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МОРАЛЬНОЕ АГЕНТСТВО: ИСТОРИЯ И СОВРЕМЕННОСТЬ

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Перов В. Ю., Баженов С. С., Бегалинова К. К., Глебова С. В.,
Коваль Е. А., Ларионов И. Ю., Перова Н. В., Ставцева О. И.,
Шевченко А. А.

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© Перов Вадим Юрьевич, кандидат философских наук, доцент, заведующий каф. этики Института философии Санкт-Петербургского государственного университета, адрес для корреспонденции: v.perov@spbu.ru. Баженов Сергей Сергеевич, старший преподаватель Санкт-Петербургского государственного электротехнического университета «ЛЭТИ» им. В.И. Ульянова. Бегалинова Калимаш Капсамаровна, доктор философских наук, профессор Казахского национального университета им. Аль-Фараби. Глебова Софья Валерьевна, кандидат философских наук, ассистент Института философии Санкт-Петербургского государственного университета. Коваль Екатерина Александровна, доктор философских наук, профессор Средне-Волжского института (филиал) Всероссийского государственного университета юстиции (РПА Минюста России). Ларионов Игорь Юрьевич, кандидат философских наук, доцент, заведующий каф. философской антропологии Института философии Санкт-Петербургского государственного университета. Перова Нина Вадимовна, инженер-исследователь Института философии Санкт-Петербургского государственного университета. Ставцева Ольга Ивановна, кандидат философских наук, доцент Ленинградского государственного университета им. А.С. Пушкина. Шевченко Александр Анатольевич, доктор философских наук, доцент, ведущий научный сотрудник Института философии и права Сибирского отделения Российской академии наук.
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Аннотация. Круглый стол «Моральное агентство: история и современность» («Moral Agency: History and the Present») был проведён 17 ноября 2022 г. в рамках XIV Международной научной конференции «Теоретическая и прикладная этика: традиции и перспективы — 2022» как научное мероприятие по проекту РФ №22-28-00379 «Трансформации морального агентства: этико-философский анализ».

В фокусе обсуждения участников семинара были следующие проблемы: определение морального агентства и его трансформация в свете идей постгуманизма, проблема вменения ответственности и ее моральное измерение, этические аспекты искусственного интеллекта и биосовершенствования человека, благо и зло как категории сознания нравственной личности, моральное агентство и этическая экспертиза. Модератором круглого стола выступил к.филос.н., доц. В.Ю.Перов (Санкт-Петербургский государственный университет).

Ключевые слова: моральное агентство, ответственность, справедливость, искусственный интеллект, постгуманизм, этическая экспертиза.

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MORAL AGENCY:
HISTORY AND THE PRESENT
The Proceedings of the Workshop
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Perov Vadim, Bazhenov Sergei, Begalinova Kalimash, Glebova Sofia,
Koval Ekaterina, Larionov Igor, Perova Nina, Stavtseva Olga,
Shevchenko Alexander

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© Vadim Yu. Perov, Candidate of Science in Philosophy, Docent, Department of Ethics, Institute of Philosophy, Saint Petersburg State University, St.Petersburg, Russia.

Correspondence to: v.perov@spbu.ru. Sergei S. Bazhenov, Senior Lecturer, Saint Petersburg Electrotechnical University, St.Petersburg, Russia. Kalimash K. Begalinova, Doctor of Science in Philosophy, Professor Al-Farabi Kazakh National university, Almaty, Republic of Kazakhstan. Sofia V. Glebova, Candidate of Science in Philosophy, Assistant Professor Institute of Philosophy, Saint Petersburg State University, St.Petersburg, Russia. Ekaterina A. Koval, Doctor of Science in Philosophy, Professor All-Russian State University of Justice, Middle Volga Institute (branch), Saransk, Russia. Igor Yu. Larionov, Candidate of Science in Philosophy, Docent, Department of Philosophical Anthropology, Institute of Philosophy, Saint Petersburg State University, St.Petersburg, Russia. Nina V. Perova, Research Engineer Institute of Philosophy, Saint Petersburg State University, St.Petersburg, Russia. Olga Iv. Stavtseva, Candidate of Science in Philosophy, Docent, Pushkin Leningrad State University, Russia. Alexander An. Shevchenko, Doctor of Science in Philosophy, Docent, Leading Researcher Institute of Philosophy and Law, Siberian Branch of the Russian Academy of Sciences, Novosibirsk, Russia.

