

An Organization's Moral Topography

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I would say that to have an organization with a dense moral topography means to have an organization with a dense moral content.

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THERE ARE various ways in which an organization's employees could confront and resolve a new ethical problem. Unfortunately, most of them do not know how to identify a *moral* problem and how to resolve it. Usually, each reacts in his own way. Sometimes, some of them take as a guide the code of ethics. But how should they *correctly use* the ethics code? Is there a higher level scheme with "operating instructions"? Is there such a *right* way? Is there a morally *mature* way to react? In a moral conflict, one side considers the assessment of the controversial action as well done, but the other sees it as partial or incompetent. How should we decide who is right? Is the ethics committee the last instance? These are difficult questions. This issue represents one of the instances of the *moral decision-making* problem. It would be wrong to believe that there is a single problem of ethical decision-making, the same for everyone, and therefore a single instrument to solve it, and a single answer. Inside an organization, the reactions of various categories of personnel are various and ought to *vary*. What is important is that inside a *moral* organization nobody should

react randomly. The *Code of Ethics* ensures a kind of homogeneity but that is not enough. To assure a structured or well ordered moral life I propose to add to the code of ethics what I shall call “ethical routes.”

Some usually embrace the opposite point of view: that to successfully confront a new moral situation, it would be profitable to cultivate a kind of “ethical virtuosity” by inculcating some *simple* ethical decision-making procedures in the mind of each employee, making him able to independently judge the novel or dilemmatic situations and behave correspondingly. The supporters of the view that the code of ethics is an educational instrument also believe that on matters of institutional ethics one may “encourage discussion,” but in the end “the *individual* has to decide” (Wood and Rimmer 2003, 184). The particularists, the narrativists and various kinds of subjectivists are the radical and very vocal supporters of this point of view. Many times one rightly says that the abuse of regulations and compliance is counterproductive and that we have to adopt another priority target—the adequate training of each employee in *ethical thought*. In dilemmatic or novel situations each employee should be left free to judge the situation with his own head, and decide by himself in a responsible manner what to do. I am skeptic about this solution because I am sure that the output would be merely *moral chaos*: each with his own verdict which, if transformed into actions, would generate innumerable conflicts. This is a kind of bankruptcy of human relations determined by the lack of coordination. Morality, in my view, is just a social coordination device.

In Europe, at least, there is an *anti-compliance trend* in some quarters of ethics management, in fact an opposition to the excess of rules and punishment. One says that more and more laws we enact, more and more rigorous we are in defining “legal” or “right” behavior; but this is not necessarily good, because more and more we transform people in a kind of *moral robots* instead of making them more and more competent *decision-makers*. One tends to confuse “ethics” with “compliance” and we begin to see in the multiplication of rules the very end of the moral debate, not the starting point of a process of ethical decision-making. In this context one is tempted to give a special importance to the formation of individual *moral thinking*. It is preferable, one says, to morally think better than to invent new rules and penalties.

There is something true and something false in this story. True is the fact that it is simpler to add new rules than to create an ethical mind. But do we need only better ethical reasoning or do we also need *living* rules? Or perhaps, above them, we need first of all a kind of ethical sensitivity? Is the advanced capacity of thinking morally a skill that everybody has to have, or it is a quality reserved only to those involved in the ethics management of a company, excluding even the top managers? What moral capacities should we educate to the *common* em-

ploees? If we teach them some simple schemes of moral judgment, when is it appropriate for them to use these moral judgment skills? If they use them in their everyday decision-making activity and in guiding their daily behavior, we'll have a myriad of ethical solutions to an alleged novel immoral act and a myriad of potential conflicting behaviors since each will have his own assessment. The result of leaving the moral decision-making to the discretion of each person's imagination is *moral chaos*. No instance will be able to harmonize this enormous diversity.

