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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—as engaged in “supererogatory” conduct, that is, 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.

Acknowledgments

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References


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A Pluralthetical Decision-making Procedure

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 pluralistic 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 pluralistic 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.

Keywords: ethical decision-making, ethical pluralism, ethical Delphi, pluralist model
The Unavoidability of Ethical Pluralism

My answer is that if ethical decision-making procedures were correctly designed, they would ensure a verdict’s uniqueness and thus the overall internal consistency of moral assessments. However, there is no algorithmic ethical test. It is acknowledged that ethical decision-making procedures are not conclusive, in the sense that any verdict is merely probable and therefore reversible. This is because during any test procedure a number of internal factors undermine the uniqueness of the verdict or, in the case of two tests, may generate a spontaneous convergence of verdicts. Among these factors we may mention the probable character of the consequences, the unavoidably subjective selection of the relevant effects, the equally subjective selection of the decision procedure from a class of methods of the same type (for example, there are several utilitarian procedures), the als ob character of Kant’s principles of application, the dialectic and the evaluating of a single moral function, and all this underlines the idea that the alleged variety of verdicts resulting from the application of a variety of tests is made to converge (one might wonder how many explanations are there in the group of ethical decision-makers, in which each member uses distinct moral principles and distinct assessment procedures, but all members are made to reach a single, common verdict? Obviously, we are not interested here in exploring a spontaneous convergence of opinions, but in a method able systematically to generate such a convergence, which for this reason is 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 of ethical theories and the question of whether two groups of ethical decision-makers, the utilitarians and the Kantians, will be able to arrive at a common verdict.

The problem under scrutiny and by facilitating in this way a detailed analysis of the case, but not a final conclusion. In such a situation, since the use of a single test or test type does not ensure the uniqueness of the ethical verdict and therefore the unity of the moral judgment, I suggest that the use of several tests is preferable. Methodological monism is not the most promising solution: ethical pluralism seems to be the only viable strategy of moral evaluation.

Ethical methodological pluralism is a doctrine that claims that there are several explanations of moral reality, and that 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 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 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 important 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 ethics. First, there are 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 project 1981) has been proved to be a failure unless the newly unified theory is only one of several attempts to theoretical unification. Third, the generality of the principle currently embraced by the proposed methodological pluralism is not such that the great theories and create pragmatic “assessment frameworks” based on “common morality” – does not ensure the desired methodological unity because these frameworks (for example, ethical, principled, 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 a single 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 pause for 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 of 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 how can it be explained)?

Let us consider the so-called “integrity approach” of corporations: a model of ethical decision-making that claims that: there are several explanations of the phenomenon under scrutiny and by facilitating in this way a convergence problem, starting from the obvious fact that the alleged variety of verdicts resulting from the application of a variety of tests is made to converge (or how can it be explained)?

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 as a model a healthy government in which diversity, disagreement, compromise and consensus are signs of vitality (Hinnan 1999, 93).
subscribers, is that the workings of the commission were presented in a false light, with the claim that the deliberation process was completely rational; in fact, all deliberation and decision-making inside the commission were not "breeds of a method 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 where we propose 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 biotechnology: using a "medicalized" 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 of the influence upon them only 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 for political, economic, or religious reasons. The conclusion is that the decision to adopt a complex new moral policy is never merely an ethical one; it is, in the last instance, a political multi-criteria one. Moreover, the more "quality" a moral rule is, the more the assessment, or the "weighing", is only a metaphor, for which there are no explicit rules. Therefore, the assessment process is not a (completely) rational one. The convergent final verdict is the consequence of these reciprocal psychological influences (MacIntyre 2008, 52).

The first of MacIntyre’s points is not an explanation but a finding: we know that competing ethical principles sometimes can give rise to identical verdicts. The second explanation is not very strong: as we have seen, unity of methodology does not ensure unity of verdict. The third explanation seems more probable: ethical assessment is not an entirely rational process. The explanations and the example given suggest a situation where the assessment convergence is something that occurs spontaneously or quasi-sprontaneously. The key questions for me are: what factors determine the spontaneous convergence of the verdicts of two or more opposing tests (and is it possible methodologically to ensure such convergence in cases where it does not occur spontaneously)? How is it possible that the same test gives different verdicts on the same case: are ethical tests so weak?

