

MCS 8303: BUSINESS ETHICS AND GOVERNANCE

Term Paper

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Gabriel's Dilemma

Introduction

This paper delves into the meaning of moral dilemmas and suggests approaches for handling typical dilemmas that occur in the modern workplace. It is based on a real-life case whose details have been altered enough to make the story purely hypothetical.

The paper revisits the debate about whether moral dilemmas can exist, especially within a consistent moral theory such as Christian ethics. Finally it points at one approach to resolving dilemmas in today's work place.

The Case

Dominic Ouko was the Chief Operations Officer in Computex Ltd., a software development firm operating in the East and West African regions. It had never been a secret that Dominic's managerial acumen and business sense was the driving force behind this highly profitable company. In November 2010, after a successful seven-year stint directing the company's day-to-day operations, Dominic was unexpectedly offered an external and lucrative position as Director of Logistics in the United Nations Organization for Migration and Resettlement. It was an offer he could not refuse.

However, upon tendering his resignation to Computex, the CEO Mr Caesar Bulio launched a vigorous attempt to persuade Dominic to stay on. He argued that the firm could not afford to lose Dominic's services at this moment. As an inducement not to leave, he offered Dominic the

salary, perks and other compensations equivalent to those offered by the prospective new employer.

Dominic's lifelong friend Gabriel Kimani, also happened to work at Computex as the Information Security Manager. They had known each other since their high school days and Gabriel was Dominic's bestman at his wedding in 2003. Although Gabriel was the junior at work, Dominic always went to him for personal advice. In early December 2010, after another morning session listening to CEO Ceasar Bulio's entreaties not to leave, Dominic had lunch with his friend Gabriel at the first floor restaurant Nairobi Bistro.

After briefing Gabriel about the new job offer and about Mr Bulio's entreaties, Dominic asked Gabriel what he should do. On his part, Gabriel advised Dominic to stay at Computex. In his view, apart from the fact that he was going to earn the same as he would have earned at the new job, there was a chance that Dominic could be appointed by the Board to the position of CEO after Mr Bulio's retirement which was expected in 2012. There was no reason why he should not bid his time and stay on at Computex. In addition, Gabriel said, Dominic's departure could have a major negative effect on the firm's current operations with serious repercussions for all employees and the owners.

Following this advice, Dominic made up his mind to stay at Computex, and that same afternoon, he withdrew his offer of resignation.

Just one week later, on Friday December 10, 2010, Gabriel was carrying out a scheduled systems security check on the programs and data in the company's secure executive server. Due to the sensitive nature of the data stored on this particular server, maintenance work was never delegated to technical staff but was done by the Information Security Manager himself. It was while carrying out this routine task that Gabriel came across an official communication that shocked him.

It was an official email memo, sent two days earlier and marked as highly confidential. It came from the CEO Mr Ceasar Bulio and was addressed to the HR Director and copied to the Chairman of the Board. It instructed the HR Director to begin head hunting activities for the replacement of the current Chief Operations Officer Dominic Ouko. The memo directed the HR Office to prepare credible reason for Dominic Ouko's summary dismissal without notice, and to carry out recruitment and replacement procedures expeditiously and in complete confidence within a period not exceeding six weeks.

Gabriel's dilemma

Gabriel knew that as an information systems professional, from a professional ethics view point, he could not act on the information he had found. On the other hand, he was torn towards his loyalty to his friend Dominic. He felt that he must tell Dominic about what was about to befall him; maybe there was still time for Dominic to take up the other job offer. What should Gabriel do?

Can moral dilemmas exist?

There is an unresolved debate about whether there is such a thing as a true moral dilemma.

According to those who argue that moral dilemmas exist, there are numerous occasions when a person must make a choice to do something, or not to do it, and any option will lead to a wrong.

Most modern research on moral dilemmas seems to avoid this debate by concentrating more in the field of "moral psychology" rather than philosophy. Ethicists seem to rely more on the work of researchers such as Cushman and Young (2009) who study the psychological mechanisms for moral judgment. Other studies examine how dilemmatic decisions are made, and the associated emotions of guilt, regret, remorse and self-blame. Ironically, in nearly all the studies reviewed by the author of this paper, a major aspect of these psychological considerations is the philosophical

underpinning or value system of the person faced with a moral dilemma. Williston (2006) argues that while dilemmatic choosers will have a psychological tendency to perceive themselves as wrongdoers, there exists a basis for avoiding such self-blame. Although such arguments appear quite rational, unfortunately, they are dependent on the premise that there is such a thing as a moral dilemma. In fact Williston describes a moral dilemma as a situation of authentically incompatible options, neither of which is superseded by any morally considerations. In order to accept his conclusions, we must therefore be convinced that are real cases where none of the incompatible options is morally superseded. Other writers like Haji (1997) see dilemmas as occurring in the context of subjective belief. In other words, there is a dilemma if the person “believes” that all alternatives are morally unacceptable.