To prevent such a moral mess I propose to design an *organizational moral topography*, i.e. apart from the usual moral principles and moral duties (which regulate moral behavior and are "basic moral rules"), we must have a kind of "procedural moral rules" telling us not what actions are right or wrong, neither how to judge the morality of an action or person (these are specific tasks of the simple or complex methods of moral decision-making), but *what are the most efficient and widely accepted ways of solving various moral problems, especially the new ones and the challenging moral dilemmas*. This moral topography completes the use of the code of ethics. This is in fact a set of procedures and of institutional facilities meant to *help* people solve the controversial moral issues or the dissatisfactions they have. These moral routes should be adapted to the kind of organization we have in view (size, employees' cultural level etc.). I would say that to have an organization with a dense moral topography means to have an organization with a dense *moral content*.

It is not difficult to see that the ethical decision-making procedures are *relative* to the context in which they are most properly used. Therefore, we have to adapt them to the various contexts and put each method in its right place. At the global, regional and national levels we have to morally assess laws and public policies that have a significant ethical content, or some political decisions having wide social implications. I have already suggested a suitable method for this context under the name of "methodological pluralism" (Mureşan 2012).

But at the company or institutional level some distinct procedures will be introduced. First of all, at this level, we have to use the common ethical decision-making *procedures* (the classical ethical "tests") like principlism, casuistry, utilitarianism, Christian ethics etc. These are methods able to morally assess actions, local policies, decisions, persons, being mainly of use to those who update the ethical codes, i.e. the members of Ethics Committees. These methods are not for the use of laymen. But there is something at the organization level which *is* useful especially to the layman: I shall call it the *great moral route*. This is not the outcome of the abovementioned moral tests, but an institutional basic scheme that guides the moral behavior of the employees, showing them how to proceed in a morally mature way, inside that organization, when they are confronted

with a new moral problem. The great moral route is a kind of highway on the moral map of an organization. It is related to and dominates several *small moral routes*. Let's take a quasi-imaginary example.

George

IMAGINE THAT George, a school headmaster, finds out one morning that a teacher of his school, a young woman, posted on her blog some photos of herself in lingerie. A scandal began in the local press. Parents asked the director to punish her. The image of the school is in danger. What could we reproach to this woman? That she did what she *ought not* to do? What kind of "ought" is this? If it is an "ought" meaning *inexpediency*, her deed does not deserve the public scandal and the punishment. If it is a *moral* "ought" then it is stronger. Did she commit an *indecent* deed? But what is "indecency"? Not one of the statutes of that school defines it. Everybody, everywhere has a difficulty with defining it. How is it punished? We have not thought of that.

George is impulsive: he says that this is an instance of obviously immoral behavior and has to be treated as such: "This is pornography," he said. "And she deserves to be punished." How did he reach this conclusion? Well, he thought *morally* with his own head. The deed of the young teacher comes to violate human dignity, by using herself "only as a means." Not to speak about the bad consequences for all. "Both from a Kantian and a utilitarian point of view, she committed an immoral act"—he says with a very competent tone because he is also teaching a course on ethics. He is ready to punish her. Under media pressure he applies an *administrative* sanction without consulting anybody. For some days, two groups of "critics" and "supporters" argued in the local newspapers using intelligent arguments and simple methods of "ethical decision-making" without arriving at a consensual verdict. "Ethical methods are good for nothing"—was the general conclusion. "Let us consult a priest." After one week, the protagonists being exhausted, the scandal stopped. Relaxed, George acknowledged that the trespass of the lady was not so alarming and that he had probably exaggerated. But the past cannot be changed. Let us forget it!

George looked to the school Ethical Code too, to find the available faults and punishments he could apply, but realized that this kind of rare behavior *is not regulated* by the code. "Pornography" was not a term figuring in his code and "indecency" was used but not analytically defined. He would like to have a rule prohibiting this kind of behavior and a sanction attached, but there is no such thing. He asked the *Administrative Council* to update the code with a rule

concerning this kind of deed. He thought that a better solution would have been the appeal to a *Disciplinary Commission* which could solve the conflict and the possible legal implications and give a *provisional* verdict in the absence of a Code rule which regulates this kind of case.