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Abstract: The workshop «Moral Agency: History and the Present» was held on November 17, 2022 as the one of events in the framework of 14th International Conference «Theoretical and Applied Ethics: Traditions and Prospects». This seminar was also the part of the research project supported by Russian Science Foundation (RSF), the project №22-28-00379 «Transformations of the Moral Agency: Ethical and Philosophical Analysis». The workshop focused on the following theoretical and applied problems: the definition of moral agency and its transformation towards the ideas of posthumanism, the problems of imputation and moral responsibility, the ethical dimension of the artificial intelligence as well as human bioenhancement, Good and Evil as the concepts of consciousness of moral person, moral agency and the ethical expertise. The workshop was moderated by Vadim Perov, Candidate of Science in Philosophy, Docent, Department of Ethics, Saint Petersburg State University.

Keywords: moral agency, responsibility, justice, artificial intelligence, posthumanism, ethical expertise.

Perov Vadim¹

Moral agency: the problem of imputation

When it comes to a moral agent as a subject and actor of moral relations, one of the most important and essential is the question of those characteristics or qualities that make it possible to impute certain moral requirements to this agent and evaluate the actions taken from an ethical point of view. In other words: who is a moral agent? How are the actions of moral agents different from the actions of those who are not? To resolve this issue and search for emerging problems, it is worth turning to the field of law, in which the problem of legal capacity as an opportunity to be the subject of legal relations and actions is relevant and, with all the difficulties, is quite well developed both from a general theoretical and practical point of view. We are talking about a set of problems related to guilt, intent, sanity, etc. In ethical terms, this implies a broader context, although in many jurisdictions the solution of these issues explicitly requires as a criterion to ascertain the ability of people to distinguish between morally right and wrong, or even the ability to distinguish good from evil. In a generalized form (without peculiarities of legislation, law enforcement practices, differences in the mentioned issues between criminal and civil law, etc.), we can distinguish the following hierarchical gradation of the characteristics of legally and morally imputed actions (in all cases we are talking about inaction).

1) Deliberate actions — the moral agent had a conscious goal to act and made persistent efforts to achieve it

2) Conscious actions — a moral agent is confident with a high degree of probability a) in the possibility of achieving the goal; b) in the circumstances

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of their commission; c) in accordance / non-compliance of their actions with existing norms.

3) Reckless (frivolous) actions — the moral agent knew, but deliberately ignored the significant and unjustified risk of his actions

4) Careless actions — the moral agent did not know about the possible risks, although he should have and could have known about them, but did not make sufficient efforts for this.

It should be noted that the content of such an understanding of legally and morally imputed actions is rooted in the ethics of the virtues of Aristotle and his understanding of arbitrary actions, which are characterized by the following features:

1) the person must be the cause of the act;

2) the act must be;

2a) conscious, including both knowledge of the possible results and circumstances of its commission;

2b) controlled, that is, it involves strong-willed efforts to achieve the desired result.

It should be noted that the law is focused on the negative consequences of actions (public danger, harm to life and health, damage to property, etc.), which is the reason for identifying the concepts of guilt and responsibility as a negative sanction in the form of punishment. Moral imputation involves not only condemnation, but also approval. The main ethical problems arising in relation to this classification can be formulated as follows.