Regarding the first question, the most plausible answer would probably be that, in order to reach a partial agreement, the ethicists have to use their "practical wisdom", their ability to discuss and negotiate, and various forms of irrational persuasion to convince their interlocutors; they have to refine the methods used and adopt new methods, use various forms of "a social non-rational agreement". The non-rational ingredient enters the debate in the following manner: ethical principles are indeterminate in the sense that they cannot stipulate all the circumstances in which they may be applied. The conclusion is that, in case of a future application, new circumstances may arise, forcing us to take a decision only after weighing the new circumstances; but "weighing" is only a metaphor, for which there are no explicit rules. Therefore, the assessment process is not (a) completely rational one. The convergent final verdict is the consequence of these reciprocal psychological influences (MacIntyre 2008, 52).

I shall start to shape a new pluralist procedure of ethical decision-making by analysing a specific case study: the setting up by UNESCO, at the global level, of a public policy with a substantial ethical content, trying to capture the actual structure of the process of ethical decision-making (which might be shared by similar processes in other kinds of institution). The specific example is the International Declaration on Human Genetic Data (UNESCO 2003) – a new moral regulation claiming universal (planetary) validity. The 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 final formula was not based only on ethical reasoning, 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 committees work for the influence upon them by the political climate of those times (the civil rights movement, the public scandals concerning biomedical research that pressed the policy-makers to develop a system of moral rules for this professional field for the first time, and so on). For example, Tom Beauchamp remembered on the occasion of the 25th anniversary of the "Belmont Report" (an initiative to "lieom" political and religious 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 final formula was not based only on ethical reasoning, 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 committees work for the influence upon them by the political climate of those times (the civil rights movement, the public scandals concerning biomedical research that pressed the policy-makers to develop a system of moral rules for this professional field for the first time, and so on). For example, Tom Beauchamp remembered on the occasion of the 25th anniversary of the "Belmont Report" (an initiative to "lieom" political and religious 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 final formula was not based only on ethical reasoning, 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 committees work for the influence upon them by the political climate of those times (the civil rights movement, the public scandals concerning biomedical research that pressed the policy-makers to develop a system of moral rules for this professional field for the first time, and so on). For example, Tom Beauchamp remembered on the occasion of the 25th anniversary of the "Belmont Report" (an initiative to "lieom" political and religious one (i.e. a multi-criteria and only partially a rational one). This hypothesis appears to be consistent with the facts.
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 pluralist 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 the internal 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 document and the final 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 condition for its legitimacy (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 should have the possibility to request an ethical test. Or that this means falling into the vulnerable domain (PD) which does not exist in the procedure used by GPDE (which does not exist in the procedure used by GR). This group also has to check the compatibility of the project (which might also occur for extra-moral reasons) and finally to have the following plausible form. First, because the regulation approved by the GPDE experts. This is not just an ethical problem, 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 overall good (GR). This is a new public policy on a controversial issue arising from several public concerns and complaints. The deployment diagram of the process of moral decision-making seeks to organize 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 the possible public advice 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 used in this document: this decision-making process, which may benefit from international experience, should ensure the free expression of views on any issue, and the right to present one’s views and to listen to others, as a means of enhancing the ethical quality of the decision-making process. It may also be objected that the procedure is too lengthy and difficult to implement by the states. The use of the Pluralist Ethical Decision-making Procedure (P2) is in line with the ethical principles of the International Conferences on Ethics in Science and Medicine and the Non-ethical Science and Medicine, and is consistent with the recommendations of the World Medical Association Declaration of Helsinki. The outcome of this process is an improved version of the project because this group does not make amendments to the draft but assesses the project. The evaluation report is either negative or positive; S is the only participant to decide whether the process continues or not. For instance, there might be a moral assessment rejecting the legalization of prostitution, but the applicant decides to continue the debate of the law in parliament: there – on other criteria, including economic and political ones – the adoption of the law may be decided. To "continue" the process means that P2 (together with RM) is transferred to a group of political decision-makers (GD), a group meant to represent the whole society (or the whole organization), which is able to give a final verdict. This group, composed of politicians or other public representatives, will inevitably judge by multiple criteria (including moral, economic, religious, political and strategic ones), as well as rational and irrational factors, and will accept or reject P2 together with the RM. It will also establish the weight of this new regulation (is it a law or only a political directive?), what kind of penalties should be associated with it, and whether it should be adopted to the existing legal framework (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:

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 P2 (together with RM). GPDE is the group of experts (which is organized by UNESCO). 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 divergences and convergence of several expert moral assessments and to identify the roots of their dissensus; 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 by 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 issues.

