The Ethical Nature of the Norm

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Abstract

The domain of ethics deals with the antagonisms between "good and evil, right or wrong, correct or unjust, virtuoso or vicious" etc. However, ethics is not the only area where these terms can be used, but as a norm, most ethical systems have been grounded in negotiating and consolidating these debates. Ethics has been transposed into many areas of activity, social and / or professional, so over time, according to Harry Redner, ethics have been born on account of the relationship of feelings: love vs blame (religious or moral ethics), patriotism and glory vs. disgrace and disapproval (civic ethics), respect and veneration vs. rejection and humility (ethics of responsibility). These types of ethics over time have mixed up and can be "distinguished according to the external guarantees that they rely on to ensure social conformities." These external guarantees, according to Harry Redner, are conventions, norms and laws. Even though they seem to be identical, there are some details of difference that are worth mentioning to understand the analytical assembly.

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In this paper, my interest is to present the ethical nature of the norm, to analyze, clarify and demonstrate that the ethical norm is different from the other types of norms, with some of its own characteristics. For its identity, it is important to find out how a norm responds to ethical questions: *should? Can?* Ethical norms base their existence on the agent's ability to understand that it is an obligation for him to do what he can if he is demanded. This necessity imposed by the ethical norm, as opposed to other norms, does not entail penalties specific to the laws. The ethical norm is formed precisely by the understanding the role of the individual in a collectivity and the obligations that he behaves in a manner that allows him to integrate or retain membership in a group, community, etc. The ethical norm comes to emphasize to the individual the environment from which he comes and the obligation to respect his traditions and culture by applying the ethical norm in relation to others.

According to Edmund Husserl, law and norm are not synonymous, though they are "connected."[1] Laws, unlike norms, are those methods, elaborations and political-social constructions that are imposing sanctions by external means.[2] Laws express a "necessity that is purely theoretical and contemplative" being the design of interactive foundations. Norms, "describe how things should be in order to be as they are." By laws, "thinking and affectivity" is expressed, instead the norms refer to "experience and decision".[3] In order to better understand this distinction, Husserl proposes a moral analysis of the relationship between "must" and "ought" that we will reiterate on the difference between ethical and non-ethical norms. For "ought" and "must", account must be taken of the "validation given to them", which must be accepted in a broad sense, as well as "recognition of existential values". We start from the statement that "something *is* and *can be*, because its parts are combined in such a way as to make it what it is". The example given by Husserl through the analysis made by Susi Farrarello, refers to the fact that "one square is square because it has four sides". In the relationship between norm and law this is interpreted as follows: "Norm: a square is a square if it has four sides. The law: a square has four sides."[4] Here, an assertion that I have proposed in the previous chapter is most easily observed. I was saying that *if* always accompanied morality and the presence of *if* in defining the norm suggests linking it to morality; unlike the law, thus demonstrating once again that what is legal is not necessarily moral.

Unlike the aforementioned external guarantees, a rule "does not deliberately support what is not true", being merely "a simple prescription." Instead, a norm is not "just a prescription for conduct" based on a rule, but the norm must be seen as a "general directive that can be challenged." Because the rule can be challenged, the arguments of its construction must be validated, substantiated and justified.[5] Justification is what I think makes the difference between norm and *social convention* (as in manners and etiquette). In the case of

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[1] The network of rules and traditional rules governing a community is in fact the identity expression of that community. These include laws, codes of ethics, standards and practical conventions, non-legal ethical rules, etc. the differences in the social doctrine are taken into account in the specialized doctrine, making a clear distinction between these social instruments of conduct. More details see Geoffrey C. Hazard jr. and Angelo Dondi, *Legal ethics. A Comparative Study*, (California: Standford University Press, 2004), 292-293.

[2] Harry Redner, *Ethical Life, The Past, The present of etchical cultures* (INC, Lanham, Boulder, New York, Oxford: Rowman & Littlefield Publishers, 2001), 131-133.

