other engineers may not be able to make the necessary changes immediately because of budget or schedule, or at all because changes that they have already made bar the improvement in question. Engineers may also find an alternative way to achieve the same end. For these reasons (and perhaps others), nuclear plants, however alike at birth, tend to grow into noticeably different individuals, much as biological plants do.

Some people, especially philosophers, seem to think of those who stayed on at Fukushima — those who, for example, worked in the dark in waist-high radioactive water to restart the generators — as engaged in "heroic" conduct, that is, as engaged in conduct above and beyond what morality requires. The engineers I have discussed this with seem to view the conduct as heroic but required (supposing the "workers" in question to be engineers). An engineer who left when needed would have acted unprofessionally; he would have failed as an engineer even if he left to save his life or look after his family. Engineering sometimes requires heroism (a significantly higher standard than proposed in Alpern 1983) — or so the engineers I have talked with about this seem to think.

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A Pluralist Ethical Decision-making Procedure

Valentin Muresan
University of Bucharest, Romania

Abstract

This paper claims that the use of several moral tests to assess the ethics of a new policy is unavoidable. All the efforts to make credible a methodological monism – by critical or reductionist strategies – have been unsuccessful; moreover, it must be acknowledged that even if there were a single test, when applied successively or by different people it would usually give divergent results. The main aim of the paper is to propose a pluralist procedure of ethical decision-making, using a set of proper ethical tests (such as utilitarian, Kantian, Christian, principlist and casuist) in the frame of an "ethical Delphi" procedure intended to make convergent the supposed variety of verdicts. This pluralist testing process, made by moral experts, is only a fraction of a more complex procedure intended to deliver social sanction for a new moral policy. This longer procedure also shows that the adoption of a new moral policy, rule or law is not only a question of passing a strict ethical test, but also a political (i.e. multi-criteria) decision. In general, the adoption of a new moral rule does not rely solely on an ethical test, but is essentially the outcome of a complicated social agreement. That is why in academic applications of the usual moral tests we do not take a moral decision on a new case, but merely simulate it.

Key words: ethical decision-making, ethical pluralism, ethical Delphi, pluralist model

Decisions about the moral value of an action, rule or public policy cannot be reduced to a verdict resulting from the application of traditional tests based on the major ethical theories, despite the fact that handbooks still unanimously support this view. The history of ethical test results is more one of surprises than one of predictability. You would expect, for instance, that people who adopt the same moral doctrine do this in order to approach issues in the same way, including the moral assessment of actions. We all believe that this is the main reason it is useful to embrace the same moral creed. Therefore it seems strange to find that several members of the Romanian Parliament, all active supporters of Christian morality, assessed the legalization of prostitution in opposing ways. On the other hand, it is also strange that two people who adopt different ethical theories – precisely because they offer distinct explanations of moral phenomena – can frequently assess actions in the same manner. When a utilitarian and a Kantian – or a follower of Christian ethics and one of Muslim ethics – debate issues, it is somewhat surprising to see them judging situations in the same way in most cases, despite the fact they declare themselves to be supporters of opposing ethical beliefs. Are these beliefs really opposing? In general, it appears that use of tests based on distinct or even opposing theories, such as utilitarianism and Kantianism, can result in different verdicts, but in most cases it results in convergent ones (Kantian and utilitarian moral duties are, ultimately, the same). On the other hand, if we dogmatically adopt a single theory and apply the same test repeatedly to the same action we usually get similar results, but some divergent ones also appear (see the cases of divergent utilitarian assessments of the same case given as examples in the textbooks).
The labyrinth of Ethical Decision-making

These results bring to light several lessons: 1) using a single test does not ensure the uniqueness of the ethical verdict, as commonly expected, and using several tests does not guarantee a diversity of verdicts; 2) it is possible to have (a) two distinct, even opposite, tests (such as the utilitarian and the Kantian) leading to the same verdict, but also (b) two different tests resulting in two distinct verdicts; 3) it is also possible to have (c) a single test (used at different times or by different people) that leads to different verdicts, but also (d) a single test leading to a single verdict.

