matter, as too much or too little can be harmful. The virtues necessary for this can be learnt and should be at the service of the general public. They have to be moulded and practised like skills.<sup>[1]</sup> The virtuous person is characterised by the fact that they know how to make the right decisions in relevant situations. In modern adaptations of ancient virtue ethics, virtues represent the collective good that must be applied individually. The respective historical context in which we live is also important. It is characterised in how we link our different actions according to established role models. The question of the right action for the sustainability officer who discovers that her colleague is violating environmental regulations also involves a certain understanding of her role in terms of virtue ethics. This is based on the expectations of her profession and must also be in line with her own ethical motives. Situational and personal aspects can play a greater role in virtue ethics than in duty ethics and utilitarian ethics. This applies both with regard to the community and with regard to what a virtuous person would do.

Situational and personal aspects can be more effective in virtue ethics than in duty ethics and utilitarian ethics. This is albeit with regard to the community and with regard to what a virtuous person would do.<sup>[1][2]</sup>

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[1] Cf. Rapp (2002) *Ra02*, p.79

[1] Cf. Aristotle (1999) *Ar99*

[1] Cf. Pieper (2017) *Pi17*, p.244

[2] Cf. Rapp (2002) *Ra02*, p.79

### 3.8 Practical judgement

As a look at the few ethics presented in this learning unit shows, it is not easy to find out which specific actions in a given situation are ethically right or wrong. If we want to move beyond quick, largely unquestioned moral judgements, it is necessary to reflect on ethical reasoning. As we have seen, ethical demands often remain vague in terms of content. They can provide guidance, but often they remain vague. They need to be implemented in a situation applicable way. In order to arrive at ethically appropriate decisions and actions, we need an ability that can be described as practical judgement. This ability to judge enables us to apply and reflect on ethical norms in concrete situations. But also if norms compete or even collide with each other, it is necessary to assess their appropriateness in the given situation.

Especially in a modern, pluralistic society, in which there is a multitude of values and norms, practical judgment is of central importance. This social plurality is reinforced by global interdependencies and networking, as can be found not least in the commodities sector.

A profound practical power of judgment can help to reflect on various moral principles and ethical demands in the field of tension between individual and general perspectives. And it can help to arrive at ethically legitimate, well-founded judgments and actions. “Moral competence, which is documented in practical judgment, is the existential basis for thriving interpersonal relationships that can be described as “humane” in an empathic sense.”<sup>[1]</sup>



example

With regard to our example of sustainability officer it can therefore be stated that there can probably be no one hundred percent recommendation for her on the basis of a single, all-encompassing, binding ethical principle. The ethical reasons for her “ethically desirable” behavior can also be very different.

Nevertheless, our practical ability to judge can be sensitised, sharpened and trained using the example and reflection of the ethics presented. The more specialised certain fields are in which moral conflicts and controversial practices of norms can arise, the more important it can be that specialist knowledge must also be included in ethical reflection in order to arrive at viable decisions. General ethics then becomes applied ethics, which is the subject of the next learning unit.



exercise

 **Task 3.4:** Moral judgements (transfer exercise)

<sup>[1]</sup> Cf. Pieper (2017) *Pi17*, p.89

Discuss the following quote against the background of duty ethics, utilitarianism and virtue ethics.

"A consequentialist appears [...] as a highly unreliable partner, because his conviction demands that he does not adhere to certain rules without ifs and buts, but examines what is best on a case-by-case basis."<sup>[1]</sup>

Franz von Kutschera

Time to complete approx. 45 min.



### 3.9 Summary - Different points of reference for ethics

- Descriptive ethics makes value-free statements about existing value systems and moral concepts and thus has more the character of an empirical study.
- However, there is also another type of ethics that is not neutral on moral issues, but makes moral judgements and develops moral demands. This type of ethics is known as normative ethics.
- Normative ethics formulates ethical commandments or prohibitions. It provides answers to the question "What should I do?". It is about nothing less than the question of right and good behaviour.
- Our pluralistic and differentiated society is too complex and interwoven so that simple instructions and behavioural programmes could lead to (ethically) good and resilient decisions and actions. Simple answers to complex questions are not very promising.
- If, for example, certain commandments or prohibitions are fixed in terms of content, then we speak of material ethics. One example are the Christian ten commandments.
- Formal ethics set out their requirements in formulae. One example is the so-called Golden Rule. Although no detailed instructions are given, actions are guided essentially and arbitrariness is ruled out. This is because actions should be determined in relation to others, in reference to my fellow human beings.

<sup>[1]</sup> Kutschera (1999) *Ku99*, p.79, authors' translation

#### Original Quote

Ein Konsequentialist erscheint [...] als ein höchst unzuverlässiger Partner, denn seine Überzeugung fordert von ihm, daß er sich gerade nicht ohne Wenn und Aber an gewisse Regeln hält, sondern von Fall zu Fall prüft, was das Beste ist.

- An ethic such as Kant's, which develops and prescribes generally binding principles, is also referred to as an ethic of duty. It is true that it is not specified exactly how the duty is to be fulfilled. Nevertheless, an action can only be considered ethically good in the sense of duty ethics if it is in accordance with duty.
- Discourse ethics requires the rational consent of all participants in an informal discourse free of domination. An action is ethically imperative if all participants in the discourse would agree with it. However, this can only be the case in an ideal world.
- Consequentialist, benefit-orientated ethics is focused on a goal and is oriented towards the outcomes of an action in order to assess whether it is ethically good or bad. But how should the sought-after benefit be determined?
- Virtue ethics does not primarily focus on the evaluation of individual actions, but on the evaluation of the acting person as a whole. Virtue can be understood as a person's disposition of character.
- Practical judgement enables us to apply and reflect on ethical norms in concrete situations. This is particularly important in the case of competing norms.