[3] Susi Farrarello, *Husserl's Ethics and Practical Intentionality*, Bloomsbury Studies in Continental Philosophy (Bloomsbury Academic, 2015).

[4] Farrarello, *Husserl's Ethics.*

[5] Redner, *Ethical Life*, 132-133.

a social convention, participation is often voluntary, and once accepted it does not imply absolute obligations. Unlike the norm, where these conditions are accepted, they must be assumed and respected. This is why conventions are based on community acceptance,[6] without the need for justification for their operation. Violation of a social convention attracts at most a disapproval from the community. In many cases, social norms are confused with social conventions, the difference is a sensitive one, but is characterized by the degree of compulsion and, implicitly, the quantification of sanctions in case of violation.

Social norms are seen as those rules that translate people's beliefs about attitudes and behaviors that are considered expected by that community or society. An important type of social norms are the legal norms that are characterized by the fact that they are recognized by a law.[7] By law, a "justice-to-duty relationship" is required, so that a legal norm is required by the condition that one party in specific circumstances is engaged in "a social activity designed to meet the expectations of another / other parties ".[8] Norms can be differentiated based on their functions and the sanctions they impose. Social norms are and can be seen as customary, while legal norms are those legalized customs, while the laws being adopted have a strong institutional character and more serious coercive measures.

From Habermas' perspective, not all norms have universal validity, since not all norms manage to derive their strength from "universal interests or even general, defined in a consensual way". Although it may be said that all social norms have some ethical content, in fact not all social norms are ethical norms.[9] For example, "not telling a lie" is an ethical norm that can be rewarded or sanctioned through coercive law or mechanisms established by social relationships. It is important to note that these types of ethics that I have presented above (religious / moral, civic, and responsability) base their identity on these "external guarantees" (laws, norms, conventions) and types of sanction

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[6] Redner, *Ethical Life*.

[7] Tushar Kanti Saha, *Textbook on Legal Methods, Legal Systems & Research* (New Delhi: Universal Law Publishing, 2010), 38-39.

[8] Hamish Ross, *Law as a Social Institution* (Oxford-Portland Oregon: Hart Publishing, 2001), 138. See also Eric A. Posner, *Law and Social Norms* (Cambridge Massachusetts, London, England: Harvard University Press, 2000). Another difference to be considered is the content and formal character of the legal norm in Matthias Baier, "Relations between Social and Legal Norms," in *Social and Legal Norms. Towards a Socio-Legal Understanding of Normativity*, ed. Matthias Baier (Routledge, 2013).

[9] Jane Braaten, *Haberma's Critical Theory of Society* (Albany: State University New York Press, 1991), 33-38.

on which manages to impose it gradually and contextually. Harry Redner argues that all types of ethics use all three types of guarantees, "depending on the social and cultural character of their origin."[10]

Always an ethical norm can be perceived, interpreted and transposed by reference to a moral value.[11] That can be specific to an individual or a group, but the norm that is being formed is far more extensive in terms of quantity. The moral value "guides actions by default", the ethical norm being "explicit, expressed in less abstract terms". Some ethical norms are grounded "only on certain moral, prior and independent to it".[12] Moral desideratum is crucial for the existence of the ethical norm that establishes the content, the limit of their strength and their effectiveness. Ethical norms are not only built socially but also politically. That does not mean that they are alternatives to power, but reflects the political power and the interest that has determined them. For a moral value to take the form of an ethical norm "must be moved from the abstract field of morality into the concrete one of political action." In terms of collective agreements and not abstract values, ethical norms take their force from the "consensus of the actors involved and their degree of assumption."[13]

In order to better understand the difference between ethical norms and other norms, it is necessary to mention the specific methods of analysis, so we can understand how an ethical norm is different. The analysis of these concepts has to be done in two ways: the explanatory and normative. The *explanatory* deals with the "element of analysis" as it is, in its entirety as "a sum of realities". Instead, the *normative* takes into account "the rules that define the element under consideration". In Wilhelm Wundt's differential analysis, in the explanatory dimension there is an identical value for each of the component elements. The explanatory mode deals with their absolute value, instead the normative manages the "relative value". Explanatory mode is used by history, psychology, or exact sciences, but instead logic, ethics, aesthetics etc. are the normative field.[14]

Natural law was the one by which the concept of norm in natural sciences was introduced. Logic, aesthetics, ethics, etc. are grounded and can be

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[10] Redner, *Ethical Life*, 132-133.