Now, was George's approach to this institutional *moral* problem the right one? Is this, in fact, a "moral" issue? He looked at the consequences and found out that the balance of desire-satisfaction of all those concerned is negative, and then he appealed to the Kantian principle of respect for dignity, with which he was familiar from various seminar examples. He seems to judge *morally* well. "I am sure I judged her well"—he says.

Did he?

My answer is that he does not have a *mature moral institutional behavior* and that his verdict is wrong. True, his school was not able to offer him the instruments for a different behavior. If available, these institutional ethical tools would have taught him that it is not the task of the director to *morally* assess the behavior of his colleagues (this is the task of the "disciplinary commission") and that he wrongly interfered with another's department job. The headmaster and, in general, the executive staff are not above moral rules but are also obligated to respect moral rules. For cases like this one, it is necessary not only to obey some simple moral rules, but to establish and obey certain complex systems of fixed rules which I called *moral routes to follow*. If such a *route* is not defined in his school, too bad for the headmaster—this means that the ethical life of the school is not a problem for him. It should be, however. He believes he is a specialist in ethics. And he really could be a specialist in general moral philosophy, but he never attended a training course in *ethics management*. To be an expert in *ethics management* is totally different from being an expert in *moral philosophy*. And our headmaster has no idea of ethics management.

The worst solution to the situation described above would be to do what he did: to take an administrative decision under the pressure of the media. The teacher must have the opportunity to defend herself. She had no such opportunity. And the *Code* ought to be updated only by the *Ethics Committee*, not by an *Administrative Council*. This is its main task. Until the *Ethics Committee* updates the code and establishes the just sanction for the new rule, with the participation of *all* employees, we cannot speak of a *moral* decision and sanction, but of an *expedient* one;¹ and this should not be the director's decision but that of some *independent* moral body—the *Disciplinary Commission*—which is part of the Ethics Management System of the school. Those who do not have such a system will be obligated to take arbitrary and usually unjust decisions. Even if they know some peculiar moral procedures—as our headmaster does—or are

very well educated from a moral point of view, these are of no use to them since the enrichment of the ethical code and the moral assessment of a novel deed are not personal decisions, but the result of a *social agreement*. Morality is—in our case—a social institution not a question of individual “instinct,” although it has many sides, including moral psychology, moral language, moral theories, moral anthropology etc. George alone cannot enrich the code with a new rule, even if he is a headmaster; of course, he can do moral assessments, but they will remain for his *personal* use. His experience in teaching ethics was misleading for him. When one morally assesses some more or less fictitious cases in a seminar of applied ethics, one *simulates* an ethical decision-making process and one proceeds *as if* one were the member of an ethics committee. As a matter of fact, one does not *decide* anything. Such a decision is a complex *social* process. Only the *Ethics Committee* is allowed to *propose* the code change and to clarify such novel cases. That is precisely why the *Ethics Committee* must include *experts* who know how to use basic ethical decision-making procedures and involve the personnel in the decision-making process.

Of course, George is free to make his own evaluations, but the quick assessment made by him cannot be named “moral”—in the sense of institutional morals. It may be a useful *personal* exercise. It can be a *moral* personal exercise too, if it is made in terms of a traditional ethical doctrine adopted by his family or the community at large. But such an external moral involvement has no significance inside the institution, or only a very small one. Many of these personal assessments made by using so-called “popular” ethical decision-making methods are very risky, some of them undermined by hidden vices and thus ready to justify the most immoral acts. For having a proper “moral” evaluation it will be necessary that the *Ethics Committee* members meet and debate the case using mature ethical decision-making methods and taking into account the various interests of the school. This deliberation process of the *Ethics Committee* should be accompanied by the application of some methods for facilitating staff and stakeholder *participation* in this ethical decision-making process (hearings at the *Ethics Committee*, debates on the web or by direct participation). The decision concerning the updating of the ethical code must be taken with a large participation (not arbitrarily, neither secretly), either by a direct participation of all the employees, or by representative meetings (e.g. the Board of the school). George could *participate* to the setting of a new moral rule; but as a private person he cannot *himself* set a new moral rule. In his quality of participating person his knowledge of the ethical decision making procedures may prove helpful. Otherwise, the knowledge of these procedures is the exclusive duty of the *Ethics Committee*’s members.