How is it possible that the same test (case c), when applied by different individuals or by the same individual at different times, can lead to different verdicts? And equally, how is it possible that different tests, based on competing theories, lead to the same verdict in most cases (case a)? For instance, how is it possible to evaluate the same case using consequentialist methodology and get sometimes one result, sometimes another? Or how is it possible that a utilitarian and a Kantian, who try to convince us that morality means different things, in most cases get the same results from the assessment process? Is assessment not an intrinsic part of an ethical creed? And if we have the same ethical creed, how is it possible to have distinct verdicts?

My approach is, however, broader (not only the alleged variety of verdicts resulting from the application of a variety of tests is made to converge (or diverge) in the same test, but also the convergent verdict, if a single test may be in a state of conflict ... Each of them also gives a partial truth of the matter and each approach also provides a check on the other. We do not look at the conflicts between these branches as bad, at least not always ... Chance to discover the mistakes sooner is enhanced when each branch is critically scrutinizing the other ... Ethical pluralism has as a model a healthy government in which diversity, disagreement, compromise and consensus are signs of vitality (Hinnan 1999, 93).

Although the terminology is not identical, this approach is similar in its purpose to the so-called “integrity approach” of corporations:

The integrity approach advocates the simultaneous and balanced use of the three ethical approaches (utilitarianism, deontologism and virtue theory). Sound decisions based upon integrity preclude the denial of moral complexity or setting for a simple, narrow-minded resolution based upon less than three key ethics approaches. An understanding of the concept before it can be set up a diversity of perspectives it offers (Kaptein & Wempe 2002, 86).

My approach is, however, broader (not only corporations, but any kind of organization at the local, national and global levels may be the object of analysis) and it is not focused on the moral content of a company but on the systematic moral assessment of importation and social issues. These include, for instance, new laws with moral content, public policies, and new technologies with a global impact. The big question in both the integrity approach and my approach is: how can such a scheme be implemented and enforced? Before trying to answer this question, we must consider some additional reasons for suggesting that a kind of methodological pluralism is preferable in our ethical deliberation. First, several evaluation frameworks and to choose only one means opening the way for allegations that the choice was arbitrary. Second, an attempt to reduce the multiplicity of tests to a single one by unifying the background theories (as in R. M. Hare’s unification project (1981)) has been proved to be a failure unless the new unified theory is only one of several attempts to theoretical unification. Third, the general strategy of currently embodied moral frameworks that the great theories and create pragmatic “assessment frameworks” based on “common morality”—does not ensure the desired methodological unity because these frameworks (for instance, ethical matrix, principled theories, or moral casuistry) have become more and more numerous; even more numerous than the ethical theories. Finally, even if by some act of magic we were left with a single ethical theory and that same test, and these were unanimously accepted, this ideal methodological monism, as we have seen, does not ensure unity of conclusion in applied ethics. We live in a society which is characterized by the pluralism not only of its moral values but also of its doctrines and assessment methods, and we must accommodate the reality of such an irrefutable pluralism. Moreover, we must use this characteristic, which defines democratic societies, to find a way to ensure a maximum of objectivity, convergence and rational grounding for our ethical assessments. Methodological pluralism does not exclude convergence of results. Let us think of a moment to consider this.

At first glance, this seems counter-intuitive. A plurality of methods is supposed to spontaneously induce a dispersion of verdicts, disqualifying pluralism as a possible method for ethical decision-making. If we look at the world through a plurality of ethical theories, we are likely to arrive at a plurality of ethical verdicts; although, of course, it is also possible to have only one. My question is: could we proceed in such a way that the alleged variety of verdicts resulting from the application of a variety of tests is made to converge (or diverge) in the same test? Obviously, we are not interested here in explaining a spontaneous convergence of opinions, but in a method able systematically to generate such a convergence, which for this reason becomes part of the test.

Spontaneous Convergence of Verdicts from Proponents of Opposing Theories

In a study devoted to the analysis of the status of modern applied ethics, Alasdair MacIntyre tackles the assessment conclusion that the best moral theory, rapidly arrived at a convergence of conclusions. In order to explain how this be explained?