[11] For an analysis of the midpoint where ethics is the moral language see John M. Rist, *Real ethics. Reconsidering the Foundations of Morality* (Cambridge: Cambridge University Press, 2002).

[12] Cathal J. Nolan, *Principled Diplomacy: Security and Rights in U.S. Foreign Policy* (Wesport: Greenwood Press, 1993).

[13] Hedley Bull, *The Anarchial Society. A study of order in world Politics* (Palgrawe McMillan, 1977), 55.

[14] Wilhelm Wundt, *Ethics: The facts of moral life* (New York: Cosimo Classics, 2006), 5-13.

characterized by the existence of facts, the norm having the role of "generalizing the facts", the analysis of the norms can be achieved only by "examining the facts to which they are related". As a result of these conditions, ethical characters are evaluated through the "voluntary actions of the subjects". That is why the difference between ethics and logic, as proposed by Wilhelm Wundt, is given by the analysis of what "ought" to be done. In the field of ethics, "ought" have a direct link with the object under consideration, it is even formed from it, while for logic, "ought" is an analytical and procedural tool for "moral interpretation". Thus, ethics is the "normative source of norms," while morality is "the original source of normativity".[15]

Normativity[16] is the one through which "what is needed is expressed by "ought" and transmitted in the form of "must". In an analysis conducted by Edmund Husserl and commented by Susi Farrarello, any ethical norm is "grounded in *ought* and express the *need to be*". In the field of ethics, normativity assumes that "you accept and want the methods" determined by the fact that you "accept and want the premises". Through norms, in the field of ethics, "necessity is grounded" by the possibility of "manifesting its own *fiat*".[17] Therefore, ethical norms are "those rules that express the practical necessity of desire: wanting / accepting methods means wanting and accepting the premises."[18] The ethical norm is not about accepting the result, as long as the result is the one from which starts. Desire is the result and to achieve it you must accept the necessary methods, but also the premises.

The identification and implicit quantification of an ethical norm can be achieved from Kant's distinction between "ought" or "can". This debate is resumed by Felix Oppenheim, analyzed and interpreted by Ian Carter, who tries to determine whether *ought* implies *can*. The purpose of the analysis is to determine to what extent "if you *ought* to do something, it also means you *can* do it" and this determines the difference between an ethical norm and a non-ethical

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[15] Wundt, *Ethics*, 5-13.

[16] More on normative policy theory see Andrew Hurrell, "Norms and Ethics in International Relations," in the *Handbook of International Relations*, ed. Walter Carlsnaes, Thomas Risse, Beth A. Simmons (London, Thousand Paks, New Delhi: SAGE Publications, 2002), 138-144.

[17] Latino *fiat* means "a command or an act of will that creates something without effort." According to the Bible, "the world was created by fiat", the Merriam-Webster Dictionary at https://www.merriam-webster.com/dictionary/fiat.

[18] Farrarello, *Husserl's Ethics*.

norm.[19] Turning to the moral conditional aspect, if I *ought* to do *implies* that I *can* do it, that means I *must* do it. Thus, *ought + can = must*. This highlights a necessity, which means an acceptance of the imposed conditions and the effects it produces, projecting us into an ethics analysis. But in order for the analysis to be complete, and to conclude that we are dealing strictly with an ethical norm, we can not neglect the analysis of what it *implies*.