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 evaluation. Or that this is a kind 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 say 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 formal similarity, the first part of the procedure (considered non-ethical) has an obvious connection with ethics: identifying and formulating a moral problem, establishing the conditions of publicity and autonomy in the moral assessment of the main practical issues. The other part of the procedure, the previously adopted moral rules. What follows is also an ethical step: the application of typical ethical tests (GPDE) and the writing of a moral report (RM) which gives final conduct on the moral acceptability of the project or policy. Finally, at the level of GDP a new evaluation occurs, this uses both ethical and non-ethical criteria, but the presence of the non-ethical criteria does not affect the moral character of the project. This means that GDP should not be seen as a group involved in ethical assessment, but as one meant to socially approve and impose a new moral rule, guided by moral and non-moral criteria. The requirements for the adoption of a new ethical code or new moral public policy (but not of its moral assessment) is that it is always done on non-moral criteria too. It may also be objected that the procedure is too
complicated. In fact, it is no more complicated than the procedure used for the adoption of any important juridical law. 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 mature 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 them, 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 system (such as the Christian one). An important step in such a process is the setting up of a panel of experts who know the facts and is able to apply one of the following ethical decision-making methods:

- Hare'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 is likely to consider it 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” (Beekman & Brom 2007). In fact, it is easy to see that this broad ethical decision-making group can reach a consensus simply by averaging the views expressed by the experts in the form of a conclusive statistical judgment. The experts’ capacity to obtain information about the preferences of all “stakeholders” and about the foreseen consequences of the policy assessed is crucial at this stage. The interaction of the panelists will also ensure clarification of their philosophical, religious or political commitments, so that all evaluators will judge the same facts, as far as possible. At this stage no methodological uniformity is desirable. Rather, methodological pluralism should be encouraged. The moral verdict (RM), even if provisional, has to be prepared by M and relies on the outcome of the panel (the statistical trend of opinions in the panel), on other moral considerations, on M’s own moral wisdom and power of persuasion, and on the phrasic formulation of evaluative judgments, which is obvious. It explains why the members of the group can reach a common result although they remain supporters of their initial divergent moral beliefs and principles.

The various methods of ethical decision-making mentioned above provide a strictly moral evaluation of the new rule or policy, regarded from various moral perspectives, using various variables. To reach a consensus does not mean reaching the correct result. The ethical Delphi, which is meant to generate convergence of opinions in conjunction with the set of ethical tests, only helps us to get closer to a clearer structure of the moral problem under discussion and to offer the political team a solid basis for decision-making. It identifies those topics that the group of experts considers important for the object examined and various previous agreements and commitments may support the policy-makers by enhancing their moral creativity and capacity for ethical decision-making when faced with complex moral issues in situations of incomplete or disputed information. This evaluation process of undertaking the same act using several methods produces a strictly ethical verdict signed by the monitor; this moral decision is finalized in a report (submitted to S) or report is modified and the experts are begged to modify their decisions. This report, in the form of public debates, citizen juries or consensus conferences (Beekman & Brom 2007).

In any case, the whole community must feel that the new moral rule belongs to it. From this perspective, it is increasingly held that one of the defining characteristics of moral rules is that they acquire authority ultimately by a kind of “social consensus”, with the community’s agreement that they are the best means to achieve the objectives of morality; i.e. to provide for human “flourishing” and to oppose those factors which could harm us and affect the quality of our lives (Shone-Seifert 2000). To substantiate such a social code is to recognize that it is a social code: that it must be imposed by society at large, generally respected and culturally transmitted.

Therefore, whether 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 the existing moral and non-moral rules, the amount of resources available (to guarantee its applicability) and the degree to which it is satisfactory relating to 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 from crime-ridden 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 health of the mentally ill (and perhaps even the discredit around 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 (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 reasons). In making ethical 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 uncertainty in the light of current science (the “precautionary principle”).

Moreover, it is the moral character the process of adopting a new policy ought to be autonomous: that is, it should not come from outside (from “rulers” or the staff of a company), but from inside (from the will of all the members of a company or organization). A code of ethics is morally imposed not by a paternalistic procedure but by one which is assumed freely and autonomously (L’Etang 1992). This reminds us again of Kant: the typical moral is the internal sanction. Which brings us to another important point: an ethical code can be public. Moral evaluation issues should be moved from the narrow circle of experts to the public arena; they must be debated in a transparent manner with those affected by them. In a successful democracy the citizens’ attitudes should be known by the rulers and the rulers’ intentions known by those governed (the principle of transparency or publicity). This process may be left in the hands of hazard or it may be managed rationally.

