ETHICAL DECISION-MAKING. REVISITING A SELECT FEW CRITICAL THINKING FOCUSED FRAMEWORKS

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Abstract:

Decision-making is never an easy task. Moral, ethical and legal constraints make it even more difficult especially when decisions do not necessarily fall under right v wrong courses of action. The multifarious factors that come into play such as cultural norms and practices, business deontology, legal framework, overall timeliness of decisions may turn the decision-making process into a conundrum. A possible solution advanced by this article is to revisit a select few critical thinking focused frameworks that could represent points of reference for decision makers who are keen on taking decisions that do not only meet the goals of the organizations that employ them, but are first and foremost ethical in their nature.

Key words: uncertainty, ethical risk, critical thinking, ethical decision-making, resource availability, timeliness, individual predispositions, environmental uncertainty.

1. Introduction

The ability to make decisions, especially under conditions of uncertainty, ambiguity, risk, and the generation of results that do not necessarily meet general expectations, is one of the attributes required of any leader or manager. Ethical decisions are all the more difficult because they are exposed to the scrutiny and interests of various stakeholders and to organizational and legal constraints. A mechanical, aseptic approach to decision-making involves making a choice from a more or less varied range of alternatives. Ethical decision-making involves the formulation of value arguments and generates increased complexity in the decision-making environment.

A systematic approach to decision making is an effective way to generate outcomes that are consistent not only with organizational objectives but also with individual values and goals. Everyday life exposes people to situations that call for mechanisms to identify the most appropriate solutions and the latter are more often than not developed based on experience and not necessarily methodically. Dealing with ethical or other dilemmas brings out patterns of thinking and decision-making predispositions. On the other hand, the moments of hesitation between two or more alternatives for action are the perfect opportunity to validate or invalidate decision-making mechanisms and systems to which people more or less consciously relate. Familiarizing oneself with the models proposed by practitioners in the field, internalizing them or checking one's own decision-making system are the objectives

that professionals should set for themselves in the context of their own development or the development of others.

Ethical decision-making refers to the process of assessing the moral consequences of an action. Decisions that generate consequences for others have both an ethical and a moral dimension.

2. Factors influencing ethical decision-making

The main factors that act as pressure points [1] on the decision-making process and influence the fairness of decisions are the constraints of resource availability, time, individual predispositions and environmental uncertainties. In this respect, according to David Luban [2], ethical decision making and subsequent behaviour depend on three fundamental dimensions: time pressure, ambivalence of the situation and the self-image of the individual.

Time as a pressure factor can negatively impact ethical behaviour. It may be either that people have too much time to kill, or that they have to act in a hurry relying on their instincts and emotions rather than on their judgment. John Darley's Good Samaritan experiment demonstrates the human predisposition to ignore moral obligations (i.e. to help a person who appears to need medical assistance) when placed under the imperative of fulfilling an obligation already undertaken. Too much authority vested in occupants of decision-making positions in relation to those deprived of the power to defend their rights along with time as a constraining factor (i. i.e. too little time available or too much time available for decision- making) can have morally and ethically negative impact. Stanley Milgram's experiment, together with the human rights violations manifested in abuses and torture in Abu Ghraib prison [3] demonstrate how a majority of supporters of obvious moral principles can be radically transformed and become promoters of what Hannah Arendt calls „the banality of evil" [4]. At organizational level, systems, structures and practices are needed to slow down a hectic pace, to manage time, to allocate tasks judiciously, to achieve a balance between personal and professional space, to filter decisions without prejudicing planned results. Ambivalent situations generate cognitive dissonance, namely a clash between feelings/emotions determined by the manifestation of an internalized value and the requirements of a specific task.