Felix Opppenheim argues that a norm to be ethical, we should consider to what extent *implies* means *assume* or *impose*.[20] If *implies* is perceived as *assume*, then *ought*, *assumes* that I *can*, so I *mustn't*. If I *ought* to do something, and I assume I *can* do that, it does not generate that and I have to do that. *Assuming* suggests an assumption that there is the possibility but not the certainty that I can do that, so it does not establish a binding and a *must*. As a result of uncertainty about what I can do, it should not lead to necessity, so we do not have an ethical norm but a non-ethical one. Instead, if *implies* we see it as *impose* , then *ought, impose* that I can, so I *must*. It is understood that what I *ought* to do, necessarily means that I *can* do it, that is why I have to do. Therefore, an ethical norm is determined, because *ought implies can* then I *must*, in accordance with the above-mentioned condition established by Edmund Husserl, that any ethical norm is grounded in *ought* and express the necessity of *must*.

From Habermas' perspective, ethical and non-ethical norms are distinguished by the "procedure by which their legitimacy is proven". For Habermas, ethical norms are "universally valid" and their validation procedure is "universally useable". Non-ethical are those adopted by groups, where consensus is needed, and they are representative to protect certain interests, which does not allow them to have a universal character.[21] The ethical norm, in contrast, "defends and sustains universal and generalizable interests and needs" implies the existence of a common and general interest that leads to this universality. This universality can not be specific to a norm that represents only partial interests.[22]

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[19] Ian Carter, "«Ought» implies «Practical Possibility»," in Ian Carter and Mario Ricciardi, *Freedom, Power and Political morality. Essays for Felix Oppenheim* (New York: Palgrave, 2001), 80-82.

[20] Carter, "«Ought» implies «Practical Possibility»".

[21] Braaten, *Haberma's Critical Theory*, 33-38

[22] In a coherent normative order based on a Neo-Aristotelian theory, Habermas argues that: "Every valid norm is dependent on all the situations in which it is applicable, so its meaning is contextually changed" in Jay M. Berstein, *Recovering Ethical Life: Jurgen Habermas and the Future of Critical Theory* (London & New York: Routledge Publishing), 226. About the Aristotelian Ethics see Susanne Hill, *Two Perspectives on the Ultimate End*, in May Slim, *The Crossroads of Norm and Nature. Essays on Aristotle's Ethics and Metaphysics* (INC., Rowman & Littlefield Publishers, 1995).

That is why ethical norms must have the characteristic and "ability to represent generalizable interests" whose confirmation is to be achieved by "rational consensus".[23] The ethical norm is perceived and identified as "rational action or in accordance with the appropriate purpose and reason".[24]

General interests and universality are specific to each ethical norm. Are these characteristics of the ethical norm also found in international norms? Are there international ethical norms, or all international norms are also ethical? To begin with, I propose to mention the characteristics of the international norm to see if it is ethical. According to David Thor Bjorgvinsson, the development of international law and international norms[25] has four broad features: it can be seen lately that the number of normative acts, agreements, conventions, treaties, etc. have increased significantly and are being continuously adopted. Also, the international norm has come to be found in almost all areas, and this is not limited to issues of trade and security. Moreover, international norms have acquired many forms, with functions and techniques that have evolved with the "adoption and implementation of treaties". One of the most important features of the international norm is that the process of building it is no longer just on the appreciation of states. Currently, more and more non-state actors are involved in the adoption of international rights and obligations. We can see that the international norm began to take different functions, its fields of activity are varied.[26] The international norm has developed a tradition of being evolutionary and adaptable, becoming the main communication tool. But does this tradition have an ethical character?

Terry Nardin states that it is unnatural to "talk about international norms as an ethic tradition." What he wants to say is that any international norm is a tradition just by "the foundation of guidance that it offers", but that does not automatically mean that this tradition is ethical. We have seen in Chapter I that the relationship between norm and morality is a symbiosis, and ethics is the rational justification of morality. So the norm is an institution to which we make "ethical judgments, and it is not in itself a source of such judgments." But Nardin argues that if we were to consider the analysis of international norms by filtering

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[23] Braaten, *Haberma's Critical Theory.*

[24] John Peterson, *Introduction to Thomistic Philosophy* (University Press of America, 2013), 99.