### 3.10 Knowledge test - Different points of reference for ethics

You will find the solutions to the following exercises within this learning unit. Try to complete the exercises independently before looking up the solution.



exercise

**Task:**

What is the difference between material ethics and formal ethics?

The solution can be found in chapter 3.3

Time to complete approx. 20 min.



exercise

**Task:**

What does practical judgement mean and what is it needed for?

The solution can be found in chapter 3.8



Time to complete approx. 20 min.



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## 4 (WIP)DCC - Differentiation in complex reference contexts

by Anna S. Hüncke, Matthias Schmidt and Nina Küpper

Last updated: 2025/03/26

This learning unit examines the nature and use of ethics in applied contexts and areas. We speak of applied ethics when fundamental ethical theories are applied to specific situations. If knowledge that is specific for a particular area is included as well, we refer to areas of applied ethics or applied area-specific ethics. An example of this is mining ethics.



learningobjec-  
tives

### Learning objectives

After working through this learning unit, you should be able to

- explain what is meant by applied ethics and areas of applied ethics.
- explain the function of applied ethics and areas of applied ethics.
- list some areas of applied ethics and explain why they also integrate expert knowledge.
- explain why areas of applied ethics cannot be clearly distinguished from one another.



Outline

### Outline

This learning unit begins by explaining the importance of applied ethics, which, in contrast to classical ethical theories, refers to specific situations and cases of conflict in practice. It thus responds to problems of orientation faced in the everyday world. The concept of applied area-specific ethics is then introduced. They are practice-oriented, but they combine ethical knowledge with area-specific expertise in order to arrive at a well-founded assessment of an issue. Finally, it is discussed that applied area-specific ethics cannot be clearly differentiated from one another. This is particularly relevant because mining has overlaps with different areas of society.

You will need approx. 60 minutes to work through the learning unit and approx. 60 minutes to complete the exercises.

## 4.1 Preliminary remarks on differentiation in complex reference contexts

Since around the middle of the last century, so-called applied ethics have increasingly developed and established themselves. As the term suggests, these ethics have a particular focus on concrete practice in a lived reality. However, this is by no means to say that classical theoretical ethics are becoming obsolete. We have exemplarily explored four of these approaches in the previous learning unit. On the contrary, ethics have always had a highly practical relevance. The questions of the good life and ethically appropriate behaviour have always been at the centre of ethical reflection. This is what normative ethical theories are about when they substantiate their own moral principle (e.g. the good, reasonable will or the maximisation of happiness or pleasure). It is then up to the acting person - as we saw in the example of the sustainability specialist from the [learning unit 3 in the chapter "Descriptive ethics versus normative ethics"](#) - to reflect on and assess these principles in given situations in order to act appropriately. In this respect, theoretical ethics are highly practice-relevant and important in shaping our human interactions.

Applied ethics, as we will get to know in this learning unit, and the theoretical ethics we are already familiar with are not two clearly separate matters. Ultimately, they are always related to each other. They open up everyday practice from different perspectives and with different emphases, which can result in specific practical insights and possibilities to act in different areas.<sup>[1]</sup>

## 4.2 Applied ethics

Applied ethics is a very complex endeavour that involves combining theoretical reflections on ethics with practical questions of orientation. Basic concepts and principles of ethics as well as the inner quality of a moral action (morality) are reflected in the context of given circumstances. They are linked with specific questions and requirements of human practice in such a way that a specific form of "own" ethics can emerge in an applied setting. Underlying this is an increasing lack of orientation in modern societies. "Over long stretches of the history of ethics there has been a great consistency with regard to concrete assessments of good behaviour".<sup>[1]</sup> However, this is no longer the case today due to the speed and dynamics of social and technical developments.

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<sup>[1]</sup> Cf. Bayertz (1994) *Ba94*, p.8

<sup>[1]</sup> Düwell (2002) *Du02*, p.244

Procedures for the advisory support of political decision-making and the creation of social consensus are also frequently labelled as ethical. A prominent example of this is the German Ethics Council, which is appointed by both the German Bundestag and the Federal Government.

The mandate of the German Ethics Council is defined in §2 EthRG (Ethics Council Act) as follows:



citation

From: Gesetz zur Einrichtung des Deutschen Ethikrats (2007) *Et07*, authors' translation

#### Original Quote

Der Deutsche Ethikrat verfolgt die ethischen, gesellschaftlichen, naturwissenschaftlichen, medizinischen und rechtlichen Fragen sowie die voraussichtlichen Folgen für Individuum und Gesellschaft, die sich im Zusammenhang mit der Forschung und den Entwicklungen insbesondere auf dem Gebiet der Lebenswissenschaften und ihrer Anwendung auf den Menschen ergeben.

The German Ethics Council shall monitor the ethical, social, scientific, medical and legal issues and the likely consequences for individuals and society that arise in connection with research and developments, particularly in the field of life sciences and their application to humans.