Self-image is closely related to what March and Olson [5] call "the logic of appropriateness". Human behavior is determined by *"the rules of what constitutes exemplary organizational behavior. Rules are followed because they are interpreted as natural, fair, predictable and legitimate. Actors attempt to fulfil their obligations as part of an existing role, identity, community membership, [...], group, ethos, practice or expectation at the institutional level. As part of a social group they act as they see fit in a given situation".* Therefore, the logic of appropriateness and the behavior generated by it is based on the answers that each individual gives to the questions concerning the definition of the situation they face, the self-image/definition of their own role in relation to the situation identified and the type of behavior and role imposed by that situation. The roles that each person assumes throughout their professional and personal life have an overwhelming importance for a person's self/image. Each of those roles involves rules of behavior and their appropriateness to specific situations. Unfortunately, the logic of appropriateness is based on a tacit understanding of what is true, reasonable, natural and right. Even if it has moral nuances, in reality it can lead to serious moral or ethical deviations, as in the case of the numerous ethnic

cleansings in more or less recent human history or bloodshed on religious grounds. Such a logic is completely at odds with the logic of consequences.

Also in terms of pressure factors, decisions depend on contextual particularities. In an article published in the Harvard Business Review, Snowden and Boone [6] argue that decisions are strongly influenced by factors that are internal and external to an organization. These factors characterize the context of decision-making and, as a result, decisions are circumscribed by a certain approach which, in addition to specific advantages, also has disadvantages. The four contexts described by the two authors follow an axis starting from the simple to the chaotic, with intermediate stages such as complicated and complex. These are as follows: the simple context or best practices context; the complicated context or the context of expert involvement; the complex context or the context of emerging solutions; and the chaotic/rapid reaction context.

The simple or best practice context is specific to areas deeply rooted in process compliance (e.g. procurement). It is characterized by clarity, explicit cause-effect relationships. Such a context allows for the manifestation of a command-and-control style of management that involves clear orders, delegation of decision-making (since access to and understanding of information is unequivocal) and automation of execution. Extensive communication between managers and employees is not necessarily given by the existence and use of best practices and processes. On the other hand, the existence and facilitation of communication channels are mandatory so that complacency and unwillingness to improve as the main features of such a context are overcome. Decision-making problems at this level are generated by framing the situation requiring a decision in a best practice context due to oversimplification. The constant tendency of managers to require the reporting of information in a condensed manner regardless of the complexity of the situation which hinders the ability of the decision-maker to recognize and accept opportunities for innovation, continuous improvement, critical thinking.

The complicated or expert context is characterized by the existence of multiple responses to the same situation, and although a cause-effect relationship can be identified, it is only visible to experts in the field, to professionals. Thus the context is determined by the existence of a user and a generator of a product. In the case of the decision-maker, the statement that must guide the search for an appropriate solution is to honestly establish "I know that I don't know". Addressing such contexts for decision-making requires bringing experts together and accepting that their answers may be contradictory. Also, this type of context always involves a trade-off between making an appropriate decision and simply making a decision. Problems specific to decision making in such contexts include an over-focus on planning at the expense of action, and an over-reliance on experts rather than a focus on simple, to-the-point answers.

The complex or emergent solutions context requires the decision-maker to recognize or attempt to identify "what they don't know that they don't know", i.e. to assume that none of the possible answers seems appropriate. Understanding the causes can only be achieved retrospectively. The best decision-making tactic can therefore be summarized as "seeing and doing". Imposition of direction by the leader in such contexts is not appropriate. The most appropriate approaches involve intense communication and interaction with a focus on idea generation. In terms of the leader's behavior, the leader should: avoid managing the situation through command and control and exercising excessive control by focusing on planning and results; step back and allow innovative, creative solutions to emerge; intervene and reinforce those solutions that prove useful, workable. For example, crisis situations involve finding a

solution under extreme constraints (time, resources, and human lives at risk). From the point of view of the decision-making process specific to this type of context, it involves examining the factors specific to the decision-making situation, understanding them and the alternatives and making a decision.

The chaotic/rapid reaction context is characterized by the impossibility of determining the cause-effect relationship. In terms of decision making, it involves first restoring order, understanding areas of stability and areas of instability, and taking action to transform the context into one of emerging solutions. Communication in such situations will always be top-down and does not involve time allocation for input. In terms of managing the situation, it involves setting up two teams: one to manage the crisis and the other to identify emerging solutions.

