Diabolical perspectives on healthy morality in times of COVID-19

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Abstract

Purpose – The paper combines the systems theoretical perspective on the evolution of societal differentiation and the emergence of codes in communication. By combining the approach by Niklas Luhmann with a historical theology on the development of Christian morality split between God and Devil, it recreates a sociological point of observation on contemporary moral forms by a temporary occupation of the retired Christian Devil.

Design/methodology/approach – The article combines a Luhmannian systems theoretical perspective on the evolution of societal differentiation with a concept of emerging codes in communication. The latter is based on on the development of a Christian view of morality being split between God and Devil. It establishes a sociological point of observation on contemporary moral forms through the temporary invocation of the retired figure of the Christian Devil.

Findings – The proposed perspective develops a healthy perspective on the exuberant distribution of a health(y) morality across the globe during the pandemic crisis of 2020–21. The temporary invocation of the retired Christian Devil as point of departure in this sociological analysis allows for a disturbing view on the unlimited growth of the morality of health and its inherent dangers of dedifferentiating the highly specialised forms of societal differentiation and organisation.

Originality/value – By applying the diabolical perspective, the analytical framework creates a unique opportunity to observe the moral encodings of semantic forms in detail, while keeping the freedom of scientific enquiry to choose amongst available distinctions in the creation of sound empirical knowledge. This article adopts a neutral stance, for the good of sociological analysis. The applications of the term "evil" to observations of communication are indifferent to anything but itself and its qualities as scientific enquiry.

Keywords History, Sociology, Systems theory

Paper type Research paper

Plain language summary

As the COVID-19 pandemic drags on, the strain on morality grows. What is right and what is wrong, changes with elections, new research, Godly interventions and personal experiences from within society.

What would the Devil see if he had not retired some two centuries ago? This article explores the strength of the diabolical perspective for an unbiased observation and participation in moral communication.

Very early on in the pandemic, driven by the discovery, mitigation, treatment and globally synchronised statistics on COVID-19, concerns grew about the deteriorating effects it would have on the moral condition of the populations across the globe (Borges *et al.*, 2020a, b). The notion of morality has a wide-ranging network of interconnected meanings. In this article, morality is observed as a strictly social phenomenon, present in the semantics of everyday

Wherever citations were not readily available in published translations in English, the translation has been conducted by the author.

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life. Our interest is nested in the inherent structure of symbolic coding between what is regarded as good and what is regarded as bad–or evil.

The argument outlined in this analysis is based on both a historical perspective of the advent of the coding itself, without any specific values attached, and on a well-documented concept of contemporary society being functionally differentiated, contrasting earlier forms of segmented, centralised and stratified differentiation (Roth and Schütz, 2015). As we argue below, the functional specification of society has had massive implications for morality and thus has changed the very foundation of operational principle of morality.

The semantics of moral encoding in a pandemic worldview is inscribed in the medium of a state of exception, produced by continuing operations in the background, unaltered by the strong focus on moral exhortations by politicians, epidemiologists and health professionals.The pandemic is less about a crisis of dying bodies or transmission of a new virus, or a mass-psychological phenomena and more about a society left wondering about the beauty and goodness of a surplus production of health. Seen from a historical perspective, the COVID-19 crisis is a fascinating small-scale experiment in an upscaling of health production, primarily driven by a temporary synchronisation and operational coupling of political awareness and organised health production in hospitals, clinics and high-risk groups. Morality, it seems, is in a temporary state of war with itself, grinding to a halt in every new initiative to mitigate the effects of the pandemic. We are a far cry from a "great reset" or other utopian concepts of quick action towards a greener planet (Roth, 2021). The article ends with a hope for a little willingness to experiment, to ask the Devil for alternate paths towards a better future, even if it means a little "perversion" of a too clear-cut morality in utopian projects such as the COVID-19 pandemic.

1. From myths to the brink of code

Almost every human is embodied in contemporary global society – whether directly or indirectly. Excluding small tribes of indigenous people with no outside contact, who are still affected by global changes, most humans of today are virtually interconnected through a communication network. In a significant departure from the geographical segmentation by unsurmountable barriers of oceans, deserts of sand and ice, forests and mountain ranges in the eras before the global reach of naval vessels and postal services, telegraph lines, and most recently, fibre-optic cables transmitting moral messages in series by digital providers, our present modernity operates on the premise of unlimited outreach to the most distant researcher in Antarctica and livestreams from the top of Mount Everest. Being interconnected on a global and thus all-encompassing level does not imply a global consensus of moral issues. Hollywood productions may transmit a specific construction of symbolic relations to highlight a moral coding and inherent dilemmas on global issues and everyday life alike. So too can Bollywood productions disseminate suggestions for moral coding of given settings in lifeworld situations. A moral judgement taken and communicated has potential global outreach and is inherently local and situational at the same time. Coding implies the selective application of one and only one binary value of good and bad to a given experience, argument, or utterance. The repercussions and consequences of contemporary and truly "modern" moral coding of communication shall be the subject of this enquiry into the crossroads of the moral communication in modernity faced with a truly global virological pandemic, truly testing the stability and adaptability of proclaimed universal values, embedded in practice by moral judgements across the globe.

Since the advent of human language, communication was in dire need of negating uttered observations. Without the ability to negate a given statement, communication most certainly would have lost its attractiveness for continuous investment of mental powers in human evolution. Just imagine a hunter claiming that there is a dangerous lion in front of you while a companion sees it right behind the group of hunters. Without the ability to discern observations on the basis of further communications, no decision could be made in the group

of hunters as to the direction in which to lure the lion with its dangerous paws and teeth. Communication is born from the emergence of alternatives, and alternatives are tested and weighed in communication. Moral communication has its origin in the weighing of alternatives, serving a generalised experience of what, how, when and whose communication is morally desirable or morally detestable.

The first millennia of moral communication are lost forever in the mist of Neolithic, prehistoric oral language, never recorded in a material substrate and handed down as artifacts. Modernity has no other legacy than than the effects of the consequential development of enlarged cognitive capacities "involved in processing mental states in false-belief tasks and intricate moral judgments" (Henshilwood and Dubreuil, 2011, p. 366, cf. Saxe and Canwisher, 2003).