1) Legal norms, due to their formal nature, quite clearly (as far as possible) fix the condemned negative consequences, including through the definition of illegal actions. Moral norms have greater variability, which creates a dual situation. On the one hand, this makes it difficult to assess the actions of a moral agent, on the other hand, it enhances the importance of a moral agent as a subject of conscious choice and a responsible and morally sane person.

2) In some jurisdictions, there is a concept of «strict liability», that is, «liability without fault / intent». This concept includes many different interpretations,

but it also refers to the commission of obviously illegal and immoral acts. At the same time, the key problem is precisely the alleged «obviousness». This goes back to the famous dilemma of Euthyphro (Plato).

On the one hand, these problems fix the difference between moral and legal imputation, on the other hand, their solution allows us to more clearly define the essence of the moral agency.

Begalinova Kalimash Good and Evil as Concepts of Moral Consciousness

The study of the categories of ethics must begin with the study of the central concepts of moral consciousness — good and evil. It is through the prism of these concepts that an assessment of a person's actions, all his activities takes place. These concepts have been worked out by moral consciousness for a long time, and the first ethical theories already use them in their constructions. As the history of ethics shows, people's ideas about what good and evil are changed depending on the specific historical conditions of the development of society, on what class interests this or that ethical theory represented. The concepts of good and evil are associated with the category of good, which is defined as the most general value concept that reflects the attitude of the subject (person, team, society) to his environment. The concept of «good» extends not only to objects, things, elements of nature, when they are included in the process of active human activity, but also to the products of spiritual activity itself — knowledge, education, ideas. However, «good» in no case should be identified with «good», these concepts are interconnected, but not identical to each other.

The good acts as an object of human need, as the goal of his activity and serves as a measure of the value of the objective world and the expedient human activity. Striving for the good, a person actively transforms the world in interaction with other people and in this practical activity becomes the creator of good or evil.

Good and evil are not only ethical categories, with the help of which a general theory of ethics is built, but also the concepts of the moral consciousness of an individual, class, society, since they are forms of reflection of direct social life, ways of interaction and relationships between people. That is why good and evil cannot act as abstract and eternal concepts; they change following the change in the social being of people.

In the ethical system, goodness is seen as an objective moral quality of an act: goodness is the most general concept of morality, which combines the entire set of positive norms and requirements of morality and acts as an ideal; good can be considered as a moral goal of behavior, and in this case it acts as a motive for an act; finally, goodness can also act as a virtue, as a moral quality of a person. Such an ambiguous definition of good follows from the very nature of morality, which permeates all aspects of human life.

Stavtseva Olga
Transformations of Moral Agency:
from Humanism to Posthumanism

A brief review of the understanding of moral agency in European thought can be described as a transition from understanding the acting subject as a person defined by the laws of the cosmos and the gods/God (antiquity, the Middle Ages) to the formation of an individual subject (Modern times) and the subsequent decomposition of such an understanding that in ethical theory coincides with the criticism of both religious systems of morality and the project of rational justification of morality in the 19th — 20th centuries. Actual philosophical and ethical reflection develops and strengthens these tendencies, bringing them to posthumanism.

The emergence of the theory of posthumanism is associated primarily with the anti-humanism of the French poststructuralists and postmodern theory, and is also formed on the basis of the ideas of «proto-posthumanist authors» (S. Herbrechter) — T. Adorno, J. Derrida,

J. Deleuze, M. Foucault, J. Lacan, L. Irigaray, J.-F. Lyotard, B. Latour, B. Stiglear, N. Luhmann, who fit human actions into one or another system. The works of R. Braidotti and F. Ferrando, recently translated into Russian and published in Russia, are serious attempts to holistically comprehend and substantiate thinking outside of humanism.

The humanistic justification of morality, carried out by Kant and the utilitarians in the Enlightenment, is associated with universalism based on reason. But the reasonableness of the moral law or utilitarian calculation pushes others into the frontier zones, against whom violence is allowed. Colonial conquests, genocide, unequal rights, specialism (privileges of some species over others) are the historical consequences of such humanism (R. Braidotti). The posthumanistic deconstruction of the humanistic moral agent is designed to overcome and prevent these negative phenomena of history for the sake of caring for a person and the future of his social and natural environment.