[25] See Council of Europe, *Treaty Making (Conclusion des Traites)* (2001), 1-2, with explanations in Jorg Polakiewicz, *Treaty-Making in the Council of Europe* (Council of Europe Publishing, Editions du Conseil de l'Europe 1999) and Rudiger Wolfrum and Volker Roben, eds., *Developments of International Law in Treaty Making* (Germany: Spinger Publishing 2005).

[26] David Thor Bjorgvinsson, *The Intersection of International law and domestic law: A theorethical and Practical Analysis* (Massachusetts: Edward Elgar Publishing Limited, 2015), 1-2.

these definitions from ethical judgments, "we only identify stipulated grounds that these reasoning would not be ethical." As we have seen, the norm implies "the application of principles of conduct", as well as morality and ethics "is concerned with duties and obligations." For this reason, the international norm "belongs to a tradition of reasoning and ethical judgment in international relations".[27] However, Hoffman argues that international norms or international organizations can not be regarded as ethical codes. Being determined by political factors, this mean they have fragility and limitation. Hoffman believes that politics can not have an ethic of responsibility,[28] so politics "can not control what happens to other actors." The limits imposed by politics in relation to the international norm suggest its moral inferiority.[29] That is why the international norm born out of this limitation of politics is in antithesis with the character of universality and the generalizable interests promoted by the ethical norm. But does this mean that international law has nothing to do with ethics?

Ethical principles are implemented in society through the rules and mechanisms that organize behavior, and these include culture, law, or continuing social experience."[30] Continuing social culture and experience is of major importance in creating the ethical norm and determining its empirical character. However, in the debate between naturalist and positivist theory, the latter succeeded in imposing itself as the main theory in the construction of the norm. The reason is that naturalistic theories have failed to explain, by rejecting and denying their identity, the situation of norms built without a moral character. Positivist theories, irrespective of their type, deny the major impact of morality on the norm's formation. The only essential element, which positivists have failed to explain convincingly, is related to the fundamental human rights, strongly anchored in natural law, and permanently on the main agenda of

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[27] Terry Nardin, in David R. Mapel and Terry Nardin, "Convergence and divergence in international ethics," in Terry Nardin and David R. Mapel, *Traditions of International Ethics* (Cambridge Studies in International Relations, Published by the Press Syndicate of the University of Cambridge, 1992), 3-8.

[28] In the last decades, in the feminist approach, the concept of ethics of care has become more and more distinct from other types of ethics, in the sense that it makes use of the universal experience of the girge that you can have with the outside. It supports the establishment of strong links with individual origins and involves certain behaviors, often unconscious, that produce long-lasting effects in their relationships. From the point of view of this type of ethics, even global relations need to be harmonized in a more familiar way. For more details see Virginia Held, *The Ethics of Care: Personal, Political and Global* (Oxford & New York: Oxford University Press, 2006).

[29] Stanley Hoffman, *Duties Beyond borders, The limitis and posibilities of ethical International Politics* (New York: Syracuse University Press, 1981), 33-34.

[30] Walter L. Battaglia, *Ethics and Social Conscience* (Davis: California Expert Software, 2006), 230-246.

international politics. The ethical norm has a moral desideratum that does not overlap perfectly with the norm of legal positivism.

Samuel Fleischacker argues that positivist application in the construction of the norm is an inadequate environment for the development of the ethical norm. Although the positive law tries to incorporate moral elements, it will shade the ethical norms that have a strong cultural character. We must be aware of the distinction between culture and nation or state in order to determine changes in the state through culture. The choice of the ethical norm is vital if the inconsistency of the law fails to convey the moral, cultural and social values and principles. And it is the ethical norm that expresses them, being the one underlying the continuous transformation or even the social revolution. Positive law recognizes and encourages the use of coercive measures, which often prove to be ineffective in the face of general ethical principles.[31] Considering these natural law and legal positivism differences, but also the versatile dimension of the international norm that belongs to a tradition based on reasoning and ethical judgment in international relations, constructed by the moral inferiority of politics, the dilemma that arises is about the place of the international norm in this equation.

