

## Ethics of decision-making

Planning means making decisions, and decisions are subject to ethical concepts. Even with the most accurate data given, there is hardly a question of human concern that would not allow for several possible decisions, depending on the ethical concepts we apply, often unconsciously, seldom reflected.

In conservative planning environments, this is somewhat masked by a division of labour: The planner who decides on a particular question can invoke artistic license without reflecting ethical concepts. The planning authority that adopts or rejects a planner's proposal, in its turn, can refer to legal provisions that seem to absolve it from ethical considerations. Nor do participatory approaches to planning have to deal much with ethics. Although it is true that every participant will apply their own ethical concepts to the issue in question, these remain private. The majority rule does not deal with the motives of individual decisions.

Ethics, however, become important in collaborative planning because it attempts at reconciling conflicting opinions. Seemingly irreconcilable differences are often likely to be caused by colliding ethical concepts. To be aware of the underlying ethical level and to address it if necessary is the skilled planner's task in a collaborative process.

### A case study

Three members of a planning group are debating over future regulations for a nature reserve. The point at issue is whether people shall be permitted to enter the protected area or not.

**Alice:** Our goal is protection, end of story. We cannot allow people to damage these biotopes.

**Bob:** But can we forbid the locals to enter the grounds they've been using for centuries? They also have rights, and they are few, so they won't do much harm to nature. **Let's find what's best for everybody.**

**Carol:** But if we permit locals to enter, what about tourists? I've always been a stickler for justice, you see, and I insist that everybody have the same rights. No privileges for anybody. **I couldn't justify that kind of decision.**

These people do not only have different opinions, their problem is that they are acting on different ethical backgrounds: Alice represents a **deontological** (rule-based), Bob a **consequentialist** (outcome-related) and Carol a **virtue-based** (personality-related) approach to decision-making. It is unlikely that they will come to a conclusion that way because, strictly spoken, they are talking at cross-purposes.

Decision-making has always been the subject of the discipline of *normative ethics* which has developed three major schools:

- **Virtue ethics** considers the character of the agent rather than the action itself or its outcome. It deals with **how you should be** as a decision-maker.
- **Deontological ethics** places the accent on rules to be obeyed and duties to be fulfilled by all members of a society. It deals with **what you should do**.
- **Consequentialist ethics** goes by the outcomes rather than the motives of decision-making. It deals with **what you should achieve**.

While these categories are rather abstract, they may serve as a general guide through the wide-ranging discipline of ethics. We will deal with some approaches to decision-making based on either of these schools in the following.

## The virtue approach

With this very ancient school, the primacy is on **properties a decision-maker should have**, called virtues. For instance, European philosophers have always considered *Prudence*, *Justice*, *Temperance* and *Fortitude* as cardinal virtues. Asian societies have extended their lists by *Humanity* and *Non-violence*, amongst others. The outcome of a decision would then be guided by what virtue dictates.

Virtue ethics faces two problems: the difficulty to agree on a universal catalogue of virtues and the fact that they may collide when applied simultaneously.

### ARE VIRTUES UNIVERSAL?

In a 1714 poetic treatise which may be seen as an allegory to upcoming capitalism, the Dutch-British physician and philosopher Bernard Mandeville made a provoking case that private vices often contributed to public benefit.<sup>1</sup> The *Mandeville Paradoxon*, named after him, has often been used to justify the fact that modern business environments openly consider properties as virtues, such as ruthlessness and greed, that are quite the opposite of those derived from religious tradition and taught at schools.

While we cannot decide the questions here whether the common good is best achieved by individuals acting virtuously or viciously, or if vices can indeed be virtues under certain circumstances, it reveals the difficulty of defining virtues. This is complicated by the fact that modern secular democracies, by their very self-concept, do not prescribe virtues for their citizens. Those we still have are derived from other sources, mostly religion.

That is, any ethics that claims to be based on virtues will first have to define them.

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<sup>1</sup> Mandeville, Bernard (1714): *The Fable of The Bees: or, Private Vices, Public Benefits*. The first edition was published anonymously.

## VIRTUES COLLIDING

A second objection to virtue ethics is the fact that some properties we consider virtues may collide with each other: fortitude or courage, for instance, has been employed on a large scale by soldiers to kill each other which conflicts with non-violence, if you consider that a virtue. Then there are others (called secondary virtues by some schools) that are in fact morally neutral and may be employed for the most abominable purposes: zeal and perseverance, for instance, have been practised by human beings in favour of any goal imaginable, including genocide.

## IMPLICATIONS FOR PLANNING

We wouldn't have dealt with this topic if it had no implications for collaborative planning. We have already mentioned honesty in dialogue and the will to understand other parties' viewpoints as preconditions for collaborative work. These are virtues, so collaborative planning is to some extent always based on virtues. If the word strikes you as pretentious, you may call them **attitudes**.

On the other hand, if you rely on personal attitudes exclusively, you may run into problems every time your circle of stakeholders extends, or in justifying your decisions to a public that does not share your attitudes – or to authorities who, by their very nature, are not primarily interested in virtues but laws.