When writing emerged on the world scene, oral traditions entered into writing on walls and clay tablets. Symbolic communication with its potential for moral judgement was widely employed when Aristotle argued, three millennia later, that (male and free) humans were the only creatures with a capacity for moral and virtuous life, a *zoon politicon* (Aristotle, 2017, pp. 220–1).

Since the earliest written narratives implying moral judgements, moral communication has been embedded in codified symbolic structures. Just as with the later Roman-Christian concept of a good God and an evil Devil, earlier written stories embedded symbolic figures that were re-used time and time again in varying expressive forms. Writing itself has from its very inception been morally ambivalent. On the one side, "writing and literacy are generally seen as forces for good", while on the other hand, ". . .there is also a dark side to the spread of writing that is persistent throughout its history, (. . .) Writing has been used to tell lies as well as truth, to bamboozle and exploit as well as to educate, to make minds lazy as well as to stretch them" (Robinson, 2007, p. 8).

When read today, these early textual remnants from a predominantly oral past lack the reflexive distance modern readers have grown accustomed to. They are "mythical" (Levi-Strauss, 1995) in that they convey a basic structure of cultural truths, defining not only cultural knowledge of political structures and stations of individual and collective life, but so too codified moral judgements. In the remodelling of codified structures in the tragedies of Euripides, Aeschylus and Sophocles in ancient Greece, the moral value of moral values was introduced as the reflexive form of questioning moral judgements through moral reasoning. Tragedy, as it emerged at the time of Pericles and the Peloponnesian Wars, established the meaningfulness of the demonic aspects of mythological and human life, integrated in the grand narrative of Gods and Demons intertwined with the lifeworld of humans as the "antinomie of the great [Man's] existence" (Weber, 1943, p. 308). Cicero, the great lawyer and orator from ancient Rome, coined the Latin expression of *moralis* as a translation from the Greek *ethicos* in his work *De fato* (*On Fate*), and later, he used the term widely in his influential work, *De officiis* (*On Moral Duties*). With the rise of Christianity and the demise of the Western Roman Empire, moral communication converged with Judaic-Christian theology and dogma during the Middle Ages. The emergence of an evil villain in creation in the form of the Devil and his demons, created a forceful story to fixate a cosmological order of moral codification with strong symbolism onto local lives in parishes. Especially after the 4th Lateran council and the long struggle with heresies for the Roman Catholic Church, the figure of the Devil entered into a strong alliance with religious dogma to mark good and evil positions. Medieval churches all over Europe had frescos plastered with illustrative content placed in prominent positions: frescos depicting the temptation of Christ, Judgement Day and the Infero of Hell are contrasted with illustrations of the seven cardinal sins and the examples set by apostles and saints living a virtuous life. In the writings of learnt men, the dangers of evil lurked on every corner.

In a letter, William of Conches, a French scholastic philosopher and early humanist from the midst of the 12th century, discusses the role of positive moral assessment of the gifts of

learning which teachers share with their students, and thus, which students ought to accept with gratitude: "Good teachers are, therefore, more to be loved than parents. It is not only right that teachers should be loved, but also useful, that their thoughts and words may find our favor. For if we do not love a person, we often dislike even what is good about that person and tend to shun it, while we endeavor not to imitate those we do not love. . ." (Conches in Münster-Swendsen, 2006, p. 308). The act of teaching and transmitting learning, giving students access to the true knowledge and becoming part of the society of learnt men, was – in itself – a good deed; deficiencies in didactics and content were subdued under the moral value of giving the gift of learnedness, as the young Guibert experiences: "As for me, though I was somewhat clumsy and shy for my age, I had such a liking for him — striped as my poor little skin might have been by his many whiplashes — that I obeyed him, not out of fear (as would generally be the case in relationships like these) but out of some curious feeling of love, which overwhelmed my whole being and made me forget all his harshness" (Guibert in: Münster-Swendsen, 2006, p. 316).

Crusades and missionary work by Christian Orders such as the Benedictines further transmitted the message of Christian moral encoding of actions. In the Church of St. Agatha in Schmerlenbach, an elaborate example of an illustration of how the teachings of Christ were imposed on beggars and kings, whores and priests alike is found in the choir. In the centre of the fresco, St. Benedict has circulating angels and a glow of light surrounding his body. The eyes directed towards heaven, a cross hanging from his neck, the angels carry him towards heaven, while those standing by listen horrified or joyful to his teachings. The stability of the moral encoding of worldly and heavenly affairs was transmitted in frescoes and liturgy across the medieval man's Christian world. The reflexive perspective circulated in the medieval mystery plays, songs and tales present in the streets of cities, on marketplaces and in taverns.

A literary morality tale took the literary world of the early Renaissance by storm. Dante's book, entitled *Divina Commedia* (*Divine Comedy*) from 1,320, envisioned him taking a horrifying journey through the nine circles of Hell, where ever harsher punishments are inflicted upon the souls in mourning there, many of whom were identified as near-contemporaries and noblemen from days past. The terrific punishments experienced in the *Inferno* (*Hell*) are replaced in Dante's journey through *Purgatorio* (*Purgatory*) and conclude when he meets the divine light and men of Christian faith and virtue in *Paradiso* (*Paradise*). Besides the blossoming of mythical, historical and doctrinal references within it, the *Divine Comedy* had clear literary qualities and marked the coming of an age in which moral judgements eased their way out of the companionship with Christian doctrine. He might have experienced "New powers of vision, such that there could be/No light, however strongly brought to bear,/My eyes could not have borne" (Dante, 2013, III, 30, pp. 73–75), but clearly saw the worldly appropriation of a claimed morality as a practice leading to downfall and eternal pity for those, who engage in politicised moralisation (Dante, 1996).

Contrary to the western narrative of the age of discovery brought by the journey of Christopher Columbus, the moral coding linked to Roman Christianity travelled the Indian Sea and the Silk Road towards India and China, the East-Roman Byzantine Empire in the crusades; followed the coast of Africa in the renewed Portuguese conquest in Morocco during the 13th to 15th centuries (Disney, 2009). In Livland, the future Poland and the Baltic States, warrior monks from the Teutonic Order enforced a strict moral and political rule in "heathen" territory.

