Dialogue Ethics: Ethical Criteria and Conditions for a Successful Dialogue Between Companies and Societal Actors

Christoph Stückelberger

ABSTRACT. Dialogues between companies and actors of society often start as a result of a public scandal or in a situation of crisis. They can lead to short-term public relations activism or to long-term reputation gains. On the basis of cases and of a typology of forms of dialogues, the author develops ethical criteria and conditions for a successful dialogue – the ethical basis for such criteria being values such as equality, freedom and participation. A special focus is put on challenges that often result from dialogues such as the ethical judgment of compromises. This article proposes ethical criteria to evaluate compromises. This leads to a model of ethical dialogue.

KEY WORDS: dialogue, business ethics, compromise, conflict resolution, Corporate Social Responsibility, stakeholders

Introduction

The fact that companies assume their social and environmental responsibilities is to some extent a result of dialogues on ethical issues between companies and different actors of civil society, of international organizations, of the media, NGOs, governments, international governmental organizations, academic researchers, religious communities and development agencies or between companies and their direct stakeholders such as employees, investors, trade unions or consumers.

Different actors lead to different kinds of dialogue such as an investor's dialogue, a consumer's dialogue or a multi-stakeholder dialogue. Different objectives and strategies lead to different forms of dialogue such as explorative dialogue, learning dialogue, confrontational dialogue or a dialogue which aims at common action.

All the economic activities are an integrated part of a society and stay in manifold interactions with all sectors of society. The economic actors, therefore, remain in constant relationship, communication and – visible or invisible – 'dialogue' with actors of society. The producer has to recognize the needs and wishes of the consumer, the trader the rules of the legal environment, the consumer the health and environmental implications of the consumed products, and the governments the implications of economic activities on all aspects of society. This broad interaction and communication between stakeholders becomes more structured when it comes to conflicts and – often, as a result of it – to formalized dialogues.

The communication between economic actors and society is as old as business itself. The examples go from the critique of prophets from 2500 years ago against unfair trade practices (reported in the Old Testament of the Bible, e.g. Ezek. 27:3–28:19) to the Reformer John Calvin's dialogue from 500 years ago with the traders in Geneva on ethical interest rates, and further to today's global debates about the effects of the financial crisis on our societies.

In this article, we concentrate on dialogues between representatives of companies and various societal actors. They are often called 'stakeholder dialogues'. By the term 'corporate stakeholders' (Freeman et al., 2007), we mean all those actors who influence or are influenced by the activities of a company. In a more narrow definition, internal stakeholders are employees, management and owners; external stakeholders include consumers, suppliers, legislators, unions and creditors. In a broader sense, the society as a whole, represented by the

media, civil society/NGOs and their campaigns, governments, international organizations or even non human creation, can be included.

Today, 'stakeholder' or 'multi-stakeholder dialogues' have been developed mainly as an answer to serious conflicts between companies and NGOs or governments and NGOs in the extracting industries, mining industries, energy or infrastructure sector, often around issues of environmental damage and social conflicts with indigenous people such as Shell with Ogoni in Nigeria (World Council of Churches, 1996), dams in different parts of the world, mining in Australia or Mekong River Basin. Mainly international companies and international NGOs or national development institutions participated in developing common solutions. The 1992 'UN Conference on Environment and Development' in Rio and its follow up with the UN 'Commission on Sustainable Development' CSD (ECOSOC, 2002) as well as the 'World Business Council for Sustainable Development' WBCSD (2001) and a new dialogue paradigm among NGOs and their success in fair trade cooperation played a constructive role. They often led to voluntary solutions such as codes of conduct (Utting, 2002). The so-called 'social entrepreneurs' often play an innovative role in these efforts (Bornstein, 2004).

In this article, criteria and conditions are developed to make dialogues on ethical issues between companies and stakeholders or other parts of society fruitful, successful and ethically responsible.

Theories of dialogue and transformation

Ethics of dialogue was and is developed from different angles and on the basis of different philosophical and religious concepts. Only four are mentioned:

1. The philosopher Martin Buber described the 'dialogical principle' (Buber, 1979) in the 1920s with a profound anthropology of the relation between 'I and thou' (Buber, 1923). Human beings are relational beings. The individual development is profoundly linked with the development of the other and the community. In a similar way, 'Ubuntu ethics' as developed in South Africa and then in all parts of Africa describes human identity essentially as an identity in community and communication: 'I am because we are' (Nicolson, 2008, a differentiated and also critical collection of interpretations).

