On the symmetry of the moral code

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Introduction

▶ To start with: Luhmann, who considered modern society to be a functionally differentiated society, **tried to view morality as something that was neither law nor politics.** Therefore, he did not view morality as a superordinate norm to law and politics, as Durkheim and Parsons did. If that is the case, then what can moral communication in modern society be?

▶ **In contrast to traditional moral theory in sociology,** which tends to analyze **what is moral and what is immoral, Luhmann** attempts to analyze morality sociologically by distinguishing between **what is morally significant communication and what is morally indifferent communication**. In other words, Luhmann offer a definition that can distinguish between **moral and amoral communication** (Nassehi, 2001)

| moral / **a**moral | ⟷ | moral / **im**moral |

Three points to understand Luhmann's moral theory

▶ (1) how moral code/moral communication can be distinguished from the communication of other systems;

▶ (2) how moral code that is claimed not a system, differs from the codes of other systems;

▶ (3) what effect or function does moral code have on society?

Core discussion in this presentation

▶ examines the **"symmetry" condition** of moral communication.

▶ Why? **: "symmetry" condition** is identified as a core effect of moral code, and which is related to (1) distinction among other system codes and (2)uniqueness of moral code. This, in turn, leads to a path of thinking about (3)effect & function of moral code.

▶ Luhmann considers this "symmetry" to be important but does not make it explicit enough in his paper. I will attempt to elaborate this point by giving examples of it.

Definition of moral communication

▶ 1. "a special kind of communication that expresses respect/ disrespect (i.e., praise/blame) on the basis of the good/evil distinction"

▶ 2. is made to the whole personality as a participant in the communication.

▶ 3. in the case of moral communication, the basis for respect/ disrespect does not depend on that individual's abilities or professional achievements.

▶ 4. respect/ disrespect in real cases is not pre-conditioned, such as respecting because of X, or despising because of X, but **is only expressed or implied when confronted with the situation**

Definition of moral communication

- 5. moral code does not constitute system, or any program.

- 6. "it is not a question of good or bad achievements in a special perspective, e.g., the results of one's work as an astronaut, musician, researcher, or football player, **but of one's whole personality, insofar as one is valued as a participant in the communication "**(Luhmann, 1990: 84, translation redacted).

- →4&5 is unique feature of the moral code and it leads to (what I call here) hyper-contextuality. i.e. in whatever situation, position or condition, person can morally communicate with others.

Moral communication that leads to controversy

▶ Empirically, moral communication often goes to controversy and is therefore placed on the side of violence. This communication leads to excessive angering by those involved in expressing respect and contempt. Whoever communicates morally, and in doing so announces under what conditions he respects or despises others and himself, he is risking his self-respect - and at the risk of it. (Luhmann, 1989=1990, original translation)

▶ →Luhmann thinks its natural that moral communication leads to controversy, and that is precisely what I want to think about (i.e. not about social inclusion, social binding etc.).

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Discussions on the Symmetry Condition

- Why Symmetry condition?
  - is listed first and foremost as the primary implication and consequence of moral communication
  - it has been mentioned by many commentators such as Nassehi, Groddeck etc.
- **'Firstly, all moral communication is symmetrical communication. What is assumed as morality is valid on both sides. (1989: 366)'**

What Luhmann says about symmetry condition

▶ Whenever one makes a moral judgment against another person, it is communicated while **the same conditions are appropriate for the person who made the judgment**. Regardless of whether one is "imperative" or "categorical," **self-binding is implied in moral communication**. If one wants to escape the binding nature of morality oneself, one cannot force others to be morally bound. In that case, one would have to choose another mode of communication or begin to communicate in such a way as to keep it ambiguous, pointing out any misunderstandings that arise and correcting them if necessary (1989: 366-367, emphasis added).