The universalist and essentialist understanding of the moral subject, developed by humanism, is replaced by posthumanism with a complex subject connected by many and non-obvious connections with the environment. The main properties of such a subject are not mind (humanism), but corporeality, affectivity, empathy, desire, a sense of collectivity, the desire to build communities (Braidotti). Braidotti calls such subjectivity nomadic, arising in complex relationships with others, including non-human others, in «a multiplicity of non-human streams and assemblages». The posthumanistic agent is also considered in the works of T. Morton, E. Binchik, A. Ching, F. Ferrando and others who understand it in a similar way.

The posthumanistic moral agent in the era of the Anthropocene, considered as the human world, devoid of teleology and faith in progress, gives hope for human survival, but together with other species and the biosphere. An important value becomes ecological awareness, focusing on the connection of man and non-human others. It is possible that the creation of communities based on solidarity will help to slow down the pace of the catastrophe caused by people themselves, who control nature for profit.

Thus, in modern theoretical projects, there is an expansion of moral agency: the acting subject is not a rational autonomous person acting on the basis of a principle or calculation, but a complex system of interactions with others, including non-human ones, in which a posthuman acts on the basis of solidarity and cooperation.

Perova Nina¹
Preservation of Moral Diversity
in the Context of Biological Enhancement

In the context of studies of the biological moral enhancement, the question often arises on choosing the qualities of a created moral agent. There is an opinion, supported, for example, by J. Savulescu and T. Douglas, that one can single out a finite list of «good» qualities that should be voluntarily-compulsorily chosen for all future generations.

In general, the possibilities of choosing the qualities of a moral agent, rather than adjusting the existing ones, are associated with the developing technologies of genome editing and artificial insemination. The first example of the use of artificial insemination technologies, not just for procreation, but for eugenic purposes, is associated with the opening of the Repository for Germinal Choice, a sperm bank established in 1978 to collect sperm from Nobel laureates, people considered «geniuses» and Olympic-level athletes. The idea itself implied that it was these traits, genius and sportiness, that should be preserved. They carry value while others can be neglected.

Ideas like these make one think about the value of preserving moral diversity. Of course, a world in which all children are stamped as the same seems unlikely, however, the idea of getting rid of some traits raises certain concerns. Focusing on some qualities, accompanied by ignoring or even eradicating others, can lead to the loss of the diversity of morality.

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In particular, many advocates of biological moral enhancement like to talk about the benefits of maintaining compassion as a «good» trait that is good for the individual and for society as a whole. This inherited characteristic is associated by scientists with an increase in the level of altruism, empathy, trust, and a decrease in the level of aggression. On the other hand, according to some studies, people with a higher level of empathy and compassion are more likely to divide society into «us» and «them», which can lead to increased social segregation and discrimination. In this case, there is a possibility that less compassionate and altruistic people will take advantage of more trusting altruists. It is somewhat reminiscent of the film «The Invention of Lying», where, with total universal trust, people who cannot lie believe everything that the protagonist who has learned to lie comes up with. Also, it can be assumed that an increase in the level of compassion will be accompanied by a decrease in competitiveness. Mutual assistance and empathy will replace competitiveness, striving for achievements and victory. This will affect the development of sports, the economy, politics, technology and science. In this regard, the preservation of the diversity of traits of moral agents seems to be a necessary condition for biological enhancement.

We must not forget that the technologies of biological moral enhancement are aimed at the development not of modern society, but of future generations. Realizing this raises the question of preserving diversity in a new way. Even if we recognize some qualities as «good» and «right» for today's society, this does not give us knowledge about the qualities of the future. We are witnessing political, economic and social changes in society, they will all require the transformation of the moral agent, as well as any other changes that will certainly occur in the future. From the standpoint of today, we cannot know exactly what the moral agent of a society, which does not yet exist at the moment, should be. In this context, the preservation of moral diversity will make it possible to keep open the possibilities of the moral agent of the future, without limiting it to ethical stereotypes and the requirements of the past.