2. The modern Discourse Ethics, as formulated by Habermas (1985) and others, is basically an ethical theory which develops values and ethical consensus in rational discourse through dialogue. Nobody has the truth on his/her side, but it is developed in a joint process and ongoing discourse. This theory is a response to modern and post-modern, open and pluralistic societies. Discourse ethics as a methodology is practised in manifold dialogues, e.g. between scientists and the broader public or politicians with the aim of finding solutions in conflicts of interests.

3. Corporate communication often leads to 'stakeholder dialogue' as a tool of corporate communication. 'Stakeholder dialogue' theories show the diversity of types, goals and methods of 'stakeholder dialogues'. More confrontational (defensive or offensive) types are distinguished from types which involve listening and reflecting (Maak and Ulrich, 2007). John Rawls' 'Justice as Fairness' (Rawls, 2001) builds one of the most influential philosophical and ethical foundations for 'stakeholder dialogues'. Robert Philipps developed principles of stakeholder fairness in his stakeholder theory (Philipps, 2003). Critical voices such as those of Greenwood (2007) challenge the concepts of stakeholder engagements. Corporate communication and stakeholder engagement also depend on leadership concepts which vary in different cultures (Stückelberger and Mugambi, 2007).

4. Dialogue ethics is also broadly developed in interreligious dialogue and (interreligious?) ethics (Ucko, 2006). It aims at a deeper understanding of faith-based world views, convictions, lifestyles and behaviours. Interreligious dialogues are often learning and testimonial dialogues. They do not necessarily envisage common solutions and actions as it is often the case in discourse ethics.

These concepts of transformation through dialogue share the anthropological premise of profound

interdependence of human beings, of deep mutual respect and power sharing. Other concepts of transformation are more based on the notion of competition and power struggle to defend one's own interest, influence the other and gain power over the other. Again four selected concepts can be mentioned:

1. Advocacy and campaigning concepts look for transformation by emphasizing specific interests and values, influencing public opinion and increasing pressure on unethical actors. During the last 20 years, many theories have been developed, especially in political science and international relations, on the role of civil society and the media in influencing public opinion (Berndt and Sack, 2001).

2. Public Relations theories and concepts are often close to advocacy and campaigning in the sense that Public Relations look at advocating the represented interests in an effective way. Ethical responsibility in this field is developed through numerous professional or institutional codes of conduct (Illinois Institute for Technology, 2008; Jenkins, 2002). Even a theory of public relations ethics exists (Fitzpatrick and Gauthier, 2001).

3. A mainly confrontational form of dialogue is practiced by fundamentalist positions, including religious, economic, ideological and political fundamentalisms. Fundamentalism, as an attitude which adheres to a set of basic principles that are defended categorically and with almost no room for interpretation (Hadsell and Stückelberger, 2009), is mainly directed against liberalism.

4. Contract theories emphasize the contractual character of human interaction (in a legal and non-legal sense). Negotiations, to balance conflicting interests or to gain power over the other parties, often lead to contracts as binding mutual agreements. Contracts between labour and capital, trade unions and management, are often a result of negotiating dialogues.

The diversity of these concepts and theories of human interaction in conflict situations shows that the understanding of the goals, the function and the value judgement of dialogues differs substantially.

This article aims at clarifying the different types of dialogue. A typology or phenomenology is a theoretical instrument which helps to clarify confusion which often appears during conflicts around dialogues. The article also aims at developing value-based criteria for an ethical dialogue. They lead to elements of an ethics of dialogue.

This dialogue ethics is based on the anthropological premise of mutuality and respect as described in the first group of four concepts. At the same time, it takes seriously the power aspects of human interaction as they are dominant in the second group of four concepts and not enough reflected and developed in the first group.