Western, Christian society's symbolic encoding of morality was poised for expansion. When the Americas were discovered, along with new trading routes and simultaneous expansion in political domination, Christian symbolism, built on the foundations of the Greek tragedies, Graeco-Roman reception of Judaic scripture and a rise of the "new" religion of a messianic Jesus Christ (MacCulloch, 2009; Flasch, 2016), seemed poised to take the world by storm and replace existing forms of encoded moral symbolism.

2. Functionally differentiated jihadists

It turned out otherwise. Driven by the relentless transformational effect of the printing press revolution, that led directly to the emergence of a European "Gutenberg Galaxy" (McLuhan, 2011), it quickly jumped across the Atlantic Ocean to the new Spanish, Portuguese, French, Netherlandic and British Colonies in the west (Elliott, 2006), where it challenged the basic premise of moral encoding of orally transmitted symbolic forms. The "sophisticated constellation" serving solid opportunities for a "moral consensus (. . .) was called into question with the Reformation, as well as by state appropriation of eccleasiastical jurisdiction and the effects of the spread of the printing press" (Luhmann, 2013a, p. 151). The forces of the new media ripped the relations of information and understanding apart, leading to a crisis in the construction and cohesion of sensemaking. The printing press rapidly "improved the conditions for a punctuation of the societal equilibrium of the Christian Ordo" (Brunkhorst, 2014, p. 148)

The effects were dire: "More than a culture based on manuscripts and oral tradition, printing reveals inconsistencies in tradition and thus leads indirectly to arrangements for the semantic resolution of contradictions" (Luhmann, 2012, p. 178). Replacing the illuminated manuscripts with their elaborate illustrations and glowing colours hand-produced by scribes in monasteries, were books and pamphlets in mostly black and white prints. As the books lost their illumination, moral communication and its symbolised forms experienced a loss of ontological foundation: "The observer God had offered a security of orientation that was nearly unequalled. If that idea of him is given up, 'orientation' becomes a problem (and a buzzword too). For he had homogenized existence, making it appear to be a continuum of rationality." (Luhmann, 2013a, p. 184).

The long path towards secularisation and Church reforms and the emergence of Lutheran, Anglican and Calvinistic Protestantism pushed the foundations further towards evolutionary re-orientation. In the medieval canonistic literature, the moral code itself, distinguishing between good and evil, was a good distinction in itself. By removing the ontological presumptions of its existence, moral communication developed as a distinction, attributed to itself. Morality emerges "within a specific binary code which opposes a positive and a negative value. This code can be supposed to be invariant because it is necessary to identify communication as moral communication. It is specific and universal at the same time because, once invented, there cannot be an uncoded moral communication" (Luhmann, 1996, p. 31).

The communicative stratification of manuscript society transformed into a primariy functionally differentiated society, shedding the concept of unified creation and cohesion in favour of functionally specified subsystems. Legal, economic, scientific and political systems had long been in an uneasy alliance with the moral demands of religious primacy in society with strict stratificatory boundaries (Berman, 1983; Rexroth, 2019) and continued to create the preadaptive advances that enabled the functional decoupling of specialised social functions enforced by the advent of the European "Gutenberg galaxy".

Empirical analysis has argued for the existence of 10 functionally specified systems: politics, economy, science, art, religion, legal, sport, health, education and mass media (Roth and Schütz, 2015), with the further addition of at least intimacy (Luhmann, 1980) and war (Matuszek, 2007; Harste, 2014). For two hundred years, moral communication tended to mark the semantics driving functional differentiation of society into a form based on functional differentiation as bad, e.g. the pursuit of profit by merchants and bankers (Clausen, 2019; Aho, 2005), which drove the evolution of countermeasures in accounting practice and legal defence. A similar trend is observable in the demonisation of the political necessity for deception and fraud (Luhmann, 2008, p. 332), masterfully explained by Machiavelli in his Prince, driven to mastery at the French court (and elsewhere!) (Saint-Simon, 1963), opposed by Frederic the Great of Prussia in his Anti-Machiavell (Frederic, 1740), before it confined itself to ethical philosophising in the late enlightenment (Luhmann, 2008, p. 332, Kant, 1997).

Moral communication, reacting to the European challenge of functional differentiation and intensifying contacts with alternate encodings of moral symbolics, had to regain its agility by developing a new and self-sufficient footing. From the Protestant revolutions to the end of the Thirty Years War in 1,648, the continuous struggle for a new and functionally differentiated moral order was sought in the political struggles and the turmoils of war driven by territorial limitation and religious zeal. In his description of those 30 years, Schiller remarks with irony how all this "was effected by religion. Religion alone could have rendered possible all that was accomplished, but it was far from being the SOLE motive of the war. Had not private advantages and state interests been closely connected with it, vain and powerless would have been the arguments of theologians; and the cry of the people would never have met with princes so willing to espouse their cause, nor the new doctrines have found such numerous, brave, and persevering champions" (Schiller, 1900, p. 13). In a Marxist sense, the two hundred years of struggle was a "class struggle, that gave rise to a rapid, total and violent change of society", as had been the case in the papal revolution during the long 12th century (Brunkhorst, 2014, p. 110, cf. 250ff). As the Thirty Years War ended with mutual exhaustion (Münkler, 2017, p. 26), the problem of morality on the European continent shifted towards legal reasoning and the search for a natural order of morality, whereas the Scottish moral philosophers searched for its foundations in the ethical foundation of a human moral sense. The contemporary legal treatises explicitly reflect on the loss of certainty, demonstrating how the "considerable uncertainty of the legal structure could no longer be absorbed by [Christian] religion" (Luhmann, 1972, p. 198). Experiments with alternate legal doctrines led to an overload of the willing will's will in the search for a replacement for the moral foundation after the retreat of Church dogma. The continental tradition on natural law from Pufendorf to Wolff and the desacralisation of canon law in predominantly Catholic France under Richelieu and his successors led the moral coding to a slow rise in autonomy and self-reference in the "Age of Reason", albeit continuing a trajectory of universalism. The radical departure was taken by Immanuel Kant in his work on the Metaphysics of Morals in 1790). In it, legal intent is structurally coupled with inner motivations (Kant, 1993, p. 323). The consequence is twofold: freedom along with loss of foundation. The view of what is moral is thus set by legal norms in preparation of the emerging concept of positive law, territorially differentiated between national jurisdictions and the driving motivation for moral behaviour by individuals, plagued by questions of moral judgements. For Hegel, the dialectics between man and law is where "Morality has its rightful place (. . .) as reflexive reasoning on how the foundations of one's actions (. . .) is turned into personal duty" (Hegel, 1986, § 207). At the same time, the Devil disappeared from legal treatises; verdicts by the judiciary and witches disappeared, together with the witch-burning stakes and pyres that used to Grace town squares and city centres.