In any case, the first question of an employee when confronted with a novel case or a moral dilemma is not “how to apply in this case the utilitarian or the Kantian method that I learned at school?,” but “what’s the solution stipulated by the moral code?” If our teacher’s deed is explicitly forbidden by the code, then it is immoral and its author must be punished; if it is compulsory, then it is a duty; if it is permitted, then it does not raise moral problems although it is not compulsory. The employees’ immediate moral guide is the written *Code of Ethics*, more or less internalized under the form of some *moral dispositions*. Laymen do not apply sophisticated ethical decision-making methods, of which they have never heard of. Morally speaking, George is an employee like all of his colleagues, and stays under the provisions of the ethical code. It is not his task to judge moral behavior. And he must never substitute a moral assessment with an administrative decision. He has to learn to react differently as a *moral* person.

The Great Moral Route

LET US see what this reaction looks like with the help of what I called the *great moral route*, inspired by R. M. Hare’s ethical theory (Hare 1981, chaps. 1–3). My scheme modified the original utilitarian decision-making procedure and made it a guide to an efficient organizational moral behavior when a new kind of act was performed and was suspected of being an immoral act.

A person with a mature moral thinking, found in the situation of George, will begin by trying to:

1. Establish the facts in an unambiguous manner.
What action (policy, decision, research program, biotechnology etc.) do you intend to morally assess and which are the relevant circumstances in which it takes place? Be impartial and use the experts’ know-how when needed.
2. Verify the compliance of the assessed action with the actual moral codes.
That action is *moral* which respects the organization’s ethical code (or some more general moral rules of the common morality, maybe some other internal regulations) and is *immoral* if it does not observe them.
3. In everyday life, the observance of moral rules and not the value of consequences are mainly relevant from a moral point of view.
If an action X is in accordance with the rules of an ethical code but by doing X we actually and continuously harm the others (maybe ourselves) or affect their dignity, we cannot be accused of immorality because we have respected the Code; moreover, we have to continue to respect it. As moral persons, we like to say we have stable principles! As in the case of the juridical law, we have to be *covered* by the rules of the moral code in all we do.

4. A warning for the Ethics Committee—a modification in the ethical code is desirable.

In case the abovementioned anomaly continues and becomes symptomatic we shall not “protest” by breaking the incriminated moral rules but we shall warn the ethical facilitator called *Ethics Committee* and ask it to analyze the case and consider the possible modification of the Code. I suggest to set up a good Ethics Committee conceived as a *methodological pluralist* panel, i.e. one that includes persons able to apply various ethical decision-making methods (one of them may be a believer in the Christian moral view, another in the Kantian one, in the utilitarian one, in principlism etc.). The assessments convergence is assured by a virtual *Ethical Delphi Group*.

5. An action cannot be called “moral” if it is not covered by a moral rule in the Code of Ethics.

When we are confronted with a new case which is not regulated by the Code, e.g. a type of action which shocked the entire organisation, we cannot call it “immoral” if there is no rule to forbid it in the Code. We can decide the *morality* of an action only on the basis of its coherence with the current Code rules. Therefore, if we think that this harmful behavior is a typical case which presents a risk for the organisation, we have to ask the Ethics Committee to introduce a new moral rule in the Code to regulate the new case. It can do this or not.

6. To update the Code with a new moral rule is something that has as a necessary condition that action’s expediency. But this is not enough.