According to its own terming, the German Ethics Council deals "with the great questions of life. With its opinions and recommendations, it provides orientation for society and politics."<sup>[1]</sup>

With regard to the advisory and orientation function of ethics councils or ethics committees, ethics can also be understood as an initiative at the interface between science and society. This gives it a kind of political function. After all, politics is not least about balancing the different interests pursued by different actors with different levels of power. It is true that the core business of ethics is the critical scrutiny of moral arguments and demands. However, the more it contributes to the formation of public opinion and the creation of societal consensus, the more it enters the original realm of politics.<sup>[1]</sup>

The German Ethics Council also deals with topics that can affect the mining industry. One such subjects is societies' challenges regarding climate change and climate justice. For instance, the council advises that "further growth of consumption and resource use in industrialised countries"<sup>[1]</sup> has to be critically assessed with regard to the global

<sup>[1]</sup> Deutscher Ethikrat (2025) *Et25*

<sup>[1]</sup> Cf. Düwell (2002) *Du02*, p.245

<sup>[1]</sup> Deutscher Ethikrat (2024, March 13) *Et24*, p.10

south and that “alternatives” have to be found for the “exhaustion of resources”.<sup>[2]</sup> Further the sector is important in “the development of technologies to achieve ‘negative emissions’”.<sup>[3]</sup> Not least, this is also about people’s current way of life, which is challenged by the combination of the world’s resources, its changing climate and modern technologies. From a profound perspective, it is about nothing less than human dignity, which must be recognised and protected under these conditions.

The close interweaving of normative questions with findings and experiences from certain contexts of human interaction does not only increase the content-related complexity of applied ethical reflection. It also leads to a pluralisation of the ethical approaches and basic attitudes of actors concerned. After all, ethics councils or committees are not homogeneous groups, but are made up of experts from interdisciplinary fields and professions. This makes it difficult, if not impossible in principle, to impose a single moral principle from theoretical ethics that could then be applied to a specific case. Instead, consensus is of particular importance.

Especially when it comes to fundamental convictions, i.e. principles, consensus building is generally not possible without friction. Therefore, consensus is necessarily preceded by discourse. These involve illuminating and analysing ethical problems that have a highly practical relevance. In disputes between conflicting principles, fundamental values clash that are sometimes irreconcilable.



example

Take, for example, current discussions about active euthanasia on demand, as exemplified in the feature film "Playing God" based on Ferdinand von Schirach.<sup>[1]</sup> It presents the case of a 78-year-old healthy man's wish to die before the German Ethics Council.



citation

From: IMDB (2024) “The man wants to put an end to his life. However, this should not be done abroad, but quite legally with the help of his family doctor. The family doctor is personally convinced that it is out of the question to get his elderly but healthy patient a fatal drug. The patient’s case is exemplary discussed before the German Ethics Council. The disputed question here is not which forms of euthanasia are exempt from punishment for doctors, but rather whether doctors have to meet the patient's wish of being tired of life - whether young, old, healthy or sick. One of the Ethics Council members asks the experts and lets the various experts have their say. The constitutional lawyer (...), the patient’s lawyer, (...) a church leader and the head of the Medical Association have different, partly opposing opinions. In the end, the chairperson of the Eth-

<sup>[2]</sup> Deutscher Ethikrat (2024, March 13) *Et24*, p.15

<sup>[3]</sup> Deutscher Ethikrat (2024, March 13) *Et24*, p.15

<sup>[1]</sup> Kraume (2020) *Kr20*

ics Council addresses the audience directly: Should the 78 year- old man be given the deadly preparation to take his own life in a self-determined manner?"

Following the broadcast of the programme in November 2020, viewers were asked to vote on whether the man who wanted to die should receive the necessary drug or not. The topic was continued in a subsequent talk show, which can certainly be interpreted as an element of the factual societal discourse on this topic.

In a fiction film about an exemplary ethical discussion, you can leave the ending open. You don't have to decide. And the audience's vote is an opinion without consequences. In concrete situations, however, uncomfortable decisions cannot usually be simply sat out. This is especially the case when political decisions are imminent. Laws have to be formulated and passed to respond to ethically conflicting challenges at the interface between what is technically feasible and what is ethically imperative. Furthermore, it cannot be assumed that all the legitimate interests of those affected can be fully recognised, understood and taken into account. In this respect, ethics has the function of "addressing the undecidable and deciding in full awareness of the paradox"<sup>[1]</sup> in the light of local and situational circumstances. Ultimately, democratically legitimised political compromises are necessary in order to stay capable to take action. For "It is indisputable that when it comes to genuine collisions of principles, "smooth" solutions are by definition impossible. [...] Without a decision, there can therefore be no way out of the conflict."<sup>[2]</sup>

It can now be critically argued that a factually achieved consensus can be problematic. This is insofar as its presumed correctness that corresponds with the convictions of some discourse participants does not necessarily withstand ethical scrutiny. This would only be theoretically the case in an ideal discourse without power structures and domination.<sup>[1]</sup> In practice, such a purely theoretical situation does not exist. In other words: Compromises from concrete ethical discourses can incorporate positions that may themselves be unethical. In order to expose such positions and counter them with arguments, a thorough examination of ethics is indispensable.

<sup>[1]</sup> Baecker (2018) *Ba18*, p.211, authors' translation

**Original Quote**

[...] das Unentscheidbare zu adressieren und im vollen Bewusstsein der Paradoxie zu entscheiden.