The sociologist Luhmann argues that the moral code in the waning of the 18th century started to apply itself to itself. Using the language of the philosopher Spencer-Brown (1994), he argues that it is possible to identify the code as a re-entry of the distinction upon itself: keeping the secularised variant of good and bad, it attributes the positive value as good to discern between good and bad. Identifying morally bad communication as a reflexive value enables further good communication on all of the bad aspects in the world of communication. The evolution of the view of moral code as a self-referential form led to the capacity for reflexive forms of selectivity, inherent in the respective functional systems of law, politics, art, education, religion, etc.: "Morality is a way of communication that circulates throughout society. It cannot be differentiated as a sub-system, nor can it be concentrated in a specific functional system in such a way that moral communication can only take place in this system and nowhere outside" (Luhmann, 2008, p. 336). Thus moral communication operates inside given functional systems, which neither steer nor influence the basic operation of the specific functional codes. Depending on the situation, repaying a debt is morally acceptable and so

can deferring payment be acceptable in cases such as deceit or unlawful contracts, even before a court has passed judgement on such a case. Kissing another man's wife might be morally abominable in relation to Judaic and Christian doctrine, yet it has been legalised in many Western countries over the last century. Dressing specific actions in a moral shroud does not hamper the specific coding by the functional systems; it operates in relative freedom without a necessity for cross-functional coherence of moral judgements across system boundaries. What is detestable for some for religious reasons, such as the sanctity of gay marriage, can be a case of joy in a political and legal dispute for others, while it at the very same time inflicts moral complications in economic scenarios for a third party; in the Third Reich, a widely dispersed movement of negative resentments against buying and even communicating with people of (perceived) Jewish descent intersected widely with extra-legal actions taken by mobs and party officials, forcing Jews to foreclosure, fleeing Germany (and later on, German-occupied territories), finally legitimising mass deportation of Jews, political opponents and homosexuals on an industrial scale until then unbeknownst to mankind). To summarise, moral communication lost its ontological foundation and tumbled in the 15 th century, stabilised and regained agility during the tumultuous times of the long Protestant revolution, culminating in the gruesome Thirty Years War and the experience of atrocities, slowly preparing itself for the dawn of modernity. Moral communication found itself widely dispersed in printed form of circulated "letters" and pamphlets. After a temporal stabilisation of political order in Europe, supported in part by a global expansion of trading routes, missionary work and colonilisation in the 18th century, new turmoil emerged in mainland Europe. As the 18th century waned and the French Revolution, Napoleonic Wars, industrialisation and constitutional movements waxed, morality applied coding logic pioneered by these emerging functional systems (Luhmann, 1980a). It did so by applying the distinction of good and bad to itself: conducting a re-entry of the distinction into—and onto—itself. Relieved of the expectation of final or penultimate foundations, re-embedded in the specifications of the new functional systems, "relieved of the difficulties [of conflict, LC], morality as the order of positive human feelings could flourish anew" (Luhmann, 2008, p. 312). In modern society, morality had lost its capacity to limit and silence specific communication, well known from ethnology as stabilised taboos. The increasingly more globalised world did not lead to moral homogenizationacross the globe. Quite the opposite happened. Politics territorialised specific morals, and the Bolshevik revolution, the two World Wars and the ensuing Cold War were as much political, military and economic clashes as they were moral conflicts. The "new morality" as cultural practice enabled the total demonisation of political and military opponents. Jews, Krauts and Vietcong were viewed as embodying no moral sense, as Greiner (2009) demonstrated so gruesomely in the case of US military action during the Vietnam War. After the faltering of the Soviet Union and the attractiveness of socialist visions of statecraft, it seemed that the struggles for legitimisation ended in a final victory of a de-sacralised re-signified coding of what ought, or should, be profanely sacred. The experience of 9/11–2001 and the rapid declaration and pursuit of the "war on terror" by the US and its Allies repeated the old Machiavellian perspective: not doing badly against political-military opponents might lead to bad outcomes for the political state. The "good ones" were doing bad things in Fallujah and Basra, Kabul and Hindu Kush, while at the same time distributing US aid and greenbacks across the scorched semantics of a resenting society (see Table 1).

The prolonged campaigns in Afghanistan and Iraq—with the immense loss of human lives and decency on all sides, leading to the refugee crisis and a moral shock for European populations and governments in the fateful months of summer 2015—link back to the events of September 11th, 2001 with the hijacking of planes and destruction of the twin towers of the World Trade Center in New York. In the initial call to arms by President Bush at the joint session of the US Congress on September 20th, 2001, he expressed the famous dictum: "Either

you are with us or you are with the terrorists". It left no place for moral reflexivity by state actors or individuals alike. As the war efforts continued, reflexivity emerged by creating a paradox out of the original statement: "Either you are with us or you are against the terrorists". The constructed reality of the expression is worth a second look. Adding the seemingly paradox into the same scheme as above, leads to an interesting transformation of the moral argument (see Table 2).

Reflexivity is raised on the positive side of "Good" by constructing varying levels of organisational involvement with the US war against terror, while on the other hand destroying any moral differentiation in their evaluation of terrorists. It also shows how the re-entry dissolves into a mere binary opposition with a scale attached. The terrorist side is turned into a communicative abyss, from whence no communication is deemed legitimate. "The terrorists" turn from a position of moral rejection colluding with the Devil from the first example, into Hell itself, from whence there is no escape and no moral reckoning.

