

# Ethical Praxis: new theoretical insights and everyday practice.

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Consideration of the question of ethics in relation to people who are disabled by intellectual difficulty can not be done in isolation from their reality, their context within which life is lived and both ethical and unethical things happen. There appear to be both local and universal dynamics in the societal treatment of people who are disabled.

Advocacy (usually meaning citizen advocacy) has been promoted as a key safeguard for the interests of those who are not in a position to promote their own best interests. It involves taking the part of the other, or representing others' interests, but what does it mean to do this? - how is it done, or rather how can it be done?

To try and illuminate some of the issues here, without going over ground previously travelled, two less familiar philosophical frameworks were examined:

- a) Latin American liberation thought, and specifically Enrique Dussel's Ethics of Liberation (1998)
- b) Boundary Critique from systems theory, and specifically Werner Ulrich's Critical Systems Heuristics.

Both these approaches are concerned with the point of view of those who are, or are likely to be marginalised, excluded or oppressed, and hence have a potential relevance to the experience of people disabled by intellectual difficulty.

Dussel's work should be understood as part of the broader intellectual and political movement that began in Latin America in the 1960s and 1970s. All of its currents have been concerned with rethinking, reconstructing, their particular discipline **from** the perspective of the poor, the excluded, marginalised, oppressed.

Dussel's approach to ethics is comprehensive. A central theme is a critical engagement with the discourse ethics of Habermas and Apel. They argue that it is not possible to set out a criterion for the good that is not founded on human communication. Dussel disagrees: for him the fundamental first principle of ethics is the material - material understood in terms of human life - its maintenance and reproduction where *material* explicitly does not merely refer to the physical. Dussel then incorporates much of discourse ethics in his second (formal or intersubjective) principle, that requires communication among equals to decide how to implement the material principle. A third, and novel principle, drawing on the North American pragmatists, is the principle of feasibility (*factibilidad*) that requires proposals for norms, acts, institutions, or for that matter systems of ethics, to be actually possible

(logically, empirically, technically, and ethically). It concerns the adequate and effective mediators to determine ends.

Dussel's perspective is neither modernist, nor post-modern, but 'transmodern': he defends reason while criticising its distortion in the dominant system (eurocentric, capitalist, imperialist).

Having established the material, formal and feasibility principles, Dussel revisits each, critically from the perspective of the 'oppressed other', the victims of the system. He articulates a practical approach to ethics in a world where the majority are excluded from the possibility of producing, reproducing and developing their lives (from the narrow material sense to the wider social, cultural sense that has to do with living with dignity).

Dussel elaborates the Latin American notion of liberation as a strategic alliance between 1.) external catalytic agents, and 2.) oppressed groups themselves. He does this through use of the 'speech act' of interpellation where the communicative community of victims, recognising one another as distinct from the oppressive system, and also recognising their oppression, call to one another and to those within the dominant system who would stand up for them, in order to transform the current social reality.

The ideas here are highly relevant to the work of supporting people disabled by intellectual difficulty who do meet together to reflect on their situation and work together and with allies to change it (e.g. People First and other groups). But the approach does raise some problems when we consider people who, so disabled by intellectual difficulty, are unlikely to be able to be self-conscious, to be able to recognise or articulate their own situation, or to mobilise effectively. This is not to question Dussel's contribution, but rather, to indicate some profound difficulties in complying with the discursive and feasibility aspects.

This is where boundary critique may be helpful. The practice of boundary critique comes from the field of critical systems theory and practice (see Midgley, 2001, for an overview). A key notion is that the boundaries of systems should be subject to debate and challenge. Innovations, reforms, interventions, treatments, and so on are all intended improvements that are meant to alter a system or some parts of it. What is to be included or excluded in the scope of the improvement is a vital consideration: something seen as an improvement given a narrowly defined boundary may not be seen as an improvement if the boundaries are extended. Defining the boundaries of an improvement is an ethical issue, requiring the exercise of value judgements.

The most elaborated framework for boundary critique is to be found in Ulrich's (1983) critical system heuristics. This again draws on discourse ethics, Habermas's version. Ulrich too recognises that Not all those affected by an improvement could possibly be involved in dialogue, (also Dussel's critique of Apel). So, Ulrich asks, what questions need to be covered to ensure that the interests of the potentially affected are respected?

For Ulrich there are two types of boundary judgements, with respect to 1) the boundary of the social system to be considered, vs. its environment, and 2) those affected vs. those involved.

Ulrich suggests twelve key questions that can be worked through for any system / improvement. The questions fall into four groups:

- a) the sources of **motivation for the improvement in question: the value basis**.
- b) the sources of **control / the basis for power**.
- c) the sources of **expertise** assumed to be adequate to the realisation of the improvement.
- d) the sources of **legitimation** to be considered for the improvement.

Ulrich argues for the inclusion in the process of enquiry of 'witnesses' who represent the concerns of those who are likely to be affected but who are not involved. Their role is to contest the boundary judgements being made by the three categories of those involved - the client (in this sense those commissioning the improvement), the decision-maker, and the planner.

This issue is particularly pertinent in human service systems, where there may be a persistent tendency to marginalise and distort the interests of the least powerful interest group, those who depend on the service.

Ulrich therefore suggests a way of dealing with the central problem of the inability to participate for practical reasons. This might help in defining more concretely the minimum requirements for the effective discharge of the responsibilities of an advocate. It might also help pragmatise (make practical and feasible) the sometimes romantic notions of listening to the wishes of the person disabled by intellectual difficulty in person centred planning approaches. If the person cannot actively and intentionally tell us, there is little mileage in a rhetoric that seems to imply that they can if we are good enough at listening.

But there is a problem. The above approach is designed for a **deliberative forum** so it would have applications to major decisions about individuals or about systems. But decisions taken in a deliberative forum, while affecting major matters, could only ever account for a part of people's lived, day to day experience.

While major ethical dilemmas have received much attention in the literature, a study in our service suggests that the experience of intellectually disabled people is subject to a multitude of decisions inherent in the discretionary nature of everyday life and the everyday tasks of supporting people. Major decisions were subject to checking, challenge, scrutiny, discussion, but minor ones were not. The perception of what 'decision making' on behalf of disabled person meant was that this referred to major decisions (where to live and who with, restriction of freedoms to protect person, sex, major expenditure, medical treatments, etc.). Everyday decision making on immediate, practical, 'minor' matters was not mentioned, nor apparently understood as decision making in the same sense, and therefore unlikely to be the conscious object of an ethical understanding or questioning.

We are therefore left with a challenge of how to improve the visibility of ethical dilemmas in the ordinary everyday praxis that shapes profoundly impaired people's experience. The contributions of Dussel and Ulrich give us some help with this, but it is the incorporation of an ethical praxis into everyday support and care-giving that still remains the biggest challenge.

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Midgley, G. (2001) Systemic Intervention: Philosophy, Methodology, and Practice. NY: Kluwer/Plenum.

Ulrich, W. Critical Heuristics of Social Planning: A New Approach to Practical Philosophy. Bern: Haupt, 1983 Reprinted Chichester, Wiley, 1994.