<sup>[2]</sup> Bavertz (1994) *Ba94*, p.33, authors' translation

**Original Quote**

Unbestreitbar ist: Wenn es sich um echte Prinzipienkollisionen handelt, sind »glatte« Lösungen per definitionem unmöglich. [...] Ohne Entscheidung kann es daher keinen Weg aus dem Konflikt geben.

<sup>[1]</sup> Cf. learning unit DPE, chapter "Discourse as a point of reference for ethical behaviour"



The task of applied ethics is to respond to modern society's problem of orientation. Rapid social change and the technical innovations including extraction of (critical) raw materials and the recultivation of mining sites require a reflective approach and adaptation of ethical assessments to the respective new situation. However, such an adjustment should not (only) be understood as a top-down process in which a given ethical norm is applied to a specific case. Rather, by combining experience and expert knowledge from different areas with various ethical theories, an updating and shifting of norms and principles also takes place. Understood in this way, applied ethics is itself standardising and normative on its own. Depending on the respective context of action, more or less independent and different areas of applied ethics can emerge.

### 4.3 Area ethics

This kind of ethics could be described as a very specific part of applied ethics. Here an area refers to a more or less clearly definable sphere of human practice that raises moral problems and questions. Such area-specific problems result from the specific functional context, taking into account empirical, i.e. concrete circumstances. Although general conclusions can certainly be drawn from the known theoretical ethics for a specific situation, it is still necessary to reflect on the thematic contexts and the area-specific level of knowledge in order to arrive at a qualified judgement of a moral issue in a specific lived reality. For more detailed information on this, see Bayertz<sup>[1]</sup>, Nida-Rümelin<sup>[2]</sup> and Düwell<sup>[3]</sup>.



example

The terms bioethics, genetic ethics, medical ethics, business ethics, environmental ethics, corporate ethics or technology ethics, to name just a few. Recently, the term "ethics" has been used increasingly in connection with "mining".

After this (incomplete) list of areas of applied ethics, it should be immediately obvious that each of these area ethics has to negotiate specific moral problems. For this specialised knowledge is indispensable. By no means do areas of applied ethics lead to a contamination of pure ethics, but rather an interdisciplinary enrichment through which ethical reflection can be made fruitful for the area-specific case.

Different areas ethics can overlap depending on how complex a morally challenging issue is.

<sup>[1]</sup> Bayertz (1994) *Ba94*, p.30

<sup>[2]</sup> Nida-Rümelin (1996) *Ni96*, p.63-65

<sup>[3]</sup> Düwell (2002) *Du02*, p.245



example

The recent violent conflicts in the Middle East and between Russia and Ukraine paired with questions of climate change, for example, directly raise questions of resource security vis-à-vis environmental sustainability, such as when it comes to extracting critical raw materials (for renewables) or protecting a natural habitat with a huge biodiversity in one's home country.

This current constellation also provides learning lessons: How can resources that are scarce on the world market be used in a more sustainable manner? What spin-offs does this hold for the reduction of CO<sub>2</sub>-emissions?

Last but not least, the climate crisis paired with conflicts concern the realm of political ethics. This particular ethics takes the overall societal dimension into account. How should ethical goods (e.g. biodiversity or peace) be weighed against economic goods (e.g. economic security) in order to be perceived as fair and legitimate?



Med. 4.1: Causes and Effects of Climate Change

YouTube – National Geographic

The example of the climate crisis as well as of violent conflicts show that certain phenomena can fall into different areas. However, by combining ethical expertise together with area-specific expertise challenges can arise. For each area addresses the shared problem with specific terms of a central significance in this area. However, the example also shows that not all areas can always be clearly distinguished from one another concerning the relevance a phenomenon has for them. Furthermore, depending on the is-

sue concerned, areas may merge and cannot be considered in isolation from one another.

Ethical questions of mining do not only concern a particular area of applied ethics but affect various parts of the world we live in such as the natural habitat, the political and the technological sphere, public health or the economy to name but a few.

Questions must be asked about mining procedures and their repercussions from an ethical, philosophy of science's, anthropological and social perspective: For example, the Rhenish lignite mining area in Germany of which the Open Cast Mine of Hambach forms part with its extraction of lignite raises many questions concerning the lives of local residents, impacts for the environment, the supply with raw materials, job security and safety, understandings of sustainability, and how this affects established criteria of knowledge and truth over time.



Med. 4.2: Hambacher Forest, Germany - Earth Timelapse

YouTube – Google Earth



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**Task 4.1:** Business ethics (knowledge exercise)

- Would you say that mining forms a community of practice whose members share common values and a common purpose? If so, which ones?
- Do you know any taboos that you assume the members of the mining community (more or less) share? What are they? What are the reasons for these taboos?

Time to complete approx. 30 min.



#### 4.4 Summary - Differentiation in complex reference contexts

- In applied ethics, theoretical reflections on ethics are combined with practical questions of orientation.
- The task of applied ethics is to react to the problems of orientation in modern society.
- Basic concepts and principles of ethics and morality are reflected in the context of given circumstances.
- Due to the speed and dynamics of social and technical developments, (today) it is not always easy to ethically evaluate issues of relevance.
- Procedures for the advisory support of political decision-making and the creation of social consensus are often labelled as ethical.
- With regard to the advisory and orientational function of ethics councils or ethics committees, ethics can also be understood as an activity at the interface between science and society.
- The close interweaving of normative questions with findings and experiences from specific contexts of human interaction also leads to a pluralisation of the ethical approaches and basic attitudes of actors concerned.
- A consensus is necessarily preceded by discourse. These involve illuminating and analysing ethical problems that have a highly practical relevance.
- Areas of applied ethics could be described as a very specific part of applied ethics. Here an area refers to a more or less clearly definable sphere of human practice that raises moral problems and questions.
- Although general conclusions can certainly be drawn from the known theoretical ethics for a specific situation, it is still necessary to reflect on the thematic contexts and the area-specific level of knowledge in order to arrive at a qualified judgement of a moral issue in a specific lived reality.
- Different applied area-specific ethics can overlap depending on how complex a morally challenging issue is.