The structuring, as a moral order or initial hierarchy, is a one-sided problem. Beheadings of Westerners released as video streams on global platforms by members of the Taliban and ISIL demonstrate a similar inability to escape the moral encoding of a hierarchical opposition. In their analysis of identity construction for "good Muslims" and the call to jihad, the Muslim is presented with a "straightforward binary choice: actively respond to the call for violent jihad and enjoy the associated blessings of respect and fulfilment; or, by failing to respond, not know this fulfilment and not enjoy this respect" (Macdonald and Lorenzo-Dus, 2019, p. 18). To escape from a one-sided choice of position, which moral argument is "better" or more fitting in a given socio-cultural position for a secular society in the form of a second-order observation as a more agile and (potentially) less immobile perspective on moral communication in conflict?

3. Evilness as second-order diabolics

The competition in moral aggression links closely to the aspect of winning and losing wars. Before a war ends, or the competition of moral encoding of world semantics defines a winner,

Table 1. Hierarchical opposition with moral coding

Good		Bad	
US allied presence: performing good actions		Taliban/Al Qaida: performing evil actions	
Good good	Bad good	Good bad	Bad bad
USAid, creating "freedom"	Destruction of livelihoods in the process (collateral damage)	Distributing Shariah justice, solving conflicts Opposing freedom and allied presence	Burning babies in microwave ovens, terrorism, child marriages, shariah law

Table 2. "With us or against the terrorists"

Good		Bad	
Against terrorists		Terrorists	
The very best good	The not so good good	Not the worst bad	The worst bad
With us	Implicit: Not with us (but still with us against terrorists)	Empty	Empty

they operate alongside each other, strengthening the ever more aggressive moralisation of the evil opponent. The Christian eschatology can be seen to have its inception in St. Paul's comforting Christians who understand death and "the coming of Christ" (Thess. 4:13–17, 5:1–2), even though the day of reckoning is unknown (Benz, 1973). Being in-the-world, with unknown ends, relieves the observer from an appropriated ultimate position of a God-like observing position and instead carves the distinction of distinctions: observing the observer observing. The cybernetician Heinz von Foerster christened the point of view as being a "second-order observer". A functionally differentiated jihadist might be introduced to Western culture as evil in form; but as soon as the jihadist observes the application of western distinctions of him being part on an Axis of Evil (President G.W. Bush), he observes his observation as a morality of morality. Embedded in the Roman-Christian tradition of scripture, John Milton, the famed English poet, locates the specific paradox of the double coding of morality. In his work Paradise Lost, Milton lets the Devil contemplate on how his evil deeds still lead to a good ending. In a dialogue with the Archangel Gabriel, the "Prince, O Chief of many Throned Powers" (Milton, 1989, p. 8), who expelled Lucifer from Heaven in a cosmic battle eons before the Creation of man, Satan exclaims to his "Arch-fiend":

> [For me, the] Fallen Cherub, to be weak is miserable,
>
> Doing or Suffering: but of this be sure,
>
> To do aught good never will be our task,
>
> But ever to do ill our sole delight,
>
> As being the contrary to his high will
>
> Whom we resist. *If then his Providence*
>
> *Out of our evil seek to bring forth good,*
>
> *Our labour must be to pervert that end,*
>
> *And out of good still to find means of evil*;
>
> Which oft times may succeed, so as perhaps
>
> Shall grieve him, if I fail not, and disturb
>
> His inmost counsels from their destind aim.
>
> (Milton, 1989: 9, italics by the author)

The expelled Satan masterfully represents the distinction of distinctions. Being part of—and separating himself from—the whole of creation as goodness, leaves him struggling with his purpose and ability to corrupt and "pervert" what the Godly source of goodness has in mind. The satanic or diabolic perspective of cleaving the world *expressis verbis*, creates the reflexive value in the moral code. In "Paradise Lost", the Fall of Man ultimately was a good thing; without the seduction of Eve, the story of the fall and salvation of Mankind could not have unfolded. Milton carefully constructs Satan as a giver of distinctions, of "alternatives" (Stanford, 2000, p. 242), a position later repeated by the historical sociologist Niklas Luhmann (1992, p. 192f). Satan "marks the difference" and is "the last distinction" in every operation of the economic code (Bolz, 2012, p. 99), as well as in morality. The Devil's reputation has never been good. During the massive legal revolution in early modernity, courts and legal experts developed practices for accusation and acquittal, identifying and convicting witches across Western Europe. Magic was regarded as "pagan". Magic actions were "only possible in alliance with the devil" (Kaspers, 1965, p. 136), except for the situations where royal blessings

made alchemy or medicine possible. The widely dispersed understanding of secret covenants with a supernatural Devil as a source of magic created an unholy alliance between civic and canonic legal courts. Pope Innocent had decreed his papal bull *Summis desiderantes affectibus* in 1,484, effectively instituting new orders for the regional inquisitions and local authorities to cooperate with civil and penal courts. Armed with Institoris and Sprenger's infamous book *Malleus Maleficiarum* on witchcraft, the Christian moral code of good and evil stabilised through its practical convergence with the secular moral variant of good and bad in convictions across Europe, is signified by the ashes of burned-down stakes and bodies reduced to ashes. It took the might of the "Age of Reason" and the fall of the *ancien régime* of France and the ensuing Napoleonic wars to finally make it possible for the Protestant theologian Schleiermacher to proclaim the death of the Devil in 1831 (Flasch, 2016, p. 352, cf. Schleiermacher, 1842, pp. §44–45). Not even Schelling was able to save him from his retirement in his lectures on the Revelation in 1841/42 as a "related non-being" (Schelling, 1977, p. 346). Fifty years later, in Nietzsche's damning dictum on the demise of the nobleness of grandeur, with its last outflow in the late-born Napoleon Bonaparte, the battle between the Roman and Judaic moral was finally fused into the worldly good/bad: "the last refinement that existed in Europe, that of the French in the seventeenth and eighteenth centuries, collapsed under the popular instincts of resentment–never on Earth was there to be greater jubilation, more noisy enthusiasm" (Nietzsche, 1999, p. 287). "Beyond good and evil", he continues, "does at the very least not mean beyond good and bad" (Nietzsche, 1999, p. 288). It is precisely this distinction that created the freedom he needed to develop his moral philosophy of reclaiming the "lost" Graeco-Roman values of morality. He represents a reflection of the massive transformation of the emerging functional differentiation of society, now understanding itself as "modern", fulfilling the vision of secular "modernity". Schleiermacher provided the last nail in the coffin of the theological Devil with his cosmological powers of evil and transcendent power to intervene directly in the present world. Suddenly, philosophers and scientists, judges and educators were left in a world without the powers of the Devil lurking behind the curtains of existence. The Devil had been a "historically variable, but as such a stable element of Christian thought from the first to the 18th century" (Flasch, 2016, p. 393), which created an immense re-orientation of worldviews. The recent biographer of the Devil, the medievalist Kurt Flasch is wrong in declaring the "the death of the Devil in Europe", granting him only sparse remnants as a "historical figure" or "an artistic idea" (Flasch, 2016, p. 380). "We are", writes Assmann on figurations of society, "what we remember" (Assmann, 2015, p. 101), and elaborate contemporary society can bend and elaborate the Devil as a figure of societal memory. The more complex and diverse the figure is made, the more intangible it becomes. The devil was aestheticized and evilness humanised.