The *Ethics Committee* may decide the completion of the Code of Ethics with a new moral rule concerning action X, based on a *plurality* of criteria. For instance, one may show that the repeated occurrence of action X, i.e. by different people and at different moments, has negative rather than positive consequences on all those concerned (which ought to be listed). If it has such evil consequences—then the action-type X is *inexpedient* and we can formulate a new rule R to forbid it. (A similar judgment for the case of moral dilemmas: their solution may be a new rule which sets up the hierarchy of the conflicting rules.) But this is not enough to call it *moral*.

The judgment ought to be impartial: ask yourselves whether action X and its consequences would be desired by no matter which of the parties, if they are in similar circumstances and you imagine yourself in their place.

But this is still a one-sided *utilitarian* judgment. A pluralist approach by a pluralist Ethics Committee would be better. This means to use experts able to morally assess the case from a *variety* of ethical perspectives.

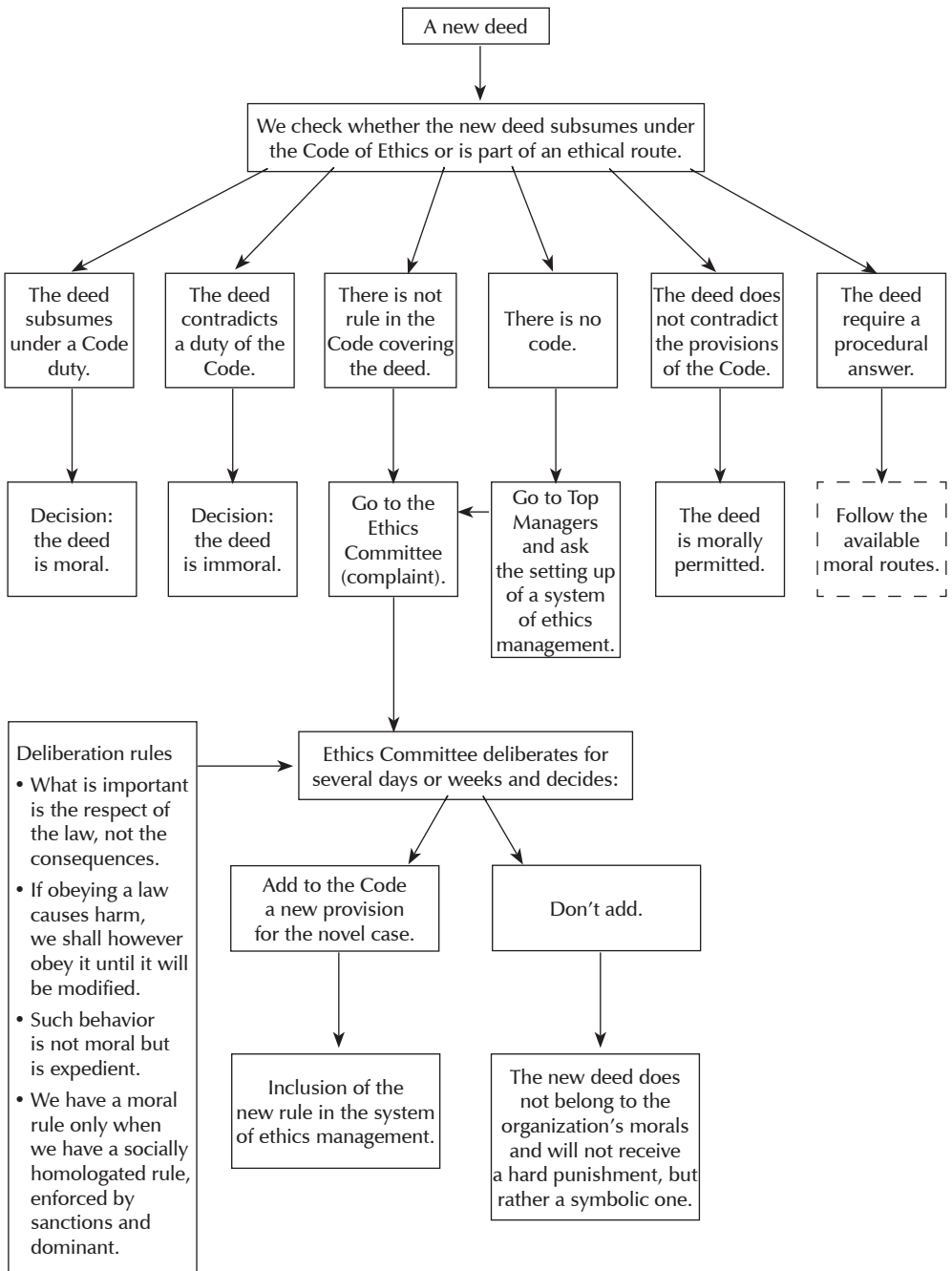
7. To be called “moral,” the new rule has to be “dominant,” therefore it has to have associated social sanctions with various strengths—this is done through a process of social homologation.