MacIntyre gives as an example the story of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, which proved that the disagreement in principles (in the theories or ethical views adopted by members of the team), instead of generating a similar disagreement in their assessment of the case, was compatible with a practical agreement. This is only for the sake easily reached. The Belmont Commission is another good example of a pluralist group of ethical decision-makers, including people with various ethical involvements who, instead of spending their time in an unending debate around the best moral theory, rapidly arrived at a convergence of opinion and agreement in a common verdict. How can this algorithm be explained?

MacIntyre sees three possible explanations for the commissioners’ straightforward agreement. The first is that adoption of conflicting or rival moral principles may, surprisingly and unexpectedly, lead to the same verdict in the field of applied ethics. There is nothing new in this statement, but the question is: how is such a thing possible? We could use this example to wonder whether the so-called gap between practitioners and ethicists (the distinct explanations they give to moral phenomena) is as great as has been assumed, since their assessment outcomes are similar rather than conflicting. The second explanation is that the members of this assessment小组 did not actually apply their own principles (or theories, or ethical views); in fact, they judged the matter not following the principles they claimed to adopt, but in the light of typical cases. In these cases, because they were casuists without knowing it. This implicit use of the same method explains the convergence of results. Finally, the third explanation, to which MacIntyre nurtured by all supporters of what he calls the “dominant conception of morality” (Kantianism, utilitarianism, contractarianism and their various combinations):

The “dominant conception of morality” is the view that the rules of morality are such as every rational agent would accept them. In this sense, ‘applied ethics’ is concerned with the application of these universal principles to particular social spheres, the usual expectation being that the disagreements between principles automatically mirror the disagreements between the verdicts of applied ethics assessments. (MacIntyre 2008, 50)

This irrefutable pluralism of moral theories, views and methods has little chance of being eliminated. However, contrary to the view that plurality of methods inevitably entails plurality of verdicts, it has been proved that people with different ethical views may easily reach the same solution when they are put together to solve practical problem. MacIntyre gives as an example the story of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, which proved that the disagreement in principles (in the theories or ethical views adopted by members of the team), instead of generating a similar disagreement in their assessment of the case, was compatible with a practical agreement. This is only for the sake easily reached. The Belmont Commission is another good example of a pluralist group of ethical decision-makers, including people with various ethical involvements who, instead of spending their time in an unending debate around the best moral theory, rapidly arrived at a convergence of opinion and agreement in a common verdict. How can this algorithm be explained?

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Convergence Induced: The Ethical Delphi

What I want to propose here is to be even more systematic in the pursuit of a tool that is able to make opinions cohere. This can be based on the “Delphi method”. From this, an “ethical Delphi” was obtained by a group of specialists in the frame of a European research project on “ethics in biotechnology”, and which aimed at establishing a modification of this latter: a methodological ethical Delphi. In its original form, this test does not include any moral theory or ethical method for assessing, for example, a new biotechnological issue. A new and personalized “ethical Delphi” “it is not possible to directly deduce from the data analysis the ethical acceptability, or otherwise, of any proposed biotechnology” (Millar et al. 2006, 10). This is not a method to discover in facts the supposed ethical difficulties raised by a new biotechnology, but one focused on a pluralist and expert assessment of the moral acceptability of an already formulated public policy concerning that biotechnology.

Now, suppose we succeeded in assessing such a policy, using several ethical tests and making the evaluators’ opinions converge using an ethical Delphi. How should we proceed to socially impose the new moral policy, starting from the belief that morality is a social product and that a moral rule is a device required by society to protect some of its most important values? Is social recognition (homologation) the only factor, or is there an influence upon them by the rational criteria included in the ethical tests or should something more be added? My suggestion is that the social recognition (homologation) of a new moral rule as a dominant one in comparison with other types of rule is done following a further assessment process – on multiple criteria this time (not only moral), such as political: the intrinsic relevance of the moral rule as a dominant one in comparison with other types of rule is not exhausted by the examination of the ethical tests developed by moral philosophers (and taught in seminars) – even if we add the phronetic supplement suggested above – but also needs a political supplement. Actual moral decisions do not take place in an ideal, purified social space, in which the common morality is independent of any political, economic or geo-strategic interests; this simplifying mentality is specific to the academic practice of teaching the applicability of an ethical theory using simplified cases. But real ethical decisions are taken inside society, where there is a criterion based on various interests major and minor – some of them local or selfish; others more basic and covering the whole of mankind. Moral rules protect certain broad fundamental interests – with historical variability – and restrict our behaviour to ensure congruence with the interests of all those concerned in a neutral and impartial way. In these circumstances, it is impossible to adopt a new moral rule (such as the ethical principles of the Belmont Report) without a fundamental analysis of the consequences of the new or a code of ethics) which is not dependent, more or less, on the economic, legal, political and religious interests of that social community. Moral rules exist in a social context and depend on it. My suggestion is that, beyond the technical moral decision (based on standard ethical methods) – which remains the basic decision and gives the “official” reason for the conclusion – the final verdict itself is a political one (i.e. a multi-criteria and only partially a rational one).