Experiences and two cases of dialogue on CSR

For the last 25 years, I have been involved in dialogues between companies and various stakeholders such as CEOs, advisory councils, NGOs, churches and investors from a local to a global level, from small and medium enterprises (SMEs) to global leaders, from fair trade initiatives to the World Economic Forum. I am a member of the group of experts of the 'Dialogue Group Churches-Companies' which organizes dialogues between church leaders and CEOs of famous international companies based in Switzerland such as Nestlé, Novartis and Credit Suisse. In my doctoral thesis, I analysed in a case study the dialogues which took place in the 1970s between Swiss companies and activist groups on the boycott of investments in South Africa. As director of the development agency 'Bread for All', I participated in different dialogues on conflicts in developing countries relating to economic sectors such as food, textile or IT. I further started fair trade initiatives resulting in the development of common projects, business codes and Corporate Social Responsibility (CSR) controlling mechanisms. In addition, I was a member of the Board of Experts for CSR of a global Swiss bank. For the last 8 years, I was President of the Board of Directors of the global microfinance institution 'ECLOF International'. One of the challenges was to implement ethical values in the microfinance business. In the following contribution, these practical experiences and ethical reflection are combined.

Let us start with a short description of two different cases of dialogue between companies and social actors on CSR.

Confrontational: banks in South Africa

In the 1970s and 1980s, the Apartheid system in South Africa led to world-wide boycott efforts against companies investing in this country. Non-governmental and church-related boycott campaigns as well as international (UN) and bilateral governmental decisions were broadly debated and remained very controversial. In Switzerland, not only pharmaceutical and other industries, but especially the financial sector was under pressure. Internationally operating Swiss banks were criticized for contributing to the prolongation of the Apartheid system by financing the economy of the Apartheid regime. The South African case shows how much Corporate Social and Environmental Responsibility (CSER) and the political environment are linked. The political economy is the frame for companies' action (Bezuidenhout et al., 2007).

The churches in Switzerland as well as abroad were divided on this issue. Mission societies, church-related development agencies and many parishes supported the boycott whereas church leaders and the Federation of Swiss Protestant Churches started a human rights program with a series of dialogues as an alternative to boycott (Peter and Loosli, 2004; Zürcher, 2008). In this context, between 1986 and 1989, a series of five confidential dialogues were organized between ecumenical church representatives (Federation of Swiss Protestant Churches FSPC and its development agency 'Bread for All' and Swiss Interchurch Aid 'HEKS', the Swiss Catholic Bishops Conference and its development agency Catholic Lenten Fund and Justitia et Pax) and the three largest leading Banks in Switzerland [Schweizerischer Bankverein und Schweizerische Bankgesellschaft (today together UBS) and Schweizerische Kreditanstalt (today Credit Suisse)]. The organizations were represented by their top leaders (Weber-Berg, 2004).

The churches rejected Apartheid seen as a sin and worked towards sanctions. The banks resisted this and insisted on continuing their relationship with the white regime by arguing that it would have more effect in overcoming Apartheid than sanctions. The dialogue was stopped in 1989 when international banks under the lead of the Swiss banks agreed on a debt-restructuring process with South Africa. The international positions and strategies on how to overcome Apartheid in South Africa were strongly polarized and still ideologically influenced by the cold war. In this environment, the dialogue was and remained a confrontational dialogue without progress which would have meant accepting the other points of view or agreeing on common actions.

Co-operational: STEP in the carpet industry

Another example of a dialogue between companies and social actors emerged around the issue of child labour in the carpet industry. In about 1993, church-related aid agencies in Germany started a campaign, under the lead of 'Bread for the World', against child labour in the carpet industry, especially in India. The campaign heavily accused German importers of being co-responsible for child labour since they continued buying from producers who employed children. During this period, the organization 'Rugmark' was established and tried to convince the importers to change their attitude by certifying carpets made without child labour. However, on the whole, these campaigns led to a confrontational situation, in which the importers tended to maintain their position.

In 1995, while I was directing 'Bread for All', I heard about the stagnating process of the campaign in Germany and studied the possibility of taking it up in Switzerland. We started off by analysing the Swiss market of hand knotted 'oriental' carpets with a market study. We not only found out that about half of the market was in the hands of two big importers but that there was an association which guaranteed good quality and worked against dumping prices in this sector. On this basis, we decided not to lead a confrontational campaign against the companies importing these carpets but to invite them to a dialogue. 'Bread for All' made it clear to the importers that child labour was not acceptable and that we would plan a campaign comparable to the one in Germany if we saw no other option. However, we insisted on finding a common solution for the import of child labour free

carpets based on the model of fair trade. We tried to prove that all sides could win: the companies with an innovative 'clean' product, the producers by reducing child labour (and therefore improving their reputation?) and the development agencies by helping to strengthen human rights by reducing child labour.