You may socially *homologate* the new moral rule (or the solution to the moral dilemma) by a public debate (with all the personnel—organizing trainings, printed information materials etc.) and by verifying whether: i) the type of utility protected by the new rule is “vital” for the organization or society at large, if it is of the kind usually protected by the ethical principles; ii) the new rule is compatible with other moral and juridical regulations; iii) the new rule is not in conflict with other important values of that organization or society at large (economic, geo-strategic, political, religious etc.). The Code of Ethics has to be public and adopted by all those concerned or their representatives, on multiple criteria, to the benefit of all those concerned.

8. Proceed to the individual subjective assimilation of the new moral rule.

The typically moral sanctions are the pangs of one’s conscience and public opprobrium, if the laws were broken. This moral motivation demanding respect of the law may be disseminated by programs of i) ethical training and ii) the setting up of an institutional culture that is favorable to ethics. The purpose of all these efforts is a “moral organization.”

This is the diagram which corresponds to the table:



These are not assessment rules or the incorporation of a previous moral assessment, but rules of efficiency in managing the moral behavior. If we internalize the above procedure as our way of being, we shall act in a *mature* way when confronted with such a novel situation. The first step will *not* be that of trying to assess the case *by ourselves* (by applying simple or sophisticated methods), neither to complain to the *Administration*, but to look at the *Code of Ethics*. If the new action is regulated by a moral law in the *Code*, performing that action means to act morally. If there is no applicable norm, we have to ask the *Ethics Committee* to debate the case and *update* the *Code*. Until then, we cannot speak of a moral/immoral action even if we, *personally*, apply learned methods of ethical assessment and form a *personal* idea about the moral quality of the action; but this will remain a *personal* opinion. All we can do until the new rule is established by the *Ethics Committee* as a result of *the agreement of the entire staff* is to guide ourselves by *rules of thumb* (expedient, pragmatic). The setting up of a new *moral* rule is the result of an agreement of all those concerned, not a *personal* decision.

Small Moral Routes

THE USUAL extreme attitudes towards institutional moral behavior are either to *obey the rules without any comment* or, alternatively, to internalize simple methods of ethical decision-making, and then morally *comment on everything*. Both attitudes are wrong. The first because it is a symptom of the lack of internal moral life, of the fact that that organisation does not take ethics seriously. The second because one confuses institutional ethics with the personal opinions on what is moral and what not—an unending dispute. Some institutional ethicists are inclined to think that the right way is to improve moral thinking by learning *simple methods* of ethical decision-making instead of multiplying the rules. However, in daily moral judgment, the simplistic procedures of decision-making (“What would my colleagues say if they found out what I did?” “What would my mother say?” “What are the effects of my action?”) are of no help. On the contrary, they may only confuse us. The sophisticated methods of ethical decision-making and the ethical theories are not for the layman, but for the members of the ethics committees. But the respect by the employee of some simple moral routes is in the organization’s benefit. Not to speak about the fact that an imaginative ethical trainer can use this decision device grounded in Hare’s synthetic theory to teach significant aspects of *what morality is*.