Regarding the moral assessment of actions, policies and similar, the most objective human point of view is that of a certain moral theory or method, but the combined points of view of several theories or methods used for the benefit – and with the democratic participation – of a large number of people.

Concluding Remarks

The issues approached in this article do not belong to ethics in a narrow sense, nor to the practice of public policy among a group with divergent views on topics that have an ethical dimension, but to a kind of research (which the main topic of my article belongs – is ethics “management” among those organizations that make policies at the global, regional or national levels. It tries to introduce ethics there where they are most lacking.

Currently, public policies at these high levels usually lack a genuine moral dimension; in many cases it is only claimed, at best: consider how laws are adopted in parliament. Moreover, we live not only in a world with precariousness of enforcing morality, but also one with a plurality of systems of moral values, where several ethical theories and meta-theories are cultivated simultaneously by various groups of moral philosophers: a world where several methods of ethical decision-making, several ethical tools and a variety of ethical frameworks are used at the same time. This article tries to offer an answer to the question: how can we manage this diversity? I have made a virtual ethical pluralist Delphi group inserted in a larger decision-making structure focused on cultivating the moral dimension of a new law or public policy.

I have stressed those moments in the decision-making process where various known ethical principles manifest themselves, such as the principle of publicity, autonomous adoption of a new policy, normative consistency or democratic participation, or the principle of a new moral establishment. But the kernel of the process is the GPDE. The moral content of a public policy or law should be carefully identified and treated as it deserves during the decision-making process. Finally, I propose that we should think more attentively, contrary to an academic practice which isolates the “ethical tests” in their theoretical technicality, that in the last instance, a real moral decision is a question of social agreement, and in some cases a political decision. Morality is a social institution, not a private choice.

As for the GPDE, I see it as an expert group functioning on not following “theoretical” background: imagine the members of the group using not simplistic ethical tests (such as the calculation of consequences, the utilitarian paradigm) that could be used when and where needed. In short, they use a moral paradigm, which gives them a kind of gestalt for judging all concrete cases. Instead of the utilitarian test we shall have the utilitarian paradigm. In fact, this is the way we function as moral evaluators. If we are Kantians, we see the moral world in Kantian colours. The theologian in the group will, for example, firmly claim the immorality of abortion (which is obvious in his gestalt), while the utilitarian may support the morality of abortion (which is also obvious in his gestalt), and a doctor with religious sensibility will adhere to the views of the theologian, and so on. The question is: how can we make compatible these various assessments in order to obtain a coherent single verdict? Of course, the coherentist procedure of rational critique and rational compromise will be one of the mechanisms to obtain a “reflective equilibrium”, but it is hard to believe that we could force members of the group to make their views compatible only by rational argument. We cannot reach an “overlapping consensus” if the members of the group are not determined to adhere, at least in part, to the views of the others. This supposes a “change of paradigm”, a gestalt switch, which is difficult and essentially irrational process, the result of an intense and common activity of convincing partners by using both rational and irrational (persuasive) means. The moral discourse is used in this case, at least partly, as an instrument of persuasion, (in the emotivist meta-ethical tradition). And the result may be the adoption of one of the paradigms, or of a partly modified one. This could explain why a text as that of the Oviedo Convention on cloning was finally written in a Kantian style and not in another. In this approach, an ethical decision such as the setting up of a new moral rule is not a completely rational process. The result of this negotiation will be a verdict which is never final.

Of course, not all ethical decision-making tools are like those proposed in this article. This is a large scale one and, generally, ethical tools are relative to the context. Members of the community of applied ethists are called to elaborate such instruments in accordance with various organizational and individual contexts, all of which fall under the form of a hierarchy of procedures. The individual methods of ethical decision-making may serve, for instance, the institutional formation of an ethical mind among all the employees.

To conclude, imagine at one extreme the moral philosopher with her ethical and meta-ethical complex problems, without a great interest in application; then a middle ground populated by applied ethicists of various kinds (among them managers of ethicists, makers of methods, builders of ethical codes, specialists in ethical training and the formation of ethical thought); and at the other extreme the interested users of these new products originating in ethics – the managers and personnel of various organizations; and at the other extreme the interested users of these new products originating in ethics – the managers and personnel of various organizations.

The professional applied ethicist has to address the issues and try to help. Using what? Not the Nicomachean Ethics or the articles of Prichard on intuitionism, but an appropriate “ethical toolbox”. This article was intended as another tool in this ethical toolbox.

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