After a first phase lacking mutual trust – during which the companies accused the agencies of not understanding the hard market reality and the agencies felt a lack of willingness on behalf of the companies to look at the reality of child labour – a confrontational dialogue developed into a very co-operational and at the end even an action-oriented dialogue. After 1 year of intensive discussions, both sides created together the foundation 'STEP – fair trade carpets' (STEP). The private sector agreed to buy in future only carpets free of child labour, to provide additional social incentives, higher salaries and to respect environmental standards. They also agreed to pay an additional fee of 5 Swiss Francs per square metre of carpet, which would gradually increase over the years, to pay the monitoring costs of the foundation and its projects such as schools for the carpet factory workers. A coalition of agencies agreed to guarantee independent controls and to identify and to help establish the development projects. The Swiss Ministry of Economy agreed to give a startup support for the creation of the foundation. STEP exists since 1996. Today, over 50% of all hand-knotted carpets sold in Switzerland are certified by STEP. Control offices exist from India to Morocco, from Pakistan to Iran.

Typology of dialogues

The two examples show the diversity of dialogues between companies and stakeholders. The type of dialogue very much depends on the context, the actors, the sector, the culture in a specific society and the objectives. Different actors and dialogue parties can have different objectives in the same dialogue. The following typology of dialogues distinguishes objectives, actors and settings. The typology is descriptive. It does not yet answer the question which type of dialogue in which situation is adequate and ethically positive. Not every dialogue is *per se* ethical. A value judgement of a dialogue has to

be done on the basis of values as developed after the typology.

Different objectives

Explorative dialogue: The parties try to find out more about each other, their respective behaviour, objectives and background to prepare their own strategy or other steps of the dialogue. The objective is not yet the achievement of common results but to explore procedures as well as space and time to manoeuvre. In diplomacy or business, explorative dialogues are often used to prepare next steps of intensified dialogue.

Learning dialogue: The parties, or at least one of them, want to learn from the other to have a deeper understanding of their background, context, reason of behaviour and action. Learning is a goal in itself and can, but may not lead to common positions, agreements or action. A learning dialogue avoids winners and losers. It often uses an inductive methodology based on sharing experiences rather than the deductive approach based on theories. A learning dialogue normally increases confidence.

Testimonial dialogue: One or different parties give testimonies about their experiences or viewpoints (in New Testament terms, the Greek word *martyria* is central and means testimony). The goal is not to learn from the other but to make one's own position and conviction clear and therefore also to define the frame and space of maneuvre for obtaining common positions. The confession of faith or conviction or the encounter between a victim and his/her perpetrator are often forms of testimonial dialogue.

Revealing dialogue: One or several parties analyse a situation or a problem through analytical methods to show or prove facts, reasons and correlations of which the other parties are not aware or see differently. This analytical dialogue reveals a specific perspective of a problem, such as the view of the oppressed (Freire, 1970).

Dialectic dialogue: The parties do not look for consensus or unanimity but encourage the respect for and acceptance of dialectic contradictions. These can lead to a synthesis as result of thesis and antithesis. However, thesis and antithesis do not need to be overcome as far as they reflect the dialectic

structure of reality and truth and are an expression of freedom (Goldschmidt, 1976).

Confrontational dialogue: One or different parties aim at sharpening their position during the dialogue, increasing confrontation where necessary, up to the point where it is justified to interrupt or end the dialogue and to use other means and strategies to defend one's interests.

Negotiating dialogue: The concerned parties aim at reaching a solution and a common agreement, often as a result of a longer process and with preliminary phases of explorative, learning or confrontational dialogues. A good part of political conferences, business negotiations or conflict solutions between companies and trade unions are negotiating dialogues. The precondition of this kind of dialogue is that the parties already accept each other as negotiating partners.

Action-oriented dialogue: The parties aim at common activities, e.g. to solve a problem with a multi-stakeholder initiative, a private public partnership or other forms of joint commitment. An action-oriented dialogue is normally not the beginning of a dialogue, but the late fruit and result of a process of explorative, learning, confrontational and negotiating dialogues.

Public relations dialogue: One or different parties aim at using this dialogue not for changing perspectives or attitudes, but for public relations to gain or regain goodwill among the broad public or specific stakeholders. The real target groups are not the dialogue partners but public opinion, often through the media, or stakeholders such as investors.

Different actors

Different actors have different power structures and different dialogue instruments.