This hypothesis appears to be consistent with the facts. For example, let us remember that the Belmont Report was a political initiative and its elaboration was an institutionalized process that lasted four years. To apply the principle of utility (or any other traditional ethical test) you do not need four years! During that period a pluralist and interdisciplinary committee held numerous discussions on the text, attended public hearings, and made constant efforts to achieve consistency with other similar reports or existing legislation. The adoption of the new norm was not adopted based on ethical criteria, but also on grounds of taste (“it’s too philosophical”), of practicality, and even on personal, irrational reasons (“let’s not take all these from the beginning”). All conclusions are based on the influence upon them by the moral policy of those times (the civil rights movement, the political climate of those times, the moral misuses of human rights and freedoms, and ultimately of human dignity – from the moral misuse of human genetic data. Therefore, a new need was perceived at the level of almost all the countries in the world: to have a new rule on this issue, able to block potential abuses and protect human dignity, to avoid the possible issues arising from an immoral use of genetic technologies – i.e. from improper handling of the human genome that could endanger the identity and the physical integrity of present and future generations. This was a case of moral regulation, but nobody knew what form it should take in order to be able to serve the divergent interests of the citizens of all states – those of scientists and physicians, the religious organizations and the NGOs – in a manner consistent with other related regulations that had already been adopted. The IBC (International Bioethics Committee) set up an international project to regulate the use of genetic data belonged to the UNESCO Director General. In May 2001 he asked the International Bioethics Committee (IBC) to draft the new regulation. The document was finalized three years later, in May 2003, at which point some voices claimed that the process was a little too fast. The IBC set up a “drafting group” composed of experts: an interdisciplinary and pluralist group. It deserves to be noted that the organizers believed that the best place to take ethical decisions was in an ethical committee that was “independent, multidisciplinary and pluralist” (UNESCO 2003, Article 6). In this case, the panel was made up of four legal experts, three experts in genetics, three in bioethics, two in moral philosophy, one in anthropology and one in chemistry. The moderators were from France and Italy. All logistical support was, of course, granted. The panel first established the moral foundations of the new regulation (the principle of dignity, which is fundamental; then...
the principles of equality, solidarity and responsibility; as well as some form of welfare, precautionary and vulnerability principles (see UNESCO 2003, Preamble). The group worked in a typical principlist manner (see Article 1), the criterion of moral acceptability being “internal consistency” with the moral principles accepted and “external consistency” with other moral rules concerning human rights. It also pursued consistency to satisfy the relevant law, sometimes by broadening the meaning of confidentiality and consent, so that the regulation cannot be imposed unless the legislation of the country allows it (DHGD, 2003). The expert group proposed a number of general philosophical options concerning human nature, freedom and responsibility (as opposed to biological reductionism, for example), in the light of which the document was conceived. The first draft of the document was issued in November 2002 and it was sent to the IBC to be analysed. Overall, there were seven meetings of the expert group, but they did not have the last word in the social and political approval of the Declaration: this belonged to a political group, representing all stakeholders.