- Ethical problems raised by raw material extraction cannot be dealt with simply in terms of applied area-specific ethics.

## 4.5 Knowledge test - Differentiation in complex reference contexts

You will find the solutions to the following exercises within this learning unit. Try to complete the exercises independently before looking up the solution.



exercise

### Task:

Explain the function of applied ethics and area ethics. Give one example each from the field mining.

The solution can be found in chapter 4.2 / 4.3

Time to complete approx. 45 min.



exercise

### Task:

Explain why area ethics cannot be clearly distinguished from one another.

The solution can be found in chapter 4.2 / 4.3

Time to complete approx. 20 min.

## 4.6 References - Differentiation in complex reference contexts



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## 5 (WIP)SRR - Basic structure and relevance of the concept of responsibility

by Matthias Schmidt, Anna S. Hüncke and Nina Küpper

Last updated: 2025/03/26

This learning unit deals with a central concept of ethics: responsibility. In the previous learning units on ethics we have already seen that ethical challenges and conflicts can be very complex and that their solutions are by no means obvious. The same applies to responsibility, which has an inherent ethical dimension, especially when it comes to ethical or moral issues.



learning objectives

Learning objectives After working through this learning unit, you should be able to:

- Distinguish between different types of responsibility.
- Outline the basic structure of responsibility and distinguish it from the concepts of guilt and liability.
- Recognise and describe the responsibility mining personnel can bear in different situations.



Outline

### Outline

The basic structure of responsibility and its distinction from the concepts of guilt and liability are outlined in this learning unit. Some different types of responsibility are then presented. This know-how can be helpful in answering the question of what responsibility raw material personnel may have in different situations. Types of responsibility can be for example:

- Legal responsibility
- Responsibility for roles and tasks
- Responsibility to act
- Moral responsibility
- Retrospective and prospective responsibility
- Positive and negative responsibility
- Individual and collective responsibility

You will need approx. 120 minutes to work through the learning unit and approx. 150 minutes to complete the exercises.

## 5.1 Preliminary remarks on basic structure and relevance of the concept of responsibility

Responsibility is an important and central concept when discussing the responsibility of individuals or groups for certain issues. When you attribute responsibility to someone or hold someone accountable, you are ascribing responsibility to that person. Even if we are familiar with the term responsibility in everyday conversations and contexts, on closer inspection it turns out to be very complex. Responsibility is anything but easy to grasp.



example

This is also true in the area of mining. The two questions alone

"Who is responsible for mining?"

and

"What is mining responsible for?"

can lead to long and contentious discussions.

Responsibility can also have an ethical dimension, namely when it comes to ethical or moral issues. In the learning units before, we have already seen that ethical challenges and conflicts can be very complex and that their solutions are by no means obvious. The same applies to responsibility. The attribution of responsibility is very preconditional. It is linked to a society's fundamental systems of values and norms, as well as to assumptions about which actors are capable of being responsible. We then speak of normative or epistemological assumptions that flow into the attribution of responsibility.<sup>[1]</sup> The basic structure of responsibility and its differentiation from the concepts of guilt and liability will be shown below. Some different types of responsibility are then presented. This know-how can be helpful in answering the question of what responsibility people from mining can have in different situations.

## 5.2 Basic dialogue structure of responsibility

First of all, responsibility is a dialogue-based principle. This means that at least two actors are needed for a responsibility structure to emerge. Person A asks person B a question that begins with the question word "Why?" and person B provides a re-

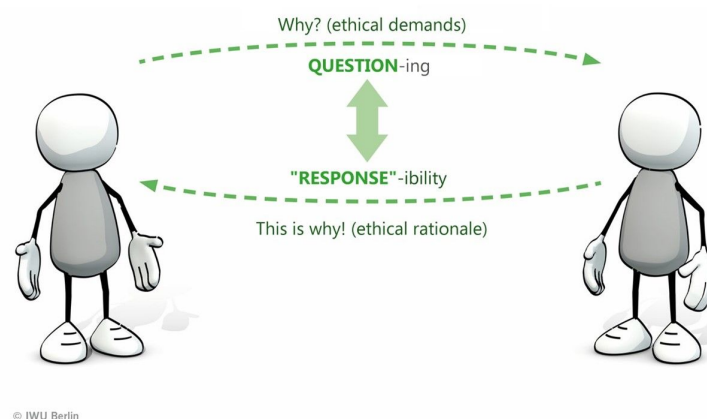
<sup>[1]</sup> Cf. Heidbrink (2017) *He17*, p.4



sponse. We can therefore say that person B "responds to" person A's question. The word responsibility contains the word response. Responsibility is therefore a reaction (from person B) to a question; and at the same time responsibility is the request (from person A to B) to answer a question. In this structure, two people are in a relationship of responsibility. It is in the nature of things that (controversially discussed) questions of responsibility are primarily questions with a moral or ethical quality. Although the simple question "What time is it?" is also subject to this basic structure, serious problems and disputes are unlikely to arise from the correct answer to this question. Nevertheless, there are also other forms of responsibility, such as the responsibility for tasks or positions, which is linked to the function that a person occupies.<sup>[1]</sup>

The further structure of the concept of responsibility can be explained from the basic dialogue structure of responsibility with at least two actors who respond to each other. In a context of responsibility there always needs to be a subject of responsibility: Who is responsible? There is also an object of responsibility: What is responsibility being requested for? And finally, an authority is needed against which responsibility is measured: To whom is one responsible?