Nassehi's opinion in contrast

▶ Strangely enough, Luhmann connects this [i.e. moral communication] with the conditions of symmetry in which the conditions of respect and contempt must be the same for the ego and the other self. **But this seems to me to be only one of the special cases. For the moment, I would call any expression of respect or contempt a moral communication. The consequence, however, is distinguished by the moral symmetry of the ego and the other. In other words, only then does morality produce what sociology assumes for morality: social constraints.** This is because those who force others to respect or despise them are, after all, subject to equal conditions of proof of respect and despise, and through them produce social reciprocity (Nassehi, 2001: 27-28, emphasis added).
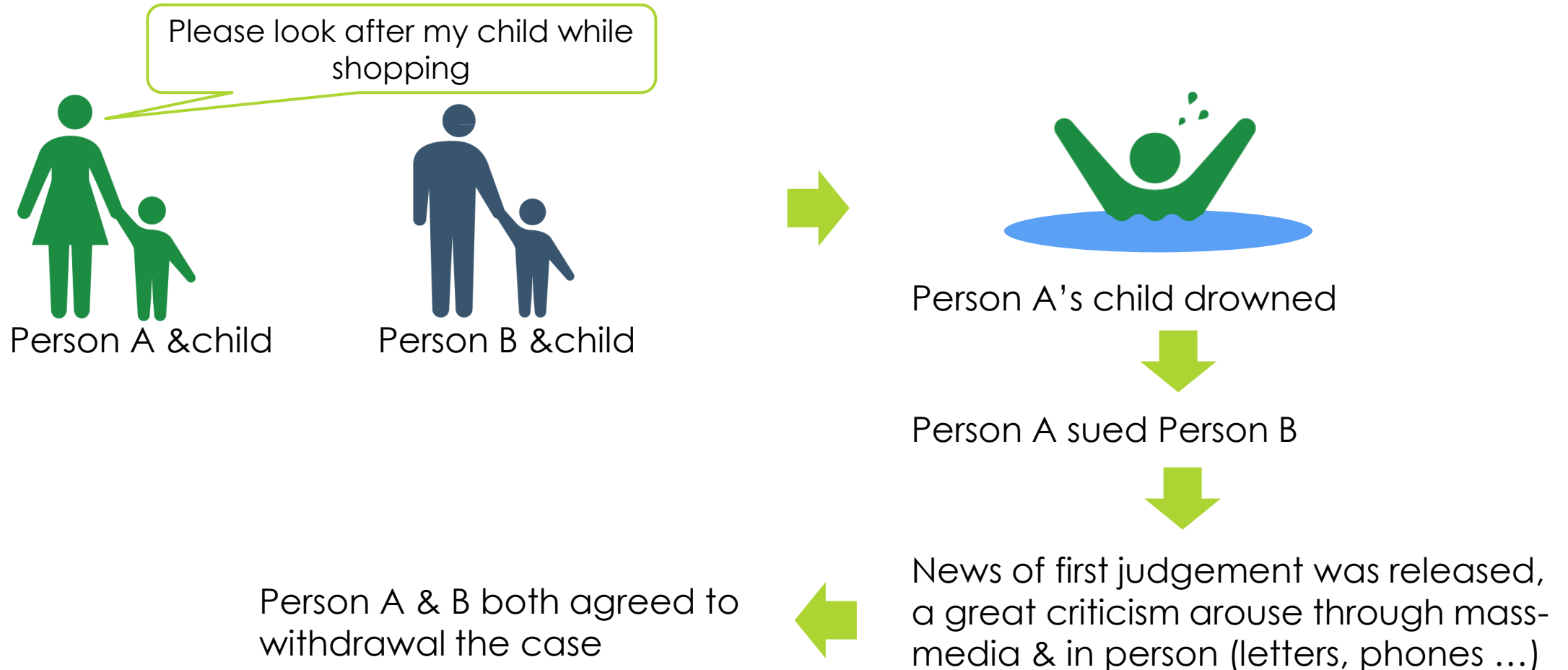
Three points to consider

- **The meaning of the symmetry**
    - Is it condition that is implied, or is it about being subject to equal conditions
- **How do we think about symmetry with bystanders(third party, people not where involved in cases)?**
    - Can we be sure about whether the same moral conditions are implied to them
- **The meaning of binding (self-binging , social binding)**
    - Luhmann's self-binding is a reciprocal application of the condition itself (to the speaker), while Nassehi's is a constraint that is produced as a consequence, implying that it has some consequences or actions.
    - What are the disadvantages of Nassehi's definition of moral communication and the adoption of social restraint as the presence or absence of consequence, or what cognitive gain is there in adopting Luhmann's argument?