Therefore, a good starting point for a collaborative process would be to talk about what virtues, or attitudes, you can agree to make the basis of your dialogue and decision-making and which may be irrelevant and must remain a private matter.

## Kant's categorical imperative – a deontological approach

The deontological school places the accent on **rules everyone should obey** when making decisions. The name is derived from the Greek word *deon* for 'duty'. The difference to virtue ethics is that such rules always address the totality of a population, not the individual alone, and that the accent is on the action, not on the agent. It may be said that deontological ethics have gained ground as nations and nationwide legislations evolved. In fact, European civil law is mostly based on this kind of ethics.

The German philosopher Immanuel Kant, claiming that people should act on a sense of their duties, can be seen as a proponent of the school. His probably most famous statement, known as the categorical (i.e. unconditional) imperative, runs as follows:

*Act only according to that maxim whereby you can, at the same time, will that it should become a universal law.<sup>2</sup>*

This is a meta-statement for decision-making which may be hard to apply. But civil supreme courts all over Europe regularly follow that maxim when they decide on unprecedented cases and thereby set the course for future legislation.

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<sup>2</sup> Kant, Immanuel (1785): Grounding for the Metaphysics of Morals. Translated by James W. Ellington.

## IMPLICATIONS FOR PLANNING

Deontological ethics, in its historical shape, deals with human beings only and therefore neglects the concerns of animals, other species, biotopes, of nature and natural resources in general. In planning, these must be considered as well.

Otherwise, you use deontology every time you frame a rule that shall guide you in decision-making, or just by acting along legal provisions. It is perhaps the most common ethical principle applied in modern societies.

## Utilitarianism – a consequentialist approach

The best-known protagonist of utilitarianism as a theory of ethics is probably Jeremy Bentham, a British philosopher of the Enlightenment. Bentham's axiom was that '**the greatest happiness of the greatest number** [of people]' should not only guide our actions but actually was the measure of right and wrong.<sup>3</sup> Thus, a utilitarian approach to ethics deals with consequences, not principles: it seeks to ensure maximum pleasure and minimum pain for most people affected by an action, no matter if the action can be justified by other codes of ethics or law.

Utilitarian behaviour first seems reasonable, especially in changing environments where traditional codes and values may cease to be applicable. However, it suffers from severe difficulties in application. First, how would you measure, and especially compare, happiness with different people? Bentham made an attempt to categorise pleasures and even gave instructions on how to calculate happiness, but such calculations are always arbitrary because of the subjective nature of happiness.

Second, and more grave: Utilitarian calculations offer no protection against what we reasonably call crime. A good illustration of this is the so-called Trolley Problem framed by British philosopher Philippa Foot,<sup>4</sup> which adds up to the question if it is permissible to wilfully kill one person in order to save the lives of five. This would be perfectly acceptable under a utilitarian approach yet is condemned in many (not all) cases as immoral and unlawful in contemporary European societies.

## IMPLICATIONS FOR PLANNING

With regard to planning, the utilitarian principle seems to be well represented both by participatory and collaborative approaches. After all, isn't involvement about ensuring 'the greatest happiness for the greatest number'? Once again, for planning purposes, the concept must be extended to nature and natural resources whose 'happiness' may be hard to define. But if understood as seeking the greatest benefit and the least harm to all stakeholders *and* natural resources, a utilitarian approach may serve well to make reasonable decisions.

Although it seems so practical, two further disadvantages of the concept (in addition to its possible leading to immorality) should not be overlooked:

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<sup>3</sup> Jeremy Bentham (1789): An Introduction to the Principles of Morals and Legislation.

<sup>4</sup> Philippa Foot (1967): The Problem of Abortion and the Doctrine of the Double Effect in Virtues and Vices. In: Oxford Review, Number 5, 1967.

First, consequentialist ethics in general suffers from a narrowing of perspective which is due to its lack of generalisation: What you consider the best solution for a small circle of stakeholders may turn out to be harmful to others you did not invite to take part in the discussion, or may be short-sighted and fail to give good results in the future.

Second, utilitarianism in particular may render the most satisfying but not necessarily technically mature results.

## How to help Alice, Bob and Carol

To resume the case study marshalled above, our three planners should first deal with Carol's personal attitude of being fair-minded (*virtue approach*). Do the others share that attitude (obviously not to the same degree), and is it relevant to the task at all?

Secondly, Alice's claim that 'our goal is protection, end of story' (*deontological approach*) should be scrutinised. Is that all there is, or can other rules be established? Is it better to have decision-making be based on rules as strict as that or to be more flexible?

Finally, Bob's *consequential approach* of drawing up a matter-of-fact balance may always be considered as feasible but may bring up the same problems again when actually weighing the impacts of individual factors contributing to the balance. That is, at some point of the decision-making process, a minimum of common rules and attitudes will be required, but looking at the consequences of a decision is always a good idea.