To summarise, every relationship of responsibility can be described with the following formal question: "Who is responsible for what and to whom?" And last but not least, the question of why must be asked: "Why does person A demand a response from person B?" This last question refers to the contexts that justify the fact that person B can be held accountable at all. The following figure illustrates this connection.



www.MatthiasSchmidt.berlin

**Fig. 5.1:** Basic structure of responsibility

<sup>[1]</sup> Cf. Lenk (1993) *Le93*, p.118

## 5.3 Guilt and liability

One conceptual association with responsibility is the concept of guilt, which in philosophical terms is a kind of precursor to responsibility.<sup>[1]</sup> As a rule, guilt is about the consequences of action and thus also about the attribution of responsibility. One is guilty if one has committed an act that is qualified as misconduct. Depending on the body assessing the quality of the behaviour, guilt can be interpreted theologically, ethically or legally.

In the contemporary age, the notion of guilt is mainly found in criminal law. Here it plays an important role in the assessment of a possible criminal offence. In a criminal law sense, guilt is understood as the individual culpability of the criminal offence.<sup>[1]</sup> This is based on the fact that the guilty party is causally involved in an event. He or she must have caused or contributed to it. This means that an event as it occurred would not have happened without the actions of the accused person.<sup>[2]</sup> However, causation alone in the sense of participation is not sufficient to determine the guilt of a person for an event. Culpability is also required.



citation

From: Aschenbach (2001) *Ac01*, p.1272, authors' translation

### Original Quote

Vorwerfbarkeit bedeutet, dass der Täter rechtswidrig gehandelt hat, obwohl er nach seinen Fähigkeiten und unter den konkreten Umständen der Tat in der Lage war, sich von der im Tatbestand normierten Pflicht zu rechtmäßigem Verhalten leiten zu lassen.

Culpability means that the perpetrator has acted unlawfully although, according to his abilities and under the specific circumstances of the offence, he was in a position to be guided by the standardised duty of lawful conduct in the case at hand.

In the area of mining, for example, the following case could be scrutinised.

The driver of an excavator in an open-cast mine causes an accident due to a defect in his work equipment. It turns out that he has been overworked for some time due to his heavy workload therefore has not thoroughly checked his excavator.

At the same time, it turns out that the company's safety engineer knew about the potential risks of this type of excavator, but this information was not passed on within the company.

<sup>[1]</sup> Cf. Werner (2002) *We02*, p.522

<sup>[1]</sup> Cf. JuraforumWiki-Redaktion (2020) *Ju20*

<sup>[2]</sup> Hoerster (2012) *Ho12*, p.103

Is it the “fault” of the safety engineer that the source of danger was not pointed out at an early stage due to a lack of communication? Or is it the “fault” of the excavator operator who was sloppy in his inspection? From a legal perspective, the question can now be asked: Who is liable for the damage and the preceding error? Who is at fault? Who is liable for the deed?

In each case, being at fault and bearing responsibility are about the attribution of an event or circumstance. It is about blaming someone for something and - in the legal sense - holding them liable or considering them guilty, or - in the ethical and moral sense - holding them accountable. The transitions between the use and meaning of the terms guilt and responsibility are fluid, especially in everyday language. In the current ethical discussion, the concept of guilt is hardly ever used. However, the concept of responsibility has risen to the rank of a key ethical category in the 20th century.<sup>[1]</sup> For this reason, as well as because of its ubiquity in public life and diverse uses, the focus below will be on responsibility.

## 5.4 Types of responsibility

Responsibility requires attribution to a specific responsible person or group of people. More generally, one could also speak of actors instead of persons. We have already seen that the three question words “Who?”, “For what?” and “Towards whom?” are necessary for the attribution of responsibility. We therefore need a subject (who), an object (for what) and an authority (towards whom) in order to clarify the question of responsibility in a situation. In addition, the reason (why) is very important. This is not least to clarify whether we are dealing with moral or ethical or legal responsibility. Based on these relationships and the basic dialogue structure concerning responsibility outlined above, it becomes clear that responsibility is a formal notion. However, it is by no means uniform and can be filled with different content in different contexts. Therefore misunderstandings and conflicts can quickly arise in the discussion about specific responsibilities. It is hence important and helpful to be able to distinguish between different types of responsibility. The following list explains some of the most important types of responsibility. See also Lenk<sup>[1][2]</sup> and Heidbrink<sup>[3]</sup> for more details.

### Legal liability

Legal liability is a more or less concretely enforceable sanction for misconduct. This responsibility should be objectivised and satisfy legal criteria of guilt.