The taxonomy above is a good tool contributing to decision-makers' capacity to assess a situation and identify the best possible approach under given constraints. It does not necessarily inform on how to make ethical decisions, but it does underline the stumbling blocks that need to be overcome by too much certainty or by a very high level of environmental volatility. The contextual anchoring of the decision-making processes further contributes to self-reflection which is a primary step both before, during and after decision-making. Observance of moral principles and ethical values, as well as the enactment of values as virtues is enabled by self-reflection. For people in high decision-making positions acknowledging and stating in the open that they "do not know" or that there are contextual facets that they "don't know that they don't know" does not come easy. And that, in our opinion, is another important feature that underlies an ethical decision-making process.

3. Decision-making - the Drucker model

Effectiveness and fairness are the fundamental concepts which, according to Drucker, should guide the decision-making process [8], given that any decision involves a cognitive process of risk-taking. The effectiveness of a decision is defined by elements such as: focusing on the impact of a decision and not on the technique used to make it; recognizing that any decision is a trade-off, but also that a good decision is a choice between a trade-off with a positive impact and one with a negative impact; the need to anchor the vast majority of decisions in principles, rules with general applicability and to distinguish between situations requiring such decisions and those where a pragmatic, immediate approach is more useful; the allocation of sufficient time and resources to bring a decision to fruition and, last but not least, the realization that any decision is the result of a systematic process.

The decision-making process described by Drucker involves a number of steps:

First, a situation requiring a decision to be made must be properly assessed and framed depending on the frequency of a given event, its uniqueness or the need to establish a new principle of action that would guide a new type of behavioral constancy.

Second, decision-making requires defining/explaining the problem in terms of the causes leading to its manifestation. The danger does not necessarily lie in the likelihood of finding the wrong definition, but in that a definition may be plausible but incomplete. For example, the problem of traffic accidents explained in terms of causes such as poor infrastructure and poor driver behavior is plausibly but incompletely defined. Accidents continue to occur and are perhaps much more serious despite measures to improve infrastructure and programs to raise drivers' awareness of traffic risks. Drucker proposes that part of this definition should be the way car manufacturers approach car safety elements, which should not only address the safety of drivers and passengers in correct use, but also in

incorrect use. A recent example of the application of such a definition is that of Volvo, which since 2020 has limited the maximum speed of the cars it produces to 180km/h.

Third, a solution to the problem must be identified by establishing the lower and upper limits/constraints for taking a specific action. According to Drucker, not identifying all the constraints or misidentifying them is a much more unfortunate situation than mis-defining the problem.

Fourth, the right decision must be first identified and only then the acceptable one that satisfies all identified constraints. That requires decision-makers to be aware of the type of dilemma they face: the dilemma specific to Solomon's judgement in which the mother's choice is clear and unquestionable (the child's good prevails over mother's feelings and pride) or the dilemma of choosing the lesser of two evils (i.e. the acceptability of the solution in the light of the present conditions). In terms of difficulty, this is the most difficult stage in the decision-making process.

The fifth step proposed by Drucker consists in identifying the course of action involved by the decision that shows the level of commitment required (i.e. resources) and communicating that to the stakeholders. The implementation of a decision is the most time consuming stage and can fail miserably if:

o The decision is not communicated to all those affected by its effects;

o The activities required to implement the decision are not identified;

o The persons responsible for implementing the decision are not identified;

o Activities are not adapted to the capacity of those responsible for translating the decision into practice (i.e. streamlining to ensure sustainability of the results and ensure their effectiveness),

o Performance standards and indicators to measure their achievement and rewards are not properly aligned.

Last but not the least, any decision must be tested for validity and effectiveness during its implementation (i.e. checking whether the initial assumptions leading to the decision are still valid). This can be done through formal monitoring and control methods and tools (e.g. reports). However, those only provide an abstract picture of reality. For this reason, Drucker believes that direct observation, direct, unmediated exposure to the course of events, is the best method of verifying and validating the direction of action and the impact of a decision.