More recently, Sainsbury (2009) defined moral dilemmas as situations where obligations conflict: you ought to do something which you ought not to do. To prove that moral dilemmas can exist, he quotes the following classic example:

Thirty victims of a shipwreck are in a lifeboat made for only seven. A coming storm threatens to capsize the boat unless the Captain throws some people overboard. Throwing some people overboard is morally unacceptable. Doing nothing would result in the death of everyone.

In my view, it is highly unconvincing to attempt to prove that moral dilemmas exist using this situation of a single boat, thirty people, and a looming storm that will kill all. This case is not only extremely hypothetical; it is also laden with too many assumptions without which there would be no dilemma at all. Dilemmas emerge only from real-life practical situations in the real world that demand decisions. Using extremely hypothetical constructs considerably weakens the conclusions. Yet, even if this particular case were to happen, the Captain’s dilemma is entirely dependent on his assumption that the storm would undoubtedly kill everyone if they all remain in the boat and would spare them if they were fewer. It seems to me that the Captain has no basis to

think like that. The storm might still kill the fewer people in the boat. If all thirty people remain in the boat, the boat might capsize but perhaps seven or more of them might cling on and not drown. The eventual outcome is too unpredictable to suppose that the Captain ought to act preemptively.

It is my contention that fiction cannot produce true dilemmas, the obvious reason being that fiction deliberately eliminates choices that would exist in real cases.

Interestingly, Sainsbury admits to the possibility of cases with one obligation abolishing or annulling another. He says that those who hid Anne Frank and her family from the Nazis during the Second World War had to tell lies frequently. People ought to tell the truth, but handing over Jews to be murdered is also unacceptable. In this case the obligation of telling the truth is annulled by the obligation to save human life. Accordingly, Sainsbury disqualifies this case from being a true moral dilemma.

The much quoted Heinz Dilemma – whether Mr Heinz should steal a very expensive and unaffordable drug so as to save his wife’s life – seems to me to be very similar to the lifeboat case quoted above. Heinz Dilemma cannot escape the criticism that the course of human illness, even real life cases of “terminal” disease, are too often unpredictable and the outcomes often unexpected. The assumption that stealing is the only option available offers an unacceptable level of fiction while the argument of this paper is that dilemmas, by their very definition, must be placed firmly in the real world. In real life Mr Heinz would probably consider other alternatives like fundraising among friends and relatives, appeals to authorities and organizations, finding philanthropic doctors, cheaper generic drugs, alternative treatments, less effective but life-prolonging drugs, etc.

In the debate about whether moral dilemmas exist there are those who take non-orthodox positions. Verbin (2005) makes the assertion that moral dilemmas should not be explained using

moral values or belief systems. I have decided to treat his contention, and his intriguing conclusion that moral dilemmas are mystical phenomena or mystical experiences of a transcendental nature, as non-mainstream thought.

Donagan (1993) quotes Aquinas that there are two types of dilemmas:

Secundum quid is a dilemma that emerges as a result of a violation of a moral principle. For instance, an employee who must choose between loyalty to his employer and revealing an instance of tax evasion to tax inspectors, is facing this dilemma only because there has been an infraction committed already. It could also be argued that while this may be a dilemma in a general sense, it is not a true moral dilemma since it is “artificially” contrived by the first infraction.

Simpliciter refers to the second type of dilemma which arises even though no violation has been committed against a moral principle. Aquinas argues that this type of dilemma cannot be generated by a consistent moral system such as Christianity. Many modern ethicists and moral philosophers have questioned this assertion with more vehemence than rationale. For instance, Mann (1991) uses the bible story of Jephthah in chapter 11 of the book of Judges in an attempt to prove that Aquinas was wrong. Obviously, his use of this bible verse for this particular purpose might merely elicit charitable smiles and be easily disproved by Christian ethicists who would see it as a sign of serious ignorance about Christian ethics and principles. Christian morality would never see Jephthah as having any moral obligation to kill his daughter. Other than this and similar “evidence” there does not seem to be any rational disproof of Aquinas’ contention. According to the Catholic Encyclopedia, ethics directs man’s actions if he wishes to be morally good, and obliges him to do good and avoid evil. This implies that moral choices are always between good and evil which, in turn, does not admit the possibility of a moral dilemma. Situations that necessitate a choice between evil and “lesser evil” are always *secundum quid*.