Prefigured in Goethe's masterpiece "Faust" as Mephistoteles, the Devil turned into a force of human imaginations and actions. The Devil got bored in the courts as the accuser or perpetrator. Instead, the Devil went to Hollywood. Since Faust, he has spellbound generations of readers and viewers of literary fictions, movies and on the raked stages of theatres. He became a comic actor, gaining the freedom to symbolise and reflect on the secular, humani sed moral encoding of everyday life. An example is the series *Lucifer*, first aired on FOX and now available globally on Netflix. Even though the Devil is an intangible concept in the dogmatics of the Church (Schleiermacher, 1842, p. §44), he has had a long afterlife. Christian doctrine might have freed itself from his marks, but confined in art, he lives on to symbolise and signify a specific mode of observation. Schleiermacher even remarks in the typical dry humour of pietistic German Protestantism: "the most free and also the most harmless is the poetic use; for in poetry the personification is entirely in its place, and therefore it cannot easily be a disadvantage in and of itself from a vigorous use of this idea in pious attitudes" (1842, p. §45). Art, in this sense, secures his diabolic "reconstructivity" (Assmann, 1999, p. 40)

as a crossing in sensemaking for societal memory, equalling the Christian myth of Crucifixion (1999, p. 41) and the repetition of the Eucharist (1999, p. 90). In the transformation from function to topic and from his cosmological throne of darkness to the confines of art and literature, the emerging functional systems replaced the supernatural position of a stabilised counterpart into functional equivalents specific to the individual function systems, expelling the Devil–and thus God and Christian Morals—to the fringes of systemic operations. Secular law freed itself from the canonic aspects of Devils and evil. With the introduction of the general principle of presumption of innocence, the accusations of collaboration with the Devil proved ever harder to provide concrete evidence for, and thus, convictions reduced in volume. The legal scholars of the 11th and early 12th centuries enforced the principle of legality, as legal resolutions driven by law made "more precise judgements [possible] than the appeal to weaker ethical norms. Bringing these norms into text was an obvious approach, and a general trend toward textualization of these norms into legal codices emerged" (Rexroth, 2019, p. 295, italics in the original). Since the 12th century, in the midst of the first legal revolution (Berman, 1983) the *Ordo iudiciarius* had, in principle, been infused in jurisprudence across Europe. Built on new legal expertise stemming from the spread of well-trained lawyers from the new university at Bologna, who studied the rediscovered *Codex Iustinianus*, the ancient Roman laws. It would take half a century before the principle stopped giving way to ecclesiastical and "notorious crimes" which needed "no formal juridicial examination" (Pennington, 2003, p. 114), as happened in the case of witchcraft. The legal expulsion of the Devil, in particular—and thus Christian morality in general—happened by putting the human in the center. The maxim, "innocent until proven guilty" was born in the late thirteenth century, (. . .) employed in the defence of marginalised defendants (. . .) The maxim protected defendants from being coerced to give testimony and to incriminate themselves.

But only after the fall of the ancient orders, customary practices and the emergence of the new legal codes, did it finally become a principle of procedural law in all instances. Only then did it grant "them the absolute right to be summoned, to have their case heard in an open court, to have legal counsel, to have their sentence pronounced publicly, and to present evidence in their defense" (Pennington, 2003, p. 124). And thus the Devil was expelled from the courts of the western world.

When the centrally organised and stratified society of medieval and early modern times gave way to a fully functionally differentiated society, what was once reducible to one was suddenly split into a multiplicity of functional systems. Depending on which functional system one accepts as empirical and documented, it could be subdivided into a greater or lesser number of parts. The principle of division stands. Paul struggled with the question of the unity of the Spirit and the different ministries, but found them united in origin from "the same Lord" (1 Cor 12: 4–6). The solution prepared it for widespread use in the late antiquity. As Christian morality was entrenched with a religious worldview, it could be reduced to one: one God, one Devil, one right way – and many paths that would lead to bad life trajectories. As morality lost its penultimate one-ness, it copied the practice of re-entries, as we've argued above. The self-stabilising moral code offered new functional systems a relevant specificity, thus serving the specific function of moralising in specific educational, political, scientific, legal, health issues. What is morally detested in one systemic context might—and often is—assessed by diverging moral standards in another functional context, even leading to indifference altogether, thus constituting a specific "modern" challenge for organisations engaging across functional boundaries (Roth *et al.*, 2020a). Aside from organisational issues (often managed by creating internal structures of differentiation), corporeal existence has limited capacity for adaptation. The example of hugging friends and family suffices. In a European context, hugging was a highly choreographed social event that kept its omnipresence in Roman countries and South American colonies. Hugging signalled class equivalence and mutual trust in face of massive vulnerability. After all, it would be easy for