4. The Rushworth Kidder model

The model proposed by Kidder [9] pays more attention to the moral and ethical dimension of the decision-making process by proposing the analysis of both divergent options (i.e. right-wrong), and apparently convergent alternatives (i.e. right-right). At the same time, the approach to the steps of analyzing the ethical decision-making process is a very good learning tool. It does not emphasize the application dimension. However, this shortcoming is also an opportunity because it allows critical thinking and the search for innovative solutions.

Kidder's model suggests taking nine specific steps as described below.

Step 1: Recognize the existence of a moral problem

Crises often arise because signals that there is a problem are often overlooked. For example, the disaster in the Gulf of Mexico caused by a British Petroleum drilling rig blowout and oil spill was caused by "conscious ignorance of previously known risks" and by poor profit-driven management that masked problems [13].

Step 2: Identify the person responsible for solving the problem.

Assigning responsibility is very important because decision making must be managed properly, continuously and consistently.

Step 3: Aggregate relevant data.

The information needed to understand the situation must be clear, current and appropriate. That helps justify the decision taken and the course of its implementation. For example, in the case of a deviation from the organizational code of conduct, the information that this is the first offence and that the consequences are not serious may lead the decision-maker to show understanding and compassion.

Step 4: Evaluate the decision form a good-bad/right-wrong perspective.

Kidder proposes three cumulative tests to assess how the decision is framed in terms of the positive or negative determinants that may be associated with it (i.e. good-bad). The first test concerns the level of self-perception (how does the decision make you feel?). The second is about how the community/society perceives the decision taken - the visible level (how would you feel if the decision was in the headlines?). The third test is the evaluation of the decision through the scale of a higher moral authority or the moral code of a person emotionally very close to the decision-maker - (how would the person you care most about feel about the decision?).

Step 5. Evaluate the decision in terms of competing values: good-good/ right-right.

That involves assessing a decision that has to resolve an ethical dilemma generated by the conflict between values such as truth-loyalty, personal interests-group/community interests, etc.

Step 6: Analyse the ethical dilemma on the basis of known ethical standards.

Ethical dilemmas can be approached through the prism of the final goal, the applicable rules used or the motivation.

Step 7: Identify a third course of action.

Often the duality of solutions proposed by ethical dilemmas can be overcome by identifying a compromise or a sufficiently creative solution that does not lead to conflicting situations.

Step 8: Decision-making.

This is a very important step because it requires clarity of position and the courage to offer a solution. Worth noting is that the courage to make moral and ethical decisions is the attribute of true leaders.

Step 9: Reflecting on the decision.

Decision making is a learning process. Reflecting on the decisions made and their outcomes becomes essential in personal, professional and organizational development.

5. Laura Nash's 12 questions method

Laura Nash proposes 12 questions to guide discussion on all aspects of a critical situation. Although the model of analysis she proposes does not necessarily make it easy to draw a clear conclusion, nor does it focus on how to implement it, its use makes it possible to identify, as well as possible, all the characteristic features of a situation requiring a decision [14]. It thus involves analyzing the situation and the solution/s based on twelve questions, which are listed and detailed below.

1.   Have you defined the problem accurately?
The benefit of such a question is to launch an objective investigation that limits the possibility of making an emotionally motivated decision.

2.   How would you define the problem if you were in the shoes of the person(s) affected? Considering not only personal needs and goals, but also the needs, interests, goals of those on whom decisions may have a direct or indirect impact requires and demonstrates the capacity for self-reflection. The term 'stakeholders' and the specific knowledge of how to analyze, manage and involve them in the decision-making process can be used to address this question.

3.   How did this situation arise?
Cause-effect analysis is very important in terms of identifying and validating the right solution to the problem described. Often, the inconsistency of this type of analysis or the confusion of symptoms with the causes of a situation, ethical dilemmas lead to wrong approaches, undesirable outcomes or short-term solutions that do not guarantee to extinguish the real causes of the problem.

4.   To whom are you loyal as an individual and as an employee/member of an organization?
Finding solutions to conflicts arising from conflicting duties is not easy. However, the question helps to identify the cardinal values that constitute the moral compass at the individual level.