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[1] Cf. Bayertz (2017) *Ba17*, p.133

[1] Lenk (1993) *Le93*, p.115-116

[2] Lenk (2017) *Le17*, p.65-66

[3] Heidbrink (2017) *He17*, p.10-11



For example, the management of a raw materials company would be held legally responsible if it was proven to have deliberately violated the environmental laws of a country in which it mines raw materials. This would be sanctioned by a court.

### Responsibility for a role or for a task

In a sociological sense, a role refers to the expectations of and demands on a person's behaviour that are linked to their social position.<sup>[1]</sup> A person is therefore responsible for fulfilling the expectations of their role or task - for example with regard to their professional position.



A mining professional is responsible for their role or tasks. For example, they are expected to fulfil certain duties of care or, in simpler terms, to fulfil their professional duties correctly and in a timely manner. In addition, further duties may arise from the professional position. These may include representing the company in public or certain duties of loyalty to the line manager and the employer.

At the same time, a person can also have several roles, which can be interwoven in complex ways depending on their position in society and in their professional field. It is not uncommon for the different expectations of the respective roles to collide.



Consider, for example, role conflicts that can arise when expectations from the private and family sphere collide with expectations from the professional sphere.

In the professional context in particular, role responsibility is by its very nature primarily formally imposed, i.e. linked to the position in the organisation. As such, this responsibility is usually initially ethically and morally neutral. It is about fulfilling the assigned exercises and being accountable to one's superiors in this sense. Nevertheless, an initially non-moral role responsibility can also become indirectly morally relevant in the job.<sup>[1]</sup>



So, if a mining engineer criminally manipulates an environmental report on the instructions of her superior, knowing fully well what she is doing, she will be held both morally and legally accountable. After all, blind obedience to perform exercises to the satisfaction of the boss that contribute to the company pursuing immoral or even illegal purposes can hardly be justified by referring to the role as an employee. Hence, it can also not be excused with reference to that.

<sup>[1]</sup> Cf. Spektrum (2000) *Sp00*

<sup>[1]</sup> Cf. Werner (2002) *We02b*, p.525

### Responsibility for actions

Responsibility for the consequences of actions focuses on the result of one's own actions. A direct and strong causal link is assumed here. This means that it is assumed that the occurrence of an event can be traced back to a previous action. A strong cause-and-effect relationship is therefore assumed between an event that has occurred and a previous action.



example

For example, if a mining engineer fails to comply with prescribed safety standards when instructing employees in order to save time and an accident occurs in the mine as a result, then this accident is a consequence of the engineer's action and he is responsible for it.

Depending on the authority and context of the justification, the responsibility to act can be interpreted both legally and morally and attributed accordingly.<sup>[1]</sup>

The concept of action can also be interpreted in a negative sense, i.e. with a view to non-action. This means that you are not only responsible for what you do, but also for what you omit to do. You are also responsible for omitting actions that are actually required. Suppose the occupational safety department of a mining company fails to react to a hazard report. In that case, it has not taken necessary and required measures and must take responsibility for this omission.

It can therefore be seen that one can be held responsible for the consequences of both actions and omissions.

### Moral responsibility

Universal moral responsibility is the most comprehensive and fundamental type of responsibility. It can also include the aforementioned legal responsibility as well as the responsibility for roles and actions. Or it can play into these. In principle, it cannot be delegated and is orientated towards very fundamental authorities to whom one is responsible.



example

Possible fundamental values on which moral responsibility is based include humanity, dignity or the preservation of human life.



example

An excavator operator resists her supervisor's order because she believes the order would violate indigenous people's cultural rights. For example, if she were to work near places of worship. To justify this, she invokes human dignity, which applies to in-

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<sup>[1]</sup> Cf. Lenk (2017) *Le17*, p.66

indigenous people as much as to any other human being. In this case, she accepts her personal moral responsibility.



Med. 5.1: Indigenous Peoples and Mining

YouTube – ICMM



Further reading: [ICMM: Indigenous Peoples: Position Statement \(2024, August 8\)](#)

### **Retrospective and prospective responsibility**

The fact whether an event for which responsibility is to be taken lies in the past or in the future is concretised with the terms retrospective (looking back) or prospective (looking forward) responsibility.

As a rule, one thinks of retrospective responsibility when no other details are stated. This applies to the conventional responsibility for action. According to this, a past behaviour has led to a current event. You did something in the past for which you are responsible today.



A mining engineer caused a system crash in his company yesterday, leading to a loss of revenues today because the monitoring and control of fundamental processes in open-cast mining can no longer be controlled. The loss of turnover is due to the engineer's previous misconduct, for which he is responsible.

Prospective responsibility, on the in contrast, refers to the fulfilment of tasks. This type of responsibility can be thought of as care or precautionary measure.



The management of a mining company, for example, has the task of developing further mines for the responsible extraction of raw materials. Its responsibility and competence extends into the future. Exactly how these mines are to be developed must only be determined during the authorisation process. Prior to this, it can be left to the responsibility of the team or individual stakeholders.<sup>[1]</sup>

### Positive and negative responsibility

The distinction between positive and negative responsibility can also be emphasised in connection with prospective responsibility. However, this distinction is not an exclusive attribute of prospective responsibility; it can also occur retrospectively and in conjunction with other types of responsibility.

#### *Positive responsibility*

Positive responsibility aims to bring about a desired state of affairs that is considered positive. Example: This would be the case, for example, if the biodiversity department were entrusted with the development of a modern, nature-friendly recultivation concept of an old mine.



Med. 5.2: Ep 3: What happens to a mine AFTER it is closed?