Governmental sector: Governmental actors from local to international level have – in principle – the monopoly on legitimate force and are in this respect always in a specific position during dialogues. In democracies, governmental actors depend on the opinion of the population and, therefore, always measure the dialogue in the light of the reaction of parties and people.

Private sector: For profit actors such as shareholders, investors, producers and suppliers always have to consider the effects of dialogues on short- and long-term income, on their reputation in the public sphere and on the motivation of their personnel.

Non-governmental sector: Not-for-profit actors such as NGOs, consumers, social activists, media and research institutions have to consider the effect of dialogues on their respective constituencies, on donors and the coherence with their goals.

Multi-stakeholder: In multi-stakeholder dialogues, one or several parties aim at bringing together all or most parties involved in or concerned by a specific conflict or problem. The mixture of different types of actors such as advisory councils, NGOs, churches, investors, companies, unions, development agencies, governments and academic researchers makes the dialogue extremely rich but at the same time very demanding because it brings together very different cultures.

The size and type of power as well as the power relations between the different parties and actors are often very diverse. One actor might have a lot of financial power, another will have political power and a third will have moral or educational power. Also, the objectives of different actors can be very different. While a company might consider a multi-stakeholder dialogue as a learning or explorative meeting while preparing the decision of the company, an NGO might want to come to a common agreement.

The World Business Council for Sustainable Development defines dialogue from a business perspective:

> Dialogue is about communicating with stakeholders in a way that takes serious account of their views. It does not mean involving stakeholders in every decision, or that every stakeholder request will be met. It means that stakeholder input should be acknowledged and thoughtfully considered. It is about giving stakeholders a voice, listening to what they have to say, and being prepared to act or react accordingly. Though dialogues are, in effect, simply meetings, it is important to remember that they provide a powerful tool to listen and learn more about stakeholders. They also offer a mechanism to share one's own thinking and to maintain and/or strengthen relationships (WBCSD, 2001).

Different settings

Different *levels* of dialogue – from local to international, and from bilateral to multilateral – represent

different types. A confrontational dialogue in a local neighbourhood, where all know each other and share their daily life, is different from a multilateral intergovernmental dialogue with military power structures.

Different *settings* have a great influence on the type and character of a dialogue: Voluntary or forced dialogues, public or confidential dialogues, direct or indirect dialogues, mono-cultural or cross-cultural dialogues, verbal or nonverbal-symbolic-action dialogues.

Different *timeframes* influence the type of dialogue essentially. A short-term dialogue under pressure of certain political, economic or environmental events has another dynamic different from a long-term, relaxed dialogue.

Different formats of *space* also have a great influence. A virtual global dialogue in an electronic working group is different from a conference with the physical presence and encounter of people or a short skype chat.

Fundamental values for dialogues

Dialogue ethics is much more than a technique. Dialogues are deeply rooted in the anthropology and the worldview of persons, groups and institutions: How much should others count in the development of my own opinion and in the orientation of my decisions and actions? Which features of the other actor's situation am I supposed to take into account (Klempner, 1998)? What is the other person's value compared to my own (as an individual or a group)? Is the truth found in Holy Scriptures or scientific analysis interpreted by experts or/and in its common interpretation in dialogues? What is the value of hierarchy and authority in relation to people's participation? The following selected values build the basis for an ethical evaluation of dialogues (for a detailed justification of the selection, see Stückelberger, 2001; Stückelberger and Mathwig, 2007, pp. 65–74).

Human dignity: Every human being has its inalienable dignity, independent of characteristics such as race, ethnicity, gender, religion, colour, language or age and independent of capabilities and status such as wealth and education. Even a painful dialogue with murderers, torturers or terrorists has – ethically speaking – to be built on the presupposition that the dignity of each human being is inalienable because it is not given to human beings by human beings but exists before human activity. In Christian terms, it is a gift of God the Creator to every human being as his/her creation.

Equality/justice: Accepting this dignity of everyone is the foundation of the equality of human beings and of mutual respect as a precondition of every dialogue. *The Golden Rule* which is broadly accepted throughout cultures and religions as well as in Kant's Categorical Imperative is a core expression of the fundamental value of equality of all human beings and a central aspect of the ethical foundation of dialogues. It underlines the importance of taking the other into account in my own decision and according to the Golden Rule even in my own opinion [for a communitarian interpretation of the Golden Rule, see Etzioni (1996)].