5.   What do you intend by the decision you will make?

6.   What is the link between what you intend and the outcome?
The saying "Good cannot be done by force" is relevant to the differences that can arise between the motivations behind a decision and its final outcome. The question is therefore about ensuring congruence between these two elements.

7.   Who might be affected by this decision?
In our view, this question only refines the analysis carried out in response to the second question, focusing in fact on the negative aspects, the undesirable results that may be generated by the solution identified. The outcome of this question may be to abandon the solution or to reformulate it.

8.   Can you involve the affected parties in discussing the problem before making a decision?
Dialogue with those directly or indirectly affected/involved as a result of implementing the decision helps to clarify and validate the assumptions of the decision factor put forward earlier. Decisions are based on assumptions that at the time they are made are only supported by limited data. They need testing, validation in order to confirm the correct direction of action.

9.   Are you sure that the decision will remain valid after a longer period of time?
The two variables that underlie decision-making are the importance of the problem to be solved and the urgency of finding a solution. According to Aaron Andrews [16] the tendency of most people is to make decisions based on a high-level assessment of the importance of the problem and the urgency of finding a solution. According to him, this approach is not always the most appropriate, especially when the decision needs to take the test of time. Thus, what may seem very important and extremely urgent at present may turn out to be a smokescreen or a false problem in retrospect. In this respect, the author mentioned above states that a more appropriate framework for decision-making should be anchored in addressing a situation as important, but not necessarily requiring an urgent response. What we wish to stress is that in extreme situations requiring immediate intervention taking the liberty to exercise the freedom not to make decisions under the imperative of urgency can lead to highlighting, clarifying the strengths and weaknesses of decisions in relation to their sustainability over time. However,

there are also exceptions to the aforementioned statement and crisis situations are a case in point.

10.   Can you disclose the decision taken or the action taken without any reservations towards the boss, the manager, the family or the company?

In our view, this question is the ultimate test of the extent to which the decision taken involves irreconcilable ethical issues.

11.   What is the symbolic load of the action taken according to the evaluation grid applied to it? How is the behaviour/solution perceived? Is it well understood/ misunderstood?

The perception of others plays a very important role in accepting or rejecting actions, decisions. This is especially the case with regard to the compatibility between the general, routine characteristics or behaviors of an organization/decision-maker in terms of whether or not it respects moral and ethical values and those attributable to the action generated by a specific decision. If there are differences between the two, the decision may be characterized as hypocritical. For example, a mayor who is known not to have sufficient budgetary resources and who has not contributed in any way to improving the infrastructure of his locality decides to pave the roads a few months before the local elections. Clearly, in such a context, the action is morally and ethically flawed.

12. Under what conditions do you allow exceptions to this attitude?

Any decision must allow for the maintenance of morally consistent behavior. However, in practice, there may also be a need/desire to deviate from the main course of action. Therefore, this question proposes to identify the reasoning behind possible exceptions to the rule.

6. Conclusions

Instead of general conclusions, we propose a guide to evaluating decisions in an organizational context. Thus, in order to validate the correctness, fairness and respect of values, the questions below can constitute a framework for evaluating ethical and moral dimensions of decision- making that can be adapted and implemented. We present it in the form of a checklist that, in our opinion, captures the main ideas of the critical few decision-making models revisited by this article.

- Does the agreed decision solve the problem and its cause?
- Does the decision realistically contribute to achieving the objectives?
- Does the decision meet all the criteria already established? If not, what are the arguments for excluding some criteria?
- Is the decision convenient for all those involved and affected?
- Can the agreed decision lead to plans that can be implemented?
- Is there sufficient time to implement the decision taken?
- Are there sufficient resources and staff to make the solution offered by the decision work?
- To what extent is the decision likely to lead to a recurrence of the problem?
- To what extent have all risks, disadvantages and possible consequences been taken into account when making the decision?
- To what extent is this decision the best option in terms of: benefits, costs, risks, functionality, and past, present and future commitments?

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