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An Overview of One Case, "Neighbor Litigation" in Japan (1980s)

Please look after my child while shopping

Person A &child

Person B &child

Person A's child drowned

Person A sued Person B

News of first judgement was released, a great criticism arouse through mass-media & in person (letters, phones ...)

Person A & B both agreed to withdrawal the case

Anonymous accusations and the bindings produced

▶ According to the plaintiff's lawyer, although the methods of communication differed, there were comments such as "you are inhuman," "what are you going to do with the money?", "damn you," "unpatriotic," "devil," or "die" (Kojima, 1989: 14).

▶ →situation settled into a withdrawal of the trial

▶ →"social binding" was produced, although there seems no self-binding to people who gave comments to A&B

▶ **Can symmetry condition be preserved as self-binding, even if the accusations are anonymous?**

Revisiting the Symmetry Condition

▶ **The meaning of the symmetry**

▶ **How do we think about symmetry with bystanders(third party, people not where involved in cases)?**

▶ **The meaning of binding (self-binding , social binding)**

  ▶ It is better to assume that symmetry does not depend on whether restraint actually produced or not. It can be said that the symmetry of "subjecting the ego and the other to the same conditions" is **symmetry as a condition of being shown through communication**, not whether it is empirically produced action.

  ▶ Because you are still capable of asking back to bystanders "if you were A, do you think you will never sue B?". In this sense, self-binding is already implied, when you praise/condemn someone.

▶ Then, where does this sense of asymmetry comes from?

Double meaning in 'Symmetry'

► In conclusion, this asymmetry between ego and other-self can be considered as **an asymmetry of the individual's position** to participate in moral communication.

► Therefore, "Symmetry" as Luhmann mentioned, has two meaning

  ► **Hypothetical Symmetry**   "if I were you (I would have done/ have not done ~)"

  ► **Conditional Symmetry**   presented moral conditions that are applied to ego and the other

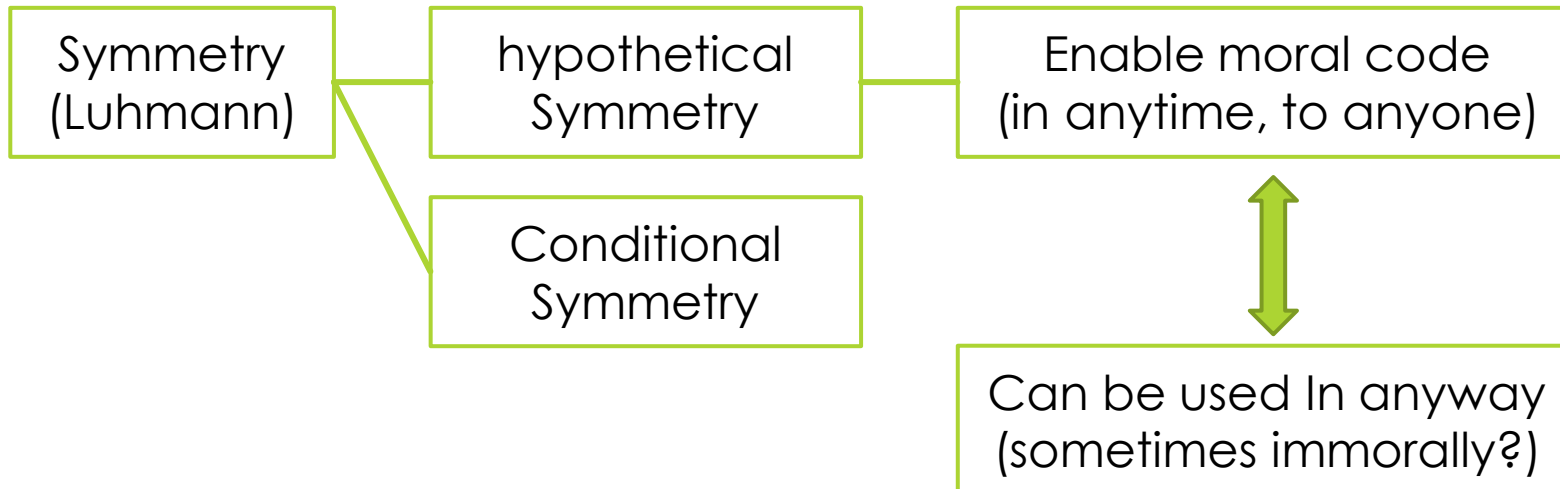# The two sides of the hypothetical symmetry and their effects