both parties to stab one another with a hidden knife. During the second half of the 20th century, the Nordic European countries were confronted with an epidemic spread of hugging, albeit with a very different perspective. The contemporary "Nordic" hug is considered a signal of trust, signalling a greeting or giving a farewell to people of family, kin, friends and personal relations. Non-huggers, in the context of intimacy and personal contact, were in danger of being regarded as "cold", and rejecting a hug or showing discomfort in the duration of the hug, is often perceived as a personal offence. In a health context, hugging (your doctor) is seldom regarded as an appropriate practice, whereas hugging in the context of acquaintances, researchers speculate, that ". . . a prolonged and intimate hug with a romantic partner or close friend may have greater stress-alleviating effects than a brief social hug with an acquaintance; assessing only the frequency of daily hugging precludes the ability to test that speculation" (Forsell and Åstrøm, 2012), in consequence lowering two proinflammatory cytokines, leading to a more healthy body (Raalte and Floyd, 2020). Deprivation of touch even is a strong predictor of heightened levels of violence in adolescence, supporting the general observation that "less physical affection (or more physical neglect) can contribute to greater aggression" (Fields, 2002). Merleau-Ponty was well aware of the consequences of bodily seclusion through his studies of war-torn and traumatised veterans from the First World War (Merleau-Ponty, 2002). The absence of the corporeal experience through the involuntary non-hugging opens the moral conflict between the external driving spring and the inner motivation for plight and duty, identified by Kant and leads to quasi-physical scars. The prolonged and harsh lockdowns in involuntary isolation during the acute phases of the pandemic leaves the de-sacralised Devil as an unwanted guest in homes across the ghostly experience of cities in lockdown. A good hug is a good moral action towards one's peers, supporting both their mental and physical well-being and one's own, reducing the potential for the eruption of violence. Hugging a keyboard is no substitute.

4. Pathology of moral crisis?

In January 2020, news of renewed economic growth was heard around the world via a seemingly never-ending stream of tweets from the White House in Washington. New technologies were celebrated and there was a strong political urge to finance public institutions such as universities and social care. The mass media were overflowing with hashtags demanding a quick transition towards a greener future, subsumed under the signature #fridaysforfuture. Refugees from Africa, the Middle East and parts of Asia continued to put pressure on European states. The threat of a "hard Brexit" was looming on the near horizon. In the first weeks of January, the world seemed to be on a path towards the destruction of its historical, post-war conceptions of international cooperationl; of the principles of the rule of law; and of human rights, adding an unsettling vision of rapid deterioration of the ecological habitat of humans on the planet we call home. Then came the COVID-19.

The first pictures and reports of a new disease emerged from China in the two weeks after New Year. Horrid stories from Wuhan arrived on social media. Soon thereafter, reports from northern Italy and Austria sent chilling messages to European leaders and readers. Mid-March, most of Europe had effectively locked its populations up in their homes, enforced strict lockdowns on economic activities in preparation for the expected tsunami of infections. Hospitals scrambled to free up resources and locate ventilators for patients in need. In the following months, the state of emergency was enacted by government executive orders across the globe and massive changes to the legal foundations of public spending followed. Public awareness of topics such as starvation, educational poverty, austerity politics and the effects of global warming were relegated to mere peripheral topics. Instead, journalists, politicians, scientists and citizens all engaged in a massive learning exercise about virological

and epidemiological semantics of kill rates, incidence levels and differences between case and Infection Fatality Rates (cf: Roth *et al.*, 2020b). Soon, the topics of moral, morale and morality emerged in scientific publications.

In the first published comment on the ethical basis for large-scale non-pharmaceutical interventions [NPIs] published in the medical journal "The Lancet", Lewnard and Lo were keenly aware of the moral aspect of large-scale lockdowns: "Although the scientific basis for these interventions might be robust, ethical considerations are multifaceted (. . .) The legacies of social and economic injustices perpetrated in the name of public health have lasting repercussions" (Lewnard and Lo, 2020).

The effective implementation of social distancing measures varies among the European legislator powers. In most countries, actively disregarding the rule of social distancing is a punishable legal offence, while the Nordic Countries Denmark and Sweden have kept the distancing rule as a strong recommendation to its citizens. As the legal experts from the 11th century could tell from their own experience, textualising legal principles with a view to provide a clear path to instituting a new norm in practice leaves little space for moral reasoning and conflict. The 21st century lockdowns once again offered those living under the regime of pandemic rules a stressful moral conflict, when "distancers" and "non-distancers" meet in private and public spaces. The arising conflict is seldom one that can be solved, or at least it is not easily solveable and thus stresses the moral of God and bad behaviour, especially if the rule or recommendation is unenforceable in a specific situation. It usually "involves attempting to regulate others' behavior with regard to these norms, for example, expressing disapproval of perceived moral violations" (Prosser *et al.*, 2020). The moral complications are likely to promote in-groups and out-groups along strong processes of mutual exclusions, including stigmatising people as "covidiots" and scared and seduced "socialists". The consequence of the prolonged moral conflicts seems clear: "As lockdown measures ease and attention turns to the devastation of people's lives and communities, unrest and the further politicisation of both distancing and non-distancing identities appear likely" (Prosser *et al.*, 2020). On a personal level, individuals are perceived as exposed to moral dilemmas, potentially leading to moral injuries ". . . in a broad range of contexts from the ER [Emergency Room, LC] to the grocery store" (Borges *et al.*, 2020b). The complexities of the massive infusion of morality in the pandemic mitigation efforts are at odds with competing moral encodings, such as demonstrated in the case of hugging. The conflicts are then offloaded to individuals, marked with the potential for moral suffering and injury. Nurses and doctors, the professions most closely related to the supply of healthcare, experience a particularly strong re-entry of moral dilemmas present in the rapidly changing pandemic environment. Healthcare professions are effectuators of social distancing, yet they themselves are at a higher risk of infection and transmission of COVID-19 compared to other workers: "health care workers on the front lines face such challenges and many more, such as comforting patients dying in isolation, exposing family members to risk of infection, or being unable to save patients' lives" (Haller *et al.*, 2020). Thus, they balance on the edge of the two symbols of being hero and victim. As the secularisation and self-stabilisation of the moral code changed the dynamics of (health) morality, the solutions presented by neither the ancient Greek tragedies, where a hero strives to act against his fate unwittingly and thereby tragically seals it (Weber, 1943, p. 308), nby the medieval Christian moral view of God and Devil, nor the smiling soldiers marching to the front in 1914 seem to be available as narratives to resolve the pandemic moral dilemmas in the context of health. When young men signed up for a short war in 1914 and were clapped to the front by cheering crowds, they were struck with the very different reality of trench warfare and suffering, while at the same time being seen as heroes and defenders of peace and fatherland.