Such cases arise not from a consistent moral system itself but from violations against that moral system. It seems that Mann's argument as illustrated above, is an attempt to show that Christianity is not a consistent moral system rather than to prove the existence of moral dilemmas.

Categorizing Gabriel's Dilemma

Gabriel has to choose either to exercise professional discretion about the impending sacking, or show loyalty in his friendship with Dominic. Choosing professional discretion will elicit feelings of guilt and betrayal of friendship, especially because he was the one who advised Dominic to stay in his current post for the possibility of future promotion. On the other hand, although there exists no prescriptive code of ethics for Kenyan information systems professionals, generally accepted ethical principles do not allow the use of information obtained from the work place for personal purposes.

The origin of Gabriel's dilemma is the unexpected behavior of his senior Mr Caesar Bulio. While it is not clear from the case why Mr Bulio decided to summarily dismiss Dominic, the fact that the HR department was instructed to find a reason for the sacking proves that the decision was not the result of any malfeasance by Dominic. It is possible that Mr Bulio was somehow unhappy about the Dominic's recent job offer from another organization and was reacting irrationally in dismissing him. Making a decision to dismiss an employee and then looking the reason after that is obviously unethical and against good moral principles. This wrong action by Mr Bulio is what has created the dilemma that Gabriel finds himself in. It is therefore a case of Aquinas' *secundum quid*.

Solving work-place dilemmas

From the foregoing it follows that work-place *moral* dilemmas, if there is such a thing, can be resolved easily within a consistent moral theory. But that sounds like a contradiction because consistent moral theories do not allow for the existence of moral dilemmas. If a situation appears to be a moral dilemma, then examining it more closely in the light of a consistent moral theory such as Christianity should result in some of the options being eliminated or superseded by higher obligations in other options. In other words, the dilemma may be resolved by being exposed as *simpliter* whereby only one moral option remains. In the case of *secundum quid* the correct choice would always be that which corrects or attempts to correct the original wrong.

Many workplace dilemmas however, do not involve moral choices but may be ordinary dilemmas that involve decisions that affect employees, customers, suppliers and shareholders. Although stakeholder theory holds that the firm should work for the benefit of all those who are affected by the firm, the needs of the stakeholders are often in contradiction to each other. Laying off some staff during periods of low returns can improve profits and add value for the shareholders. Suppliers can be cut off if the firm decides to produce inputs in-house which may reduce costs, lower prices and benefit customers. On a different level, a manager may notice that an employee is always unhappy because of her frequent fights at home with her husband. Should the manager intervene on this personal matter? The workplace offers many dilemma-type situations which may not necessarily be in the moral realm. A rational method for arriving at the correct or best decisions or course of action should be used. Jon Pekel and Doug Wallace have developed a systematic ten-step approach to making ethical decisions in such situations.