Freedom of thoughts, convictions, behaviours and actions is another core value for an ethics of dialogue. One may have the right or even obligation to force somebody to do something or to abstain from doing something, but then the decision is not based on dialogue, but order. Dialogue presupposes the possibility to express an opinion in a free way – even if at the end, the decision is the responsibility of somebody else.

Participation is the logical consequence of the above-mentioned values. Participation does not mean that everybody, every time, everywhere can say anything. Participation means the right to bring one's own point of view into the debate, as long as it is linked to and limited by rules of competence, appropriate time, place, etc.

Sustainability means to enable a life in dignity for today's generations as well as for future generations. In order to be ethical, dialogue has to take into account the value of sustainability. The time factor is an ethical factor. To maintain a dialogue on climate change for decades to avoid necessary decisions and actions is not an ethical dialogue.

Unity in diversity follows as a consequence of the above-mentioned values: Accepting the human dignity and equality (as equal rights and obligations) of everybody leads to a profound conviction of the unity of humankind. The values of freedom, participation and sustainability lead to a profound respect of diversity as a gift for the whole creation

and a beauty of humanity. Combining unity in diversity leads to dialogues which look at common convictions while respecting diversity where fruitful and helpful.

The ethics of compromise

Dialogues normally imply – at least decision-oriented dialogues imply – being prepared to accept compromises. A compromise is a process whereby, voluntarily or under pressure, interests are balanced and partly defended. Both parties agree not to fully achieve their respective aims. To some extent, compromise means sharing of power. The main question here is whether a compromise is ethical or not and under which conditions it is ethical.

Different types of compromises can be distinguished.

Interest and value compromises: A compromise of interests entails the balancing of interests between social groups, companies, governments, etc. A compromise of values weighs up values, rules or ethical instances. Both areas are interlinked because a conflict of interests can also be described as a conflict of values and vice versa.

Intrapersonal, interpersonal and institutional compromises: In an intrapersonal compromise, a human being attempts to weigh up various values internally. Interpersonal compromises are made between people, institutional compromises between institutions. Of course, a particular dialogue may involve any or all of these.

False versus genuine compromises: A tactical or false compromise does not involve any material decisions; instead, a formula is agreed upon, which can be interpreted in different ways. A genuine compromise, however, paves the way for a feasible solution, with both parties relinquishing part of their claims.

Democratic versus friendly compromises: A democratic compromise is a contractual compromise of balanced interests. Brotherly/friendly compromises are based on the consensus of communities with similar objectives. However, these are prone to 'repressive brotherliness' exercised by the authorities of such communities.

Provisional versus definitive compromises: A distinction can be made between provisional and definitive compromises. A provisional compromise implies that further time is given for deliberation by the parties separately before returning to seek a definitive compromise.

The ethical justification for compromises, similar to the justification of their rejection, varies a great deal according to the theological or philosophical approach that is used. Compromises can be justified or rejected in terms of responsibility ethics, peace ethics, different anthropologies and views of society. The ethical justification or rejection of a compromise depends on the quality of the compromise.

Compromise guidelines can help to identify its quality. Ten such guidelines are proposed as part of a dialogue ethics (Stückelberger, 1988, pp. 496–501; 2002, pp. 32–35).

1. A compromise can be ethically justified if it constitutes a means in the process towards ethical values and aims. It thus corresponds to possibilism, which always strives for the best possible solution. It is constantly enlivened by ethical aims.
2. A compromise must be ethically rejected if it is seen as a definite state of value in itself. An ethically acceptable compromise is thus distinct from pragmatism, which refrains from the realization of wide-ranging aims.
3. No compromise is ethically acceptable without recognition of and basic aspiration to fundamental values and especially human dignity. However, compromises are admissible and necessary when it comes to value judgements and to the social implementation of fundamental values.
4. As a rule, ethically acceptable compromises are provisional compromises made with the intention of replacing them with ethically better compromises at a later date.
5. As a rule, a compromise should be of advantage to the various parties involved. However, it should provide the weaker parties with more advantages than the stronger parties, in the sense of the fundamental value of commutative justice.
6. A compromise is good if it helps settle conflicts. It should not be made when it covers up conflicts.
7. Exceptionally, a compromise that is achieved quicker but is worse with regard to the

attainment of the aims involved, must be preferred to a better compromise if it serves to prevent the sacrifice of human or non human life.

8. Since a compromise that has been established in public enjoys a democratic basis, it is usually ethically better than a compromise that has been worked out by the exclusion of the public.