YouTube – Mining2Me

<sup>[1]</sup> Cf. Werner (2002) *We02b*, p.521



### *Negative responsibility*

Negative responsibility, on the contrary, is aimed at avoiding an undesired state that is considered negative.



This would be the case, for example, if the workers in the mine were given the responsibility not to damage neighbouring natural areas.

More generally, and in a more fundamental moral sense, it can be said that negative responsibility must not harm the well-being of a person or a community. Positive responsibility moreover aims to create or improve the well-being of a person or a community.<sup>[1]</sup>

### **Individual and collective responsibility**

In its basic model, the concept of responsibility is an individual attribution of responsibility. It is assumed that a single person bears responsibility because an event is directly attributed to that person. The attribution of responsibility to groups is more problematic. Particularly in today's working world, which is based on the division of labour and teamwork, ways must be found to determine responsibilities that result from group behaviour. Joint responsibility cannot function in an arithmetical sense. This means that, for instance, responsibility for damage that has occurred cannot be mathematically divided among those responsible. This would end up confirming the well-known office joke "We share responsibility until there is none left!". Shared responsibility in a joint project should therefore not lead to a dilution effect.<sup>[1]</sup>

Even if, for example, a company is seen as a collective actor that can be held liable as a legal entity in the event of a fault. This is not possible in the case of moral misconduct. Here, responsibility always remains tied to the individuals, even if collective responsibility is attributed to the group due to collective misbehaviour.

To illustrate this with a drastic example: If two people jointly and equally commit a murder, are caught and convicted, then both receive the full sentence; it cannot be assumed that their respective prison sentences will be halved.

### **Concluding remarks on this learning unit**

The aim of this learning unit was to shed light on the complexity and diversity of the concept of responsibility. Depending on the context and situation, the use of the term responsibility can have different connotations. This can quickly lead to misunderstand-

<sup>[1]</sup> Cf. Petersen (2017) *Pe17b*, p.29

<sup>[1]</sup> Cf. Lenk (1993) *Le93*, p.127



ings or even exacerbate conflicts. For example, when a decision is made based on a group's understanding of its role that no longer seems comprehensible from the perspective of an individual's responsibility for action. Nevertheless, a basic understanding of the concept of responsibility enables a better assessment of problematic situations. This may lead to more rational judgements and decisions.

## 5.5 Summary - Basic structure and relevance of the concept of responsibility



- Responsibility is a principle of dialogue. This means that at least two actors are needed for a responsibility structure to emerge.
- Responsibility is a reaction (from person B) to a question; and at the same time responsibility is the request (from person A to B) to answer a question.
- It lies in the nature of things that (controversially discussed) questions of responsibility are primarily questions with a moral or ethical quality.
- As a rule, guilt is about the consequences of actions and therefore also about the attribution of responsibility.
- One can be held responsible for both actions and omissions.
- Guilt and responsibility are both about the attribution of an event or a state of affairs. It is a matter of blaming someone for something and - in the criminal law sense - holding them liable, or - in the ethical and moral sense - holding them accountable.
- Three question words are necessary for the attribution of responsibility: "Who?", "For what?" and "Towards whom?".
- Legal responsibility is a more or less concretely enforceable sanction for misbehaviour.
- The following types of responsibility can be distinguished:
  - Legal responsibility
  - Responsibility for roles and tasks
  - Responsibility to act
  - Moral responsibility
  - Retrospective and prospective responsibility
  - Positive and negative responsibility

- Individual and collective responsibility
- In a sociological sense, responsibility for roles refers to the expectations and demands on a person's behaviour that are linked to their social position.
- In the case of responsibility for the consequences of actions, the focus is on the result of one's own actions. A direct and strong causal relationship is assumed here.
- Universal moral responsibility is the most comprehensive and fundamental type of responsibility.
- The fact whether an event for which responsibility is to be taken lies in the past or in the future is concretised with the terms retrospective (looking back) or prospective (looking forward) responsibility.
- Positive responsibility aims to bring about a desired state of affairs that is considered positive. Negative responsibility, on the other hand, aims to avoid an undesirable state that is considered negative.
- Individual responsibility is based on a single person who bears responsibility because an event is directly attributed to that person. Even if collective responsibility is attributed to the group due to collective misbehaviour it is always linked to the individual group members as well. It cannot be mathematically divided among those responsible in an arithmetical sense.

## 5.6 Knowledge test - Basic structure and relevance of the concept of responsibility

You will find the solutions to the following exercises within this learning unit. Try to complete the exercises independently before looking up the solution.



### Task 5.1: Types of responsibility

Name and explain the different types of responsibility in your own words.

The solution can be found in chapter 5.4

Time to complete approx. 45 min.



exercise

**Task 5.2:** Structure of responsibility

Outline the basic structure of responsibility and differentiate it from the concepts of guilt and liability.

The solution can be found in chapter 5.2 / 5.3

Time to complete approx. 45 min.



exercise

**Task 5.3:** Examples of responsibility in mining

Give three examples that show what responsibility mining professionals can have in different situations.

The solution can be found in chapter 5.1 to 5.4

Time to complete approx. 60 min.

## 5.7 References - Basic structure and relevance of the concept of responsibility



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## **V Glossary**

### **Discursive**

#### **Discursive agreement**

The level of consensus or shared understanding among individuals or groups regarding a particular issue or topic, often explored through the analysis of language and discourse.