To ensure coverage of the positions of all parties in the document, the draft was submitted to a public debate. The public character of a moral regulation and the requirement for it to be accepted by society at large (not imposed in a paternalistic way) seemed to be a sine qua non (GR). So, the expert group organized the decision-making process – a necessary condition of its morality. This reminds us of Kant. The document stresses that: “States should endeavour to involve society at large in the decision-making process concerning broad policies for the collection, processing, use and storage of human genetic data” (UNESCO 2003, Article 6). In this way, through a transparent, public procedure and eventually to capture in the document the variety of interests, from the level of states to that of individual researchers or NGOs. The pluralism of this approach was also useful for the decision-making process, which may benefit from international experience, should ensure the free expression of various viewpoints (Article 6). The steps of this exercise of democratic transparency were represented in the consultation process through a questionnaire, plus a special meeting; a public hearing, in which a variety of organizations and individuals were free to express their views; and an assessment by the UNESCO Executive Board. During all these processes the “weight” of the document was established: it would be a “declaration”, so it had no legal force but only moral influence. Thereafter, the document was reviewed by a “standing committee of experts” (CV) of the new regulation with laws or public policies (CV) of the new regulation with laws or public policies (CV) of the new regulation with laws or public policies (CV).

In contrast to the UNESCO procedure described above, this scheme distinguishes between GR and GPDE (groups with different functions and powers), the kernel of the pluralist decision procedure being represented by a “standing committee of experts” (CV) of the new regulation with laws or public policies (CV) of the new regulation with laws or public policies (CV) of the new regulation with laws or public policies (CV). But GPDE is not a provider of final moral verdicts. Its activity aims at applying moral tests to a given case. Its main objectives are to identify the divergence and convergence of several expert moral assessments and to identify the roots of their disunity; to provide a professional basis for the final ethical decision, which is a “political” one; to provide a map of the moral problem under discussion for the use of policy-makers and politicians who will take the final decision; and in general to encourage systematic and professional ethical thinking in the moral assessment of the main practical issue.

It may be objected that the presence of GDP suggests that whether a rule is moral or not depends on its approval or rejection by society and not by an objective ethical reason. Or that the whole doctrine of cultural relativism: that all moral rules are dependent on the social context in which they are established. In reality, both happen: the moral character of a new rule is established by GDP, not by GDP, and the members of GDP may use universal principles (I find it is an error to ignore universal moral principles in building ethical codes, as usually happens). GDP does not establish the morality of the new rule, but only decides whether the society recognizes the morality of the regulation approved by the GPDE experts. This suggests that the new moral rule or policy acquires its authority ultimately from a kind of social consensus, and not only from technical ethical reasons such as “maximization of utility” or “respect for human dignity”, and similar. One may ask what Richard Hare (1993) does when he applies his two-level scheme to concrete cases: does he establish the moral character of the case? In fact, he only simulates a part of the process of moral assessment, conceived as a social phenomenon.

We must consider whether this scheme contains a mix of ethical and non-ethical procedures, the latter risking an alteration of the moral substance of the project. Despite apparent neutrality, the first phase (substantive cases, considered non-ethical) have an obvious connection with ethics: identifying and formulating a moral problem, establishing the conditions of publicity and autonomy in the adoption of a new rule or policy. The second phase (concrete cases) appears as a part of the process of moral assessment, conceived as a social phenomenon.

A Pluralist Ethical Decision-making Procedure

Valentin Mureasa

A Model for Ethical Decision-making: A Scheme for Adopting a New Law or Public Policy

What is the general scheme of the process of ethical decision-making suggested by this example? Suppose, in principle, that we are confronting not a normal situation, but an “extraordinary” one; i.e. we want to introduce a new rule in a code of conduct (one disputed by others), or to resolve a moral dilemma which raises questions for the first time to a group of political decision-makers (PD). In this case, there is a social issue the moral acceptability of which should be judged, there will be an applicant institution (S) – for example, the government or parliament, a university, a company, or similar – asking for the assessment. It is natural that this requirement should be set up on a contractual basis. The applicant seeks a mature and responsible answer to the question: what kind of penalties should be associated with it, and what kind of sanctions or measures should be taken if it (such as ethics training programmes). A final rejection of the project (which might also occur for extra-moral reasons) would mean delaying its implementation by S. Schematically, this process looks like this:

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complicated. In fact, it is no more complicated than the procedure used for the adoption of any important moral rule. And I believe that the ethical decision-making procedures have to be detached from their traditional handbook simplicity if we believe in their social utility. In current circumstances, when the usefulness of applied ethics is often denied, it seems to me essential to enhance its credibility by a more explicit development of its procedures, such as that described above.