Shevchenko Alexander Justice through Time

Justice through time, understood as historical justice, is usually a request to redress some past act of injustice done from the position of power. The position of power means that the conditions of justice are defined by the winner. The most important point is about the grounds of restoring justice and defining the point on the timeline that separates the past from the present, making some past event history for us. Philosophical difficulties are primarily related to the ontological status of the past, the nature and degree of its connection with the present.

The context of historical justice involves two structural features. First, it is usually about people who are no longer living. Second, these people are often treated not as individuals who suffered an injustice but as a group. The problem here is that the persons who suffered injustice and those who are later compensated for it are non-identical. New generations may have participated neither in the acquisition of property, which is at stake, not in its transfer.

One way of dealing with the problem is «saving the subjects» and treating the dead people as if we still had obligations to them. This is an important part of the teaching of the Russian philosopher N. Fedorov. However, here it is difficult to find the legal basis required for restoring material justice. Another, more standard argument, for the non-identity of persons is that the past injustices may have contributed to their birth and, consequently, they cannot be treated as an injured party. To respond, it is possible to switch to the collective or multiple subject and claim that the injured party in this case is the group of people with their shared understanding, memories and discourse of justice. Finally, when discussing historical justice, it is necessary to take into account the changing circumstances of justice. What may have been perceived as injustice at the time, could become a benefit later on, making the claims of the present generations inappropriate.

Bazhenov Sergei Moral Agency of Artificial Intelligence

The 15th issue of the *Date Comptes* philosophical journal, published in 2021 and dedicated to the topic of moral responsibility, according to R.G. Apresyan, significantly influenced the Russian discourse in the field of moral responsibility. It is noteworthy that in recent years a number of texts have also been published on the issue of ethical responsibility in the field of artificial intelligence technologies. Despite the serious efforts of the authors, it cannot be said that these problems can be considered exhausted.

To reveal the issue of the agency of artificial intelligence, a number of provisions should be clarified: firstly, to specify the scope of the concept of «Artificial Intelligence» (hereinafter referred to as AI), an intelligent agent, a moral agent. Secondly, to characterize the specifics of the position of a moral agent. Thirdly, to consider the applicability of the characteristic «moral object» to an artificial intelligent agent, in the context of an anthropocentric view of the development and application of AI technology.

First of all, let's pay attention to the complexity and breadth of the concept of AI, as well as the ambiguity of its use in modern discourse, this is largely due to the variety of technologies that are combined under this name. For simplicity, let's designate AI as a computing system that performs a number of tasks, the basis for which is a certain mathematical apparatus, software, as well as peripheral devices, such as microcircuits, processors and data collection systems, as the basis for performing intellectual and computational tasks. In this case, an intelligent agent is considered an artificial or natural subject capable of performing operations related to solving problems that can be formalized, understood and performed by the carrier of intelligence. For simplicity of reasoning, we will omit the comparison of the specifics of carrying out intellectual operations by a person and an AI system, focusing only on the general listed properties.

The concept of a moral agent implies a subject of activity included in moral interaction, that is, a participant in an event that includes an external observer who performs an external assessment of an act in an ethical context. Loginov E.V., Gavrilov M.V., Mertsalov A.V., Yunusov A.T. note that the subject of moral assessment should first of all be able to evaluate their own actions not only from utilitarian positions, but also from moral ones. The question arises, the answer to which is currently not obvious: «Will AI be able to overcome the substrate limitation, which is seen as a significant difference in the functioning of natural and artificial intelligence?». Despite some optimism that this will be possible for AI, the described scenario is currently not implemented, which means that moral responsibility cannot be applied to AI. Despite the differences between the authors in their approaches to describing the future, N. Bostrom and T. Walsh agree that AI has not yet reached the level of human intelligence. In this regard, AI becomes nothing more than a tool in the hands of a human developer, operator or owner, therefore, at present, it is the main and so far the only beneficiary, and, therefore, the bearer of moral responsibility.