Eric Voegelin argues that international law is perceived, analyzed and interpreted from an institutional point of view, this approach being placed between the ethical norm and positive. Both the ethical norm and the international norm "are not declarations of legislative bodies that seek to guarantee their validity." In contrast to the ethical norm, the authority of an international norm is not "rooted in private experiences and value judgments," but rather based on "precedent or other similar rules." Indeed, international norms, Voegelin argues, have no empirical characteristics in common with positivist norms.[32] That is why the international law, and the international norm, is placed between the ethical norm and the positivist norm, having a special character, representing in fact an institutionalized experience.

The form of a *bridge* or a *link* of the international norm is also identified in the relationship between justice and ethics. This relationship has led to two different approaches to the way international justice has to be analyzed. Some theorists claim that international norms on the one hand and ethics on the other

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[31] Samuel Fleischacker, *Integrity and Moral Relativism* (Leiden-New York-Koln: E.J. Brill, 1992), 171-172.

[32] Eric Voegelin, John von Heyking and Thomas W. Heilke, *The collected works of Eric Voegelin,* Volume 8, *Published Essays 1929-1933, Dickinson's theory of sovereignity and the pure theory of law* (Columbia: University of Missouri Press, 2003), 42-44.

hand have different relationships with global justice, with different perspectives.[33] Jan Gorecki remarks the fact that "human nature justifies ethical norms," as used to explain and justify moral behavior. That is why, when it comes to global justice, first of all "universal human needs" and later "ethical perceptions expressed in universally valid rules" must be considered. Thus universal human needs and desires "justify moral claims and their acceptance is a precondition for their fulfillment." In these considerations, the norm only then appears as the secondary premise.[34]

Both the ethical norm and the international norm can be defined as "collective agreements of conformed conduct of actors". They have both prescriptive and descriptive features. Restrictive international norm represents a confluence between normative concerns reflected by moral value judgments and rationalist theories about conduct in foreign policy. In the field of security, ethics had minimal implications. The ethical nature of the norm has, over time, been used outside the field of security studies,[35] being concerned only with areas of interest and power. However, human rights standards are anchored in beliefs about the proper treatment of individuals, and have a strong ethical character. But that does not mean that in their construction, power and interest did not play an important role.[36] Cathal J. Nolan exemplifies those norms or rules (such as *jus in bello*) that were built postwar by the interest of powerful states "have not lost their fundamental value because the content of these norms can not be explained by interest or power".[37] That is why international norms are a bridge between ethics and international relations.[38]

In this sense, Walter L. Battaglia argues that the ethical norm is a "vague concept". He argues that ethical norms have an evolutionary character being considered "moral maxims applied at the level of cultural organization", a model that various theories have tried to explain. *Utilitarianism* claims that the normative network "produces moral maxims and ethical norms established by ourselves", and conventionalism is based on "observing feedback from others." The normative network promoted by *contractualism*, "does not guarantee or

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[33] Steven R. Ratner, *The Thin Justice of International Law: A moral Reckoning of the Law of Nations* (Oxford: Oxford University Press, 2015).

[34] Jan Gorecki, *Justifying ethics*, *Human Rights and human Nature* (New Brunswick (USA) and London (UK): Transaction Publishers, 1996), 28-32.

[35] Thomas Ward, *The ethics of Destruction, Norms and Force in International Relations* (Ithaca and London: Cornell University Press, 2001), 4-10.

[36] Cathal J. Nolan, *Principled Diplomacy.*

[37] Ward, *The ethics of Destruction*, 28.