The Pluralist Ethical Decision-making Group

The procedure of methodological pluralism that I am proposing here requires us to recognize all the tests derived from the great theories and all the decision-making frameworks independent of theories, and to give them an equal chance in the evaluation process; i.e. to use all of them inside a pluralistic ethical decision-making group (GPDE). This group should be composed of experts who know the investigated field well and who are also able to handle a moral decision method or know how to apply a general ethical doctrine or moral script (such as the Christian one). An important step in such a process is the setting up of a panel of experts who knows the facts and is able to apply one of the following ethical decision-making methods:

- Here’s utilitarian method (or other utilitarian procedures);
- the principlist method;
- the ethical matrix;
- moral casuistry;
- Christian ethics;
- other ethical decision-making methods (such as the Kantian method, the ethics of care, virtue ethics, and so on).

How could we systematically coordinate such a heterogeneous decision-making group, characterized by divergent ethical views? Some would probably say that this process takes place spontaneously, as the case of the Belmont Commission shows. But none of us can be sure of that, and therefore it is preferable to control the process. We can do this, I suggest, by making the assessment team work under the procedure called the methodological ethical Delphi — a method that helps the group members to reduce the dispersion of their assessments and ultimately to propose a final (provisional) solution. As we have seen, the ethical Delphi is an “iterative participatory process between experts, on various views and arguments on ethical issues. The method is structured around the notion of a virtual committee where the exchange of ideas is conducted remotely through a series of opinion exchanges” (Miliar et al. 2006, 5). What this method can provide is a “map” of the experts’ opinions on the ethical acceptability of a new policy but it cannot provide definitive judgments. More specifically, it helps to identify the common ground and the diversity from the experts’ points of view, to encourage ethical reflection and provide a rational basis for making ethical decisions. Practically, the GPDE could be structured by this procedure as a basis, by funneling the decision which becomes functional on demand. It has to have a monitor or coordinator (M) with experience and moral insight. M’s task is to coordinate the activities of the panel, allowing the monitor to remain at a final result from outside, but self-imposed. This means that after completion of the experts’ RM, the political group assesses the “weight” of the new policy — and therefore the degree of its “overridingness” — bearing in mind the social importance of the values it protects (we may live in a society that considers values such as dignity, equality and justice either important or unimportant). Depending on the assessment and negotiation of the degree of “overridingness”, some sanctions will be associated with the new policy (some typically moral ones, such as educating individual moral sense and public attitudes; but also some legal ones).

Finally, the group of political decision-makers checks the consistency of the new regulation with existing moral and non-moral rules, the amount of resources available (to guarantee its applicability) and the degree to which it is consistent with the political, economic, religious or philosophical beliefs of the members of that society. For example, an ethical decision regarding abortion or the status of human embryos will be influenced by the religious or political beliefs of the decision-maker, the pressures of public opinion, certain specific emotional episodes, and so on. Or, to consider another example, a strictly ethical technical decision requiring the isolation of hospitals for mentally ill people, if taken during the Cold War period, might have been suspended for reasons of political and geo-strategic expediency considered more important than the ethical ones. An example is the incarceration of anti-communist political dissidents in psychiatric hospitals, for instance). All the above factors influence the final verdict. They will probably not change the experts’ RM (politicians will not say that to free those dangerous mentally ill people and therefore to risk the security of the rest of the population is a moral action) but they may postpone approval of the new rule for reasons of political expediency (although we might accept, as rational people, that the isolation of some mentally ill people in hospitals is a moral act, it is not expedient for political and geo-strategic expediency). Depending on their choices, the Council of Europe agreed that ethical issues in general have precedence over those of expediency or financial convenience, asking at the same time that...
a new scientific research or technology be assessed with the long-term potential consequences in view, even where uncertain in the light of current science (the “precautionary principle”). Moreover is:...