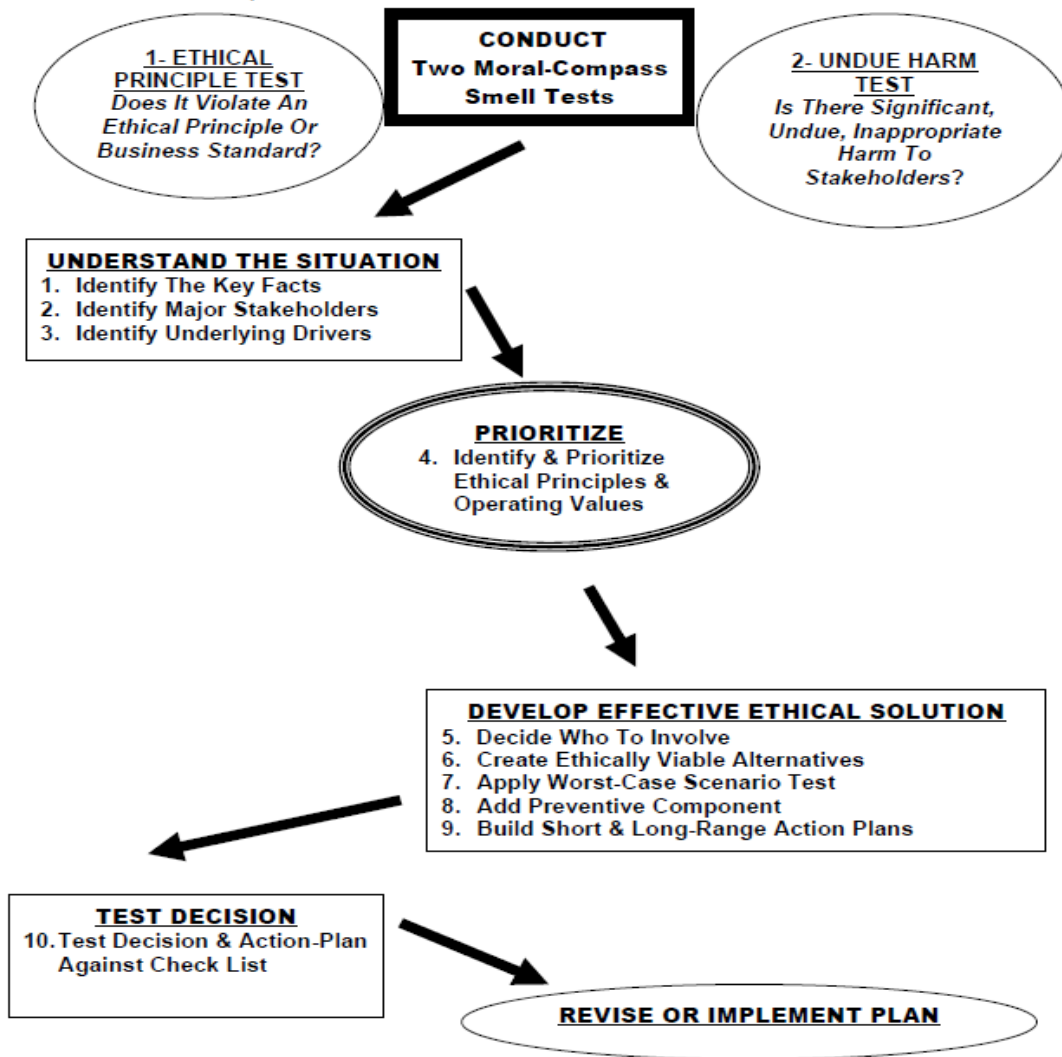


Fig.1 The Pekel and Wallace ten-step approach. *Reproduced with Permission.*

The Pekel and Wallace approach is a great attempt to minimize subjectivity and standardize decision making in the workplace. Obviously, further research in this area is required.

Resolving Gabriel’s Dilemma

As stated earlier, if we assume a consistent moral system such as Christianity, Gabriel’s dilemma is not a *moral* dilemma but is a *secundum quid* dilemma. Christian ethics would then suggest that Gabriel’s best option is to take the action is the one that attempts to resolve the original infraction. A decision has been made to effect an unfair dismissal of a hardworking and innocent

employee. The action that might prevent this from happening is for Gabriel to inform Dominic about his impending fate. Perhaps, there is still time for Dominic to take up the other job offer. The subsequent actions by both Dominic and Gabriel should be taken in such a way as to minimize the fallout that could affect Gabriel's position in the company. However, as indicated in this paper real-life dilemmas are seldom binary, and perhaps Gabriel might find that there are several other options open for consideration.

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Annex

Permission from Mr. Jon Pikel to use the Pikel and Wallace ten-point decision making approach:

From: Jon Pikel [jonpekel@comcast.net]
Sent: Tuesday, January 18, 2011 4:35 PM
To: Ian Wairua
Cc: Doug Wallace
Subject: RE: Request for Permission to Use Ethical Checklist
Attachments: 10 Step Method, Short Version.pdf; 10 Step Method, Detailed Worksheet Version.pdf

Ian,

You have permission to use all or parts (including the Check List) of our 10 Step Method Of Ethically-Based Decision-Making. Attached are the latest versions. Good luck with your paper.

-- J o n

Jon Pikel, Founder & President
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Jacksonville, FL 32211

FL Home/Office: 904-762-9156
MN Cell: 612-986-3253

LIVE LINK TO OUR WEBSITE: <http://mygrowthplan.org/>

From: Ian Wairua [mailto:IWairua@strathmore.edu]
Sent: Monday, January 17, 2011 4:15 AM
To: jonpekel@comcast.net
Subject: Request for Permission to Use Ethical Checklist

Dear Sir,

I am a masters degree student at Strathmore University in Nairobi, Kenya (East Africa). I am currently reviewing literature for a term paper for my Business Ethics and Governance course, relating to real-life ethical dilemmas. In the process I have come across some of your work, including The Fulcrum Group's Ethical Checklist.

The purpose of writing this email, is to seek your permission to include and cite the Ethical Checklist in my term paper. The paper is due for handing in to my lecturer Dr Charles Sotz, before April 6, 2011. I promise not to use the Checklist for any other purpose and to abide by other requirements that you might prescribe.

I hope to get a favorable response.

Sincerely,
Ian Wairua

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