According to A.M. Polozhentsev, when creating AI, a person tries to get away from subjectivity, which, according to R.G. Apresyan, can be considered from the position of nonanthropocentrism, seeks to move to a system devoid of human subjectivity. However, in fact, we cannot break away from anthropocentric positions. Therefore, the prescriptive position of reasoning about the control of artificial intelligence can be a way out in such a situation, allowing, on the one hand, to overcome the fears caused by AI, and also take the path of controlling the development and application of AI technologies that have a significant impact on the development of human civilization.

Koval Ekaterina¹

Moral Agency of the Christian and Canon Law

The list of moral agents is a controversial issue in modern ethics. Social diversity has provided different ideas about who might be a moral agent. Thus, in some communities, slaves and women are not given the status of a moral agent. In other historical and cultural contexts, collective entities (corporations, charitable organizations, the international community as a whole) and even non-anthropomorphic objects are considered moral agents.

Despite the ever-expanding range of moral agents, the degree of moral independence of certain categories of people can be differentiated. Thus, for example, it is customary to problematize the moral agency of the insane and infants. A more complex question arises when discussing the relationship between the degree of moral freedom and religiosity.

The strong regulation of the lives of members of some religious communities may lead to the conclusion that their moral freedom is suppressed. However, consideration of the indicated problem is impossible outside the context of a specific religious doctrine, since the worldview foundations of such doctrines have fundamental differences.

The life of a Christian is regulated by dogmas, norms of canon law, which are of a disciplinary nature, religious customs, and the latest normative church documents. At the same time, a Christian, being a citizen of one state or another, is obliged to obey the norms of secular law. Does such a detailed normative regulation of life make it possible to preserve moral freedom? Does a Christian retain his moral agency in full, or at least partially transfer it to the clergy, the episcopate?

To answer these questions, it is necessary to take into account not only the number of norms, but also the specifics of their nature. So, for example, the norms of canon law combine religious, legal and moral normativity,

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therefore they «do not encroach» on the moral agency of a Christian and, accordingly, do not allow the possibility of shifting at least part of the responsibility to another member of the community, including clergy.

This thesis can be confirmed with the help of Kant's examples with the gallows, which are given in the «Critique of Practical Reason» (the case of attraction to the object of passion and the case of perjury), as well as the Frankfurt modification of the case of perjury.

Larionov Igor¹

The «collective guilt and responsibility» and
the problems of moral agency

There is a common concept of guilt in law that supposes the person's motive to be the necessary condition for any form of guilt. In other words, guilt is the purely individual phenomenon. At the same time, for a political discourse, as well as for a political praxis the idea of so-called «collective guilt» is common.

To sort out this set of problems, the conceptual apparatus of ethics could be used that helps us to justify the arguments for or/and against the idea of collective guilt and to clarify the possible limits of application of the category of guilt in relation to «collective responsibility». The concept of «moral agency» helps us clarify the possible limits of using of the term «guilt» with the reference to different types of subjectivity (agency).

The study of agency allows us to break off with traditional philosophical concepts of self, person, subjectivity etc. The question is if it supports the idea that the «carrier» of responsibility could be collective or aggregative.

Karl Jaspers started the discussion on the collective guilt but his position remained ambiguous. Most notably, Hannah Arendt's critics in turned our

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attention to the flaws of this concept, that, in fact, is used just as a kind of the political metaphor, so in cases then everyone is guilty, in fact no one would be.

It seems clear that the idea of the collective self doesn't correspond to the classical concept of person or self.

