

Ethics in Mining

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Ethics in Mining




About This Book

Der russische Angriffskrieg gegen die Ukraine und die Verwendung von Energieträgern als politisch-gesellschaftliches Druckmittel zeigen auf dramatische Weise die Bedeutung von Rohstoffen.

Dieses aktuelle Beispiel der Energieversorgung steht dabei exemplarisch für eine Vielzahl von Rohstoffen, die in unserem wirtschaftlichen und gesellschaftlichen Leben eine wesentliche Rolle spielen. Die globale Nachfrage nach Rohstoffen wächst stetig. Man denke etwa an Metallrohstoffe, Seltene Erden und Industriemineralien, die für den Erhalt unseres Lebensstandards gebraucht werden. Die Gewinnung von Rohstoffen und deren Lieferketten haben globale Dimensionen und sie tangieren dabei nicht nur wirtschaftlich-politische Interessen, sondern grundlegend auch ethisch-moralische Belange betroffener Gemeinschaften. Rohstoffingenieur:innen planen, organisieren und überwachen die Gewinnung von Rohstoffen. Dabei arbeiten Rohstoffingenieur:innen in einem Spannungsfeld zwischen technischer Machbarkeit, wirtschaftlicher Rentabilität, rechtlicher Absicherung und ökologischer und sozialer Verantwortung. Jedoch fehlte in der Ausbildung von Rohstoffingenieur:innen bisher die Vermittlung ethischer Grundkenntnisse, die die angehenden Ingenieur:innen dazu befähigen, ethisch fragwürdige Situationen zu erkennen, zu bewerten und sich ein eigenes belastbares Urteil zu bil-

den. Um diese Lücke zu schließen möchten die folgenden Kapitel einen Beitrag leisten und Ingenieur:innen und andere Interessierte – sowohl in Wissenschaft und Praxis als auch in Ausbildung oder im Beruf – dazu einladen, sich mit ethischen Fragen im Rohstoffsektor auseinanderzusetzen. Dabei werden Grundsatzfragen, Praktiken der Rohstoffindustrie und ihre Herausforderungen beleuchtet. Diese werden anhand von Fallbeispielen greifbar gemacht.

 There is a YouTube video at this point on the website.

<https://youtu.be/FBj9cdsk1cY>

1 (WIP)The study module at a glance

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1.1 Overview and learning objectives of chapter 1

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1.2 Two opposing disciplines

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1.3 What are the main ethical conflicts in the mining sector?

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2 DDT - Definition and differentiation of terms

Last updated: 2024/12/18

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 Overview and learning objectives

Platzhalter damit die Nummerierung in Loop und im Word-Dokument übereinstimmen.

2.2 Preliminary remarks on the definition of terms

As we have already seen in the first ETH learning unit in the chapter "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, for example.



[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.

2.3 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. Test

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 mem-

bers 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.^[1]



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

^[1] Pieper (2017) *Pi17*, p.26

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

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 individualistische 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 understanding 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 are something different. 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 hugging or flirting in public, for example, or the permissive topless and nude bathing behaviour you may be used to on the German Baltic coast, which can cause a moral uproar on beaches in foreign 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 German, 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 [[cite "id="6759868e99efe">Pi17</cite>](#)], 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.

2.4 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 vernacular uses the term "gangster's honour" here, which to a certain extent represents the professional ethos of a career criminal.^[1]

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.^[1] 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".^[2] 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;

^[1] Pieper (2017) *Pi17*, p.29

^[1] Manjikian (2018) *Ma18*, p.15

^[2] World Medical Association (2017) *WMA17*

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;

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.

2.5 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.



citation

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.



exercise

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.



exercise

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.

2.6 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.



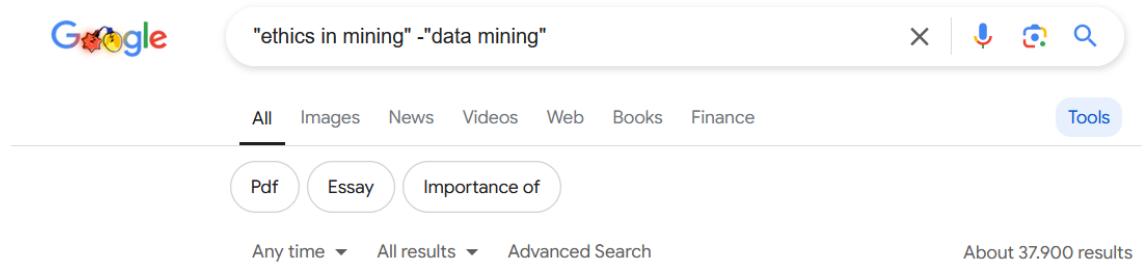
From: Manstetten (2005) *Ma05*, p.95, authors' translation

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:



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.

2.7 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."^[1] 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

^[1] Manstetten (2005) *Ma05*, p.94

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 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

`<loop_task title="Ethics and morals (transfer exercise)"" copyright="" show_copyright="false" index="true" id="675ad68676ea4">` 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. `</loop_task>`

2.8 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 accord-

ance 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"^[1] 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 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.



example

Example: 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

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

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.



<loop_task title="Relativism, ethics, morality (knowledge exercise)"" copyright="" show_copyright="false" index="true" id="675aea06117bb"> 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. </loop_task>



2.9 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.

2.10 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.



 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. 2.3 / 2.6

Time to complete approx. 40 min.



exercise

Task:

Describe the issue of ethical relativism.

The solution can be found in chapter 2.7

Time to complete approx. 20 min.

2.11 References chapter 2



webservice

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3 DPE - Different points of reference for ethics

Last updated: 2024/12/18

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.



learning objectives

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 Overview and learning objectives of chapter 3

Platzhalter damit die Nummerierung in Loop und im Word-Dokument übereinstimmen.

3.2 Preliminary remarks of chapter 3

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.

3.3 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 [Sc02, p. 25f.] and [Ku99, p. 42f.].



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?



There is a YouTube video at this point on the website.

https://youtu.be/BcBK6_srkMc

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.^[1]

3.4 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".



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!"

^[1] Cf. Petersen & Quandt (2017) *PQS17*, p.142-143

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.

3.5 Duty as a point of reference for ethical behaviour

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3.6 Discourse as a point of reference for ethical behaviour

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3.7 Utility as a point of reference for ethical behaviour

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3.8 Virtue as a point of reference for ethical behaviour

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3.9 Practical judgement

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3.10 Summary - Different points of reference for ethics

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4.5 Summary - Differentiation in complex reference contexts

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5 Basic structure and relevance of the concept of responsibility

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6.4 Cumulative effects and unforeseeable consequences

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7 The view on companies and organisations

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8 The view of society – sustainability and mining

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9 Reflective empowerment of people and organisation

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10 Ethics of

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11 PLACEHOLDER 1

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13 PLACEHOLDER 3

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14 Mining and and ethical judgement in the light of transformation

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14.1 Preliminary remarks of chapter XYZ

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14.2 Transformation and megatrends

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14.3 Ethical judgement as an important bulding block of mining

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