▶ This hypothetical symmetry allows symmetry of moral communication, even if the circumstances and positions of the individuals are different.

▶ For this implication, moral code can be used in any time, anyone, any cases. This hypothetical symmetry is necessary to enable people in any position or situation to show respect/disrespect for others in accordance with their own moral conditions.

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Discussion and Conclusion

▶ As a conclusion, the "symmetry" condition mentioned by Luhmann has a double meaning. (conditional/ hypothetical)

▶ That is related to his systems theory and functionally differenciated

Symmetry (Luhmann)	hypothetical Symmetry	Enable moral code (in anytime, to anyone)
	Conditional Symmetry	

Can be used In anyway (sometimes immorally?)

Hypothetical Bridging:

▶ Hypothetical Symmetry can be supported in other ways.

▶ "This distinction [citation note: the respect/ disrespect distinction] ... conditions (or at least requires) representation in such a way that it is commonly valid to the self and others. **In this respect, moral communication is well suited to bridging the existential difference between the ego and the other-self** (1989: 362)."

How moral communication is made possible (in whole society)

▶ (a). hypothetical symmetry: symmetries that can be assumed "if I were in your position" through communication, even though their positions and situations are different from each other.

▶ (b). asymmetry in reality: the fact that individual's actual position or situation is different.*

▶ (c). symmetry as potential: the **belief in modern society that individual is potentially an equal and interchangeable individual.** The potential interchangeability of individual's position since we are no longer a hierarchical society. Unlike a hierarchical society, where honor corresponded to high hierarchies, everyone has the potential to be worthy of respect because morality no longer corresponds to status.

*Luhmann claims that in modern society, only organization system admits to let people be in hierarchy.

Interaction level

? level

Whole Society level
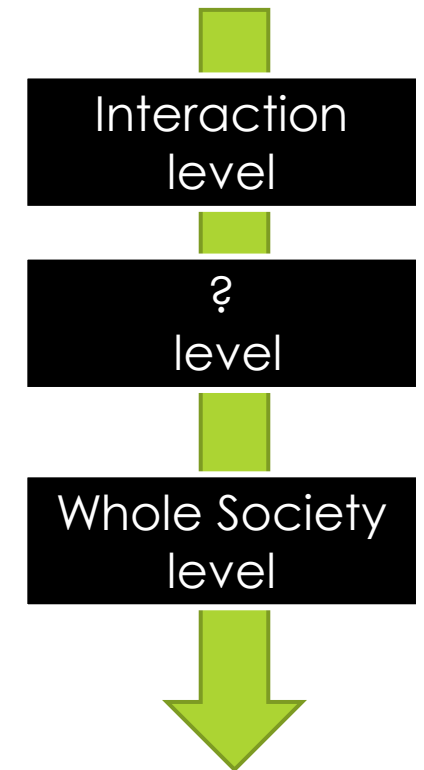
Meaning of features of the moral code of hyper-contextuality

▶ Why is it possible to use moral code without going through a system?

▶ In modern society, (c) people accept the symmetry that potentially everyone can be "respected/despised" although (b) individuals are in different positions in reality. And they would still be communicated and judged by (a) hypothetical thinking, that if they were in the position of others.

▶ I think morality in modern society is a kind of call. There is no guarantee that it will be heard. At the same time we are free to call for it (do not need any time, knowledge, power, money etc.). And in that sense, moral communication may often seem totally irresponsible.

▶ This freedom and irresponsibility are two sides of the same coin, that you cannot remove or criticize one side.

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Thank you!

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