COVID-19 as God's curse or the Devils evil deed, symbolised by the pale horse: "and his name that sat on him was Death, and Hell followed with him. And power was given unto them

over the fourth part of the Earth, to kill with sword, and with hunger, and with death, and with the beasts of the Earth." (Rev 6: 7). He rides in the chapels of belief and not in the hallways of the temples of health. The psychological trajectory of exposure to unresolvable moral conflicts lead to morally injurious experiences. Research into soldiers' moral injuries have long shown how "perpetrating, failing to prevent, and bearing witness to acts that transgress deeply held moral beliefs and expectations" (Litz *et al.*, 2009, p. 697. Moral injuries) are triggered by experiences on battlefields under active deployment in military and policing missions. Originally handled as a mere legal issue (Hughes-Wilson, 2001) leading to execution or severe punishment, the "shellshock" trauma led to a revolution in psychological understanding of the long-term moral and psychological consequences of exposure to moral injurious situations (Powers *et al.*, 2010). "[L]ittle is known about moral injury in nonmilitary populations, the COVID-19 pandemic has made it clear that moral injury's relevance extends beyond the battlefield" (Borges *et al.*, 2020a), and indeed it leads to widespread trauma driving mistrust and narratives of suspicious actors behind every little sign, subjecting them to interpretation along implausible lines of argumentation as seeming reality is discredited on the basis of collectively experienced individual moral injuries. It seems that society is stuck in a catch-22 situation: by fighting the pandemic, saving counted lives, it mobilises society into an unknown war with far-ranging moral injuries to those individuals who cannot retreat from their connectivity to global society. But if moral vacillation is the big problem, cannot it just be disabled like a programme? Can't we decide to remove morality from the pandemic equation?

5. Meeting at a moral crossroads

The COVID-19 pandemic has severely shifted the internal differentiation of priorities in healthcare, thus upsetting the moral *modus vivendi* for the time being. Restabilising is a dire need, as the current situation exports the moral dilemmas onto individuals, who carry them around without the functions to resolve the distinctions to clear moral orders. Posing the question as a distinction between life and death, or even moralising over illegitimate ways to die (Grothe-Hammer and Roth, 2020) in contrast to legitimate ways, demonstrate internal pathways of moral struggle. "Health and education are values that take in all efforts to improve a given situation without resistance–they are values without measure. The systems thus prescribe themselves semantics that amount to an unlimited growth" (Luhmann, 1983, p. 29), and this growth fragments the moral issues in the realm of health: as health is a positive value, more health is better; this is true at both an individual and a societal level. Unlimited growth is in clear contrast to the behaviour of many individuals, as they chose not to follow well-meaning "healthy" principles and guidelines for a better life: better sleep, better shape and better performance. They exhibited a limited resistance, partially immunised by life in welfare states. The health system itself expects the primacy of relevance compared to all other functional systems, thus it "acts as an unlimited claim itself, limiting all other claims" (Luhmann, 1983, pp. 33–4), equalling the *modus operandi* in all of the other 11 or so functional systems, all of which connect their societal functions to positive moral values. Education is good, and more (and better), at least for the educated elites in the relative safety of Nordic welfare states or in Australia and New Zealand, protected by the Atlantic and Indian oceans. Health, it seems, is a substitute for religion in the old Marxist notion of an opiate for the masses. In consequence, the health system thrives from the continuous flow of COVID-19 infected patients, to whom they can enact treatments to prevent death, thus producing more health.

According to Luhmann, this tendency towards the turbocharging of the production of health is an inherent design consequence of the tendency towards unlimited growth. The limiting–or cooling–factors are the individuals included in the healthcare systems. They exhibit willful ignorance, they do not show up for appointments, they disagree with doctors

on treatments, or just do not care (Luhmann, 1983, p. 46). Secondary limiting factors are the limited economic resources allocated by public bodies and private customers (Luhmann, 1983, p. 49). This health-for-money perspective is coordinated in politics. The almost unlimited amounts of money made available by politicians on local, national and trans-national levels in the wake of the pandemic signal a fascinating moral synchronisation between politics and health which radiates to the legal, scientific, educational and other functional systems: surviving COVID-19, that is producing health in the future, is politically viable and without strong parliamentary opposition. The collectively binding decisions of politics have partially decoupled themselves from constitutional principles written in legal codes, instead, finding comfort in health production as a secure source for the majority. The coupling of health morality with politics is accompanied by an inflation of semantics formulations drawn from the realm of health into the specialised functional systems' own reservoirs: healthy budgets, healthy learning, healthy art, healthy law and healthy war? In the case of education, the home-schooling instructions by means of digital platforms and videoconferencing have shown the fascinating dance pairing of the education system with "health" inflation. The health promoted is not about realising a healthier, more robust learning outcome, but securing the short-term survival of the given body from dying from COVID-19, or at least reducing the risk of the student's body to act as an asymptomatic transmission host. Homeschooling thus serves as an element in the production of health, propagating the positive moral value of "health" onto incarcerated and isolated student bodies and minds. The violent messaging of "breaking points" in national healthcare systems signifies the creation of a taboo of moral and political reflexivity towards questions of proportionality and legality. From the mere standpoint of moral communication, advocating for crossing the breaking point of healthcare systems places such a standpoint in the same league as terrorists: either you are with us in lockdown, or you are against the further spread of COVID-19. There is currently, it seems, based on the public discourse, nothing to be learnt from the "covidiots". The real challenge awaits. At one point, as the US has learnt with the peace talks in Afghanistan, communication with terrorists must resume. The same goes for "covidiots". When politics shifts attention to other topics of interest and limits the available resources to this topic, the production of health will be reduced. The challenge of crossing from a pandemic in which people are obsessed with the production of health to a second-order challenge of distinctions remains: how can a positive moral value in the reduction of health production evolve? In short: downscaling is good. It might take a Miltonian Satan as advocate to sociologists analysing the current state of affairs to see all of the good as a source of potential evil and as evil observations indicate the contingency of all of the healthy morality currently abounding throughout society. The Devil as advocate might well remind scholars and politicians of the pitfalls of the surplus production of healthy morality by reminding us to focus on the task at hand:

> Our labour must be to pervert that end
>
> And out of good still to find means of evil

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