[38] Ward, *The ethics of Destruction*, 4-10.

assure that the norms produced are in fact the right ones," and *consequenatialism* is more concerned with "the effects produced by intentions, not by ethics because "you have to do what it works".[39]

No matter how they have formed and or regardless of their structure, each ethical normativity is divided into *formal ethics* and *ethics of content*. *Ethics of content* refers to that type of ethics that seeks to identify moral norms that have a universal character and defined content. By *ethics of content*, we maintain that action is ethical only if it is accomplished through this universal moral norm. A criticism of this approach is that it would not exist such specific ethical norms.[40] Every norm with a well-defined content must find its specific validation in a certain discipline. This denotes that "ethics refers to a number of norms that have not been grounded in a particular discipline."[41]

It is important to analyze the force that these ethical norms have, precisely because of their specificity. Until their application to a particular field, and in a certain context, they are nothing more than generalization, "a conglomeration of principles." Only through psychology, legal philosophy, or sociology can these be transformed into ethical norms, so the "universality ethics of content" in the method of analysis and application can not be accepted. Formal ethics, and implicitly what constitutes the ethical norm, starts from the idea that what "ought" is "found in consciousness" as "single individual action". "The will is active, an act of individuality," and according to Kantian theory, a rule that applies to an act of will, must be justified in the idea of becoming a universal conduct, because "the will in itself prescribes the law in itself".[42]

Despite ethical theories, normativity is a continuous process, having an evolutionary character and always willing to transform. Ethical practices become norms when they come from culture, become integrated into the culture as a model of social behavior. This together forms an ethical system, and many such systems have been formed throughout history, depending on the culture underlying them. Moral maxims, ethical principles and the systems developed for them are "the result of cultural education". When a value is respected and its application is considered, then it must be demonstrated how this value will be

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[39] Battaglia, *Ethics and Social Conscience*.

[40] More about the consistency of ethics see Allan W. Wood, *Fichte's ethical thought* (Oxford: Oxford University Press, 2016). Fichte talks about the concepts of individuality and recognition that give rise to another type of norm, other than the ethical norm. (Wood, *Fichte's ethical thought*, 262 et seq.)

[41] M. Bakhtin, *Toward a Philosophy of the Act*, trans. and notes Vadim Liapunov, ed. Vadim Liapunov and Michael Holquist (Austin: University of Texas Press, 1993), 20-26.

[42] Bakhtin, *Toward a Philosophy*.

applied. This is the role of the ethical norm, which can be generally applicable. Agents influence each other, and the values of an agent and the justifications he proposes demonstrate how these moral judgments are being applied. Thus, normative networks explain how "moral judgments become ethical norms".[43]

Conclusions

The moral norm, unlike the ethical norm, consists of individual and collective values and convictions. I consider morality and moral norms keens to the human being as a rational being, having those common beliefs with other people, and together defining humanity. Instead, ethics depend on the individual's beliefs and conduct as a member of a political or social entity. Even if there are opinions that they are similar, identical, I think there is a difference, even if a sensitive one. I believe that the ethical norm refers to specific cultural cases, to specific organizational cultures, whereas moral and moral norms have an individual and universal character. Thus, morality starts from the individual and the elements common to all individuals determine a character of universality. Basically, what I meant is that moral values are personal, but many of them are archetypes having a form of universality. These determine certain collective actions that we can find, for example, in the form of *jus cogens*.

Instead, ethics and ethical norms take into account certain habits and traditions specific to a group, community or society. Ethics is about culture, history, anthropology, and sociology. There are those practices and behaviors that can only be attributed to certain cultures, groups or communities and societies. An example I have been thinking of is that "not stealing" implies a universal moral norm, since any rational person is aware that he must not take the goods of another. This moral norm is found from tribal to secular or religious, democratic or non-democratic communities and societies. But at any of these structures, a moral norm can be interpolated, analyzed and applied as a different ethical norm. In some cultures, "do not steal" has a general character, or it may mean that you do not steal as long as your physical or mental integrity is not jeopardized. The ethical norm puts into practice certain universal moral values, in the form of general principles, determined by the characteristic of the socio-political entity. The *moral norm is man's conduct*, instead the *ethical norm is the citizen's conduct*. The ethical norm also includes the moral norm, as it can be built on it.

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[43] Battaglia, *Ethics and Social Conscience*.

Does that suppose an ethical norm can be immoral or amoral? Under no circumstances, as long as moral values determine ethical principles and moral universality cannot be contradicted by a particular ethical system.

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