The theory of moral agency does not require the assumption of any sort of wholeness of moral agent, much less the existence of some single substance for it (D. Dennett). So, in his review of recent models of moral agency, Kenneth Einar Himma, who is a proponent of this theory, concludes that entities such as corporations and organizations cannot be considered moral agents. It is no more than a legal fiction to endow them with a status of independent personalities. That is, the agent and thus the bearer of responsibility is its CEO or the other employee who executes certain actions. (Himma K.E. Artificial Agency, Consciousness, and the Criteria for Moral Agency: What Properties must an Artificial Agent have to be a Moral Agent? // Ethics and Information Technology. 2009, №11. P.26-27.)

Of course, in the case of given organization or corporation, some of the employees, shareholders, etc. would face the consequences of the actions of those agents. However this would hardly make them the subjects of these actions or the subjects of responsibility for it.

In the case of the alleged collective responsibility of political nations, it also could emerge the idea of its unity as an agent. Thus, the term «the political fiction» could be suggested. In this sense, we could speak about «their responsibility», as people face the consequences of the decisions of head of state or other state leaders.

At the same time, it is not impossible that the true moral agents identify themselves as an individual bearers of certain «collective guilt» or «collective responsibility» by «taking» it on themselves. The mental act like that requires some of the basic properties of the moral agent: intentionality,

«second order» beliefs and desires (D. Dennett), and knowledge of the difference between right and wrong (K.E. Himma), that cannot be attributed to so-called «collective agents».

Glebova Sofia¹
On the Roles of Moral Agents
with Different Levels of Moral Consciousness
in the Framework of Ethical Expertise

When it comes to ethical expertise, it becomes necessary to bring the differing ideas of moral agents about «good» and «bad» to a common denominator and make a reasoned, fair decision. There are two aspects that can become a point of contradiction of moral ideas: moral relativism and different levels of moral consciousness development. We know some ways to overcome moral relativism within the framework of an institution; they are implemented and used (the formation of a common corporate culture, codes of corporate ethics, etc.). However the issue of different levels of moral consciousness among moral is considered extremely rarely. At the same time, it seems to be a significant problem due to the fact that the lack of arguments understandable to every moral agent leads to discrediting the status of ethical examination and loss of trust in the members of the ethical commission.

Psychologist L. Kohlberg offers a very conditional classification of the degrees of moral agents' development:

1. Two «preconventional» stages in the development of ideas about morality
 - a. Avoiding punishment stage;
 - b. Self-interest stage

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2. Two «conventional» stages in the development of ideas about morality:
 - a. «good boy/good girl» attitude stage;
 - b. Law and order morality;
3. And two «autonomous» steps:
 - a. A social contract stage;
 - b. A principle stage.

Such a classification can become a starting tool for assigning roles and determining the course of ethical review. A moral agent with a higher level of moral consciousness can use the model of evaluation of a moral agent with a lower level of moral consciousness, but not vice versa. Thus, it seems highly desirable to enlist moral agents with a highly developed moral consciousness as members of the ethics committee. Ethical analysis skills will allow them to solve complex situations that are not reflected in the ethical code, and the ability to ethical reflection at all levels of abstraction will simplify communication within the framework of an ethical review.

Further studies show that most employees of various companies operate well and confidently with social and normative motives when evaluating moral actions, i.e. they are moral agents of the third and fourth levels. An extremely successful role of moral agents with this level of moral consciousness within the framework of ethical expertise is advisory, the view of an «equal» «from the outside» will allow all moral agents to consider the situation within the relativism of values and better understand the essence of the problem.

Finally, it seems possible that moral agents with pre-social stages in the development of moral consciousness can participate as applicants, since a sense of injustice can arise in any moral agent and, accordingly, there is a need to resolve ethical issues.

In this regard, it seems important to introduce some preliminary testing of moral agents to determine the development of the level of their moral consciousness, not only for the distribution of roles within the framework of the meeting of ethical commissions, but also for a more productive ethical examination, an adequate selection of arguments in favor of a particular decision.