9. The rejection of a compromise can be justified if a compromise is ethically unacceptable (e.g. according to guidelines 2 and 3) and would only serve the reinforcement of misanthropic power, such as the legitimization of a dictatorial government through economic activities with this government or country.

10. The rejection of a compromise is ethically imperative if a compromise destroys life and human dignity, or if it does not decrease the danger of such destruction.

Dialogue or/as/after pressure of power?

Better talk than shoot. This wisdom corresponds to the idea of respect for human life and dignity. Nevertheless, a dialogue is not *per se* and in any case positive. It is an instrument and not a goal in itself. As there may be rare non–negotiable issues, there are moments where a dialogue is not the right instrument to solve a conflict or a problem. Pressure may then be a more appropriate way for transformation. A dialogue can be abused in manifold ways, e.g. to avoid decision and action or to continue unethical practices while the dialogue is being pursued. Participants in an ethical dialogue are constantly and critically looking out for possible abuses.

Human decisions and behaviour are influenced by arguments and convictions, exchanged in dialogues, but also by power and pressure. Powerful pressure is ethically not negative, as long as it is a non–violent pressure. On the contrary, from an ethical perspective, it can be an expression of responsibility of moving things in the right direction.

Dialogue is often seen in opposition to pressure. Some argue for dialogue to avoid other means of pressure, others are against dialogue to use other means of pressure. Is dialogue an alternative to pressure, a form of pressure or a result of pressure? All

the three options are a reality. A media or NGO campaign, e.g. against unethical practices of a company often provokes and leads to a dialogue. Other dialogues are toothless and endless alibi talks. Communication by confrontation can be an ethically justified or necessary strategy – as long as confrontation is not an end in itself, but again led by the core values mentioned above. A targeted provocation can be part of the dialectic of communication and human progress. This can be shown in different ethical traditions. Targeted provocation as a beginning of dialogue was practised, e.g. in biblical times by symbolic actions of prophets or by Jesus' action in the temple against some traders which led to a dialogue on the relationship between economy/business and faith.

Conditions for ethically successful dialogues

The World Business Council for Sustainable Development defines the success of a dialogue by 10 'keys' (WBCSD, 2001):

1. Allow enough time for planning, planning and more planning;

2. Start thinking about the longer-term engagement process early and consult your stakeholders on how or if they want continued communication;

3. Be aware of and manage expectations: yours and theirs;

4. Be realistic: do not start what you cannot finish;

5. Focus on quality not quantity: participants should be invited on the basis of their credibility and ability to be thought provoking;

6. Keep away from public positions and slogans: as soon as possible shift the focus of the dialogue to specific interests and values;

7. Acknowledge genuine differences, everyone should make an effort to share perspectives, listen and learn;

8. Be prepared to be as open and transparent as possible;

9. Aim to build joint ownership for actions towards change to be taken following the dialogue;

10. Be flexible and open to improvization in the program based on stakeholder desires.''

My own elements of a dialogue ethics mentioned above lead to a model of ethical dialogue with criteria, under which conditions dialogues are ethical. They are ethical if they

– reflect and respect the fundamental *values* mentioned above
– allow the participants of a dialogue to *define themselves in* their identities and goals (which is an expression of the value of freedom and dignity)
– clarify at the beginning the *objectives* and *character* of the dialogue and the composition and characteristics of the participating *actors*
– clarify in the first phase the *definition of the problem*, linked to the *limitation or de-limitation of the themes* to be discussed or negotiated. To agree on some elements of a common perception of the problem is already a core success of each dialogue
– refuse the idea (ideology) that each dialogue *per se* is positive but to find the *setting of a dialogue* at the right time in the right place with the right people on the right subject with the right objectives
– agree on *compromises* which respect ethical compromise guidelines
– accept that *confrontation* can be an instrument of communication and conflict resolution and to distinguish between creative and destructive confrontation and use of power
– analyse the *power structure* of a dialogue and its participants and expose this analysis where necessary
– be aware of the *limitations* of each dialogue and reflect the combination with other instruments of conflict resolution
– agree on an ethical *information policy* about the dialogue which respects the fundamental values, and allows trust to be built by confidentiality, public participation and progress by transparency.

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Globethics.net,
Geneva, Switzerland
E-mail: stueckelberger@globethics.net

University of Basel,
Basel, Switzerland