The details of this teaching will be found in what I shall call the “small moral topology routes” of an organization. These are chains of procedural rules

designed to efficiently solve certain local, particular problems in the sphere of institutional morality. For example, in organizations we usually work with social or physical facts, facts which are *neutral* from a moral point of view. They are neutral because they really do not have any moral value. Or because *we* don't know how to recognize it. This is a difficult task: to recognize the moral problems in the facts that are the outcome of our job. Can these facts acquire some moral value when they are connected with ethical principles? May facts receive and lose their moral value relative to non-evaluative contexts? Is a moral quality really universal? Is a moral action a professional type of action? Who and how will resolve a conflict of moral assessment? These are difficult questions even for specialists. They should be "translated" into the language of laymen. Some of the members of ethics committees are perhaps laymen and they are involved in creating and updating codes of ethics. Who could they ask for counsel in this sense? How shall we proceed in case we feel sexually harassed? Where to go, to whom shall we complain? A *moral route* and, why not, a *moral desk* would be very helpful in all these situations. They may be annexed to the code of ethics. Here are some examples.

Route 1

HOW COULD we identify a moral problem in our everyday professional activity or distinguish a professional from a moral activity? We have some ideas but we are not entirely certain. Where to go?

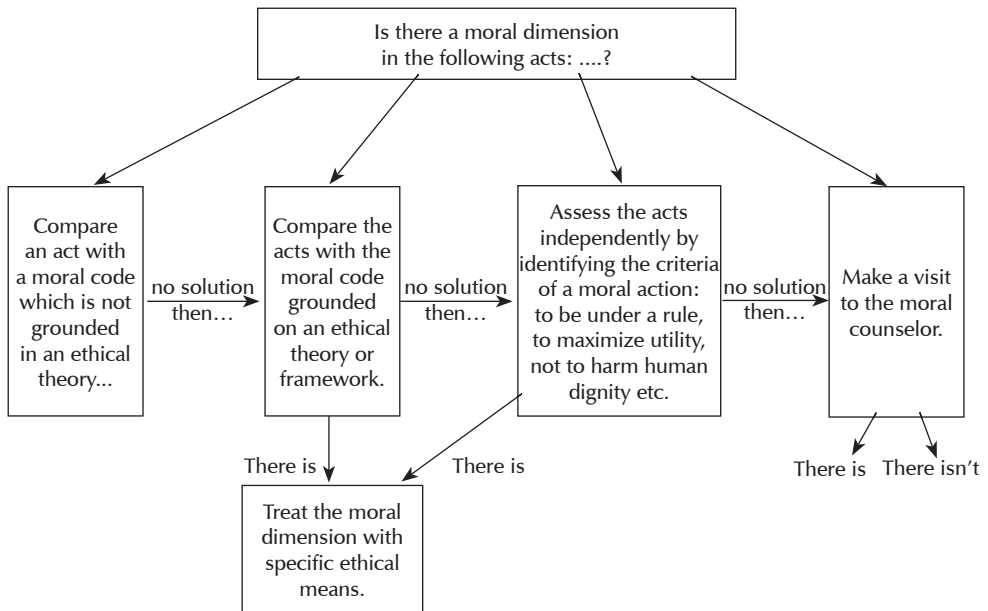
It is simple, but only relatively so: if we *have a well done code*, we check if the disputed act is in compliance or contradicts the code. If it is subsumable under an obligation, then it is a case of moral duty. If it contradicts the code's norms then it is an immoral act. If it does not contradict or does not come under the provisions of the code, then the deed may be morally permitted if the code satisfies some supplementary conditions which justify it as a *genuine* moral code. To be morally relevant, a code of conduct must be grounded in a moral theory or in an ethical framework (utilitarian, Kantian, Christian, rights based, feminist, principlist etc.).

We may also try to identify the moral acts or aspects of the institutional life by using a set of *criteria* which delimit the sphere of *the moral*. But these are hard to be used currently.

In case the previous approaches fail, an alternative assessment may be activated, one based on our *moral flair*. But this seems to be a very subjective and relative one. To determine the *perceived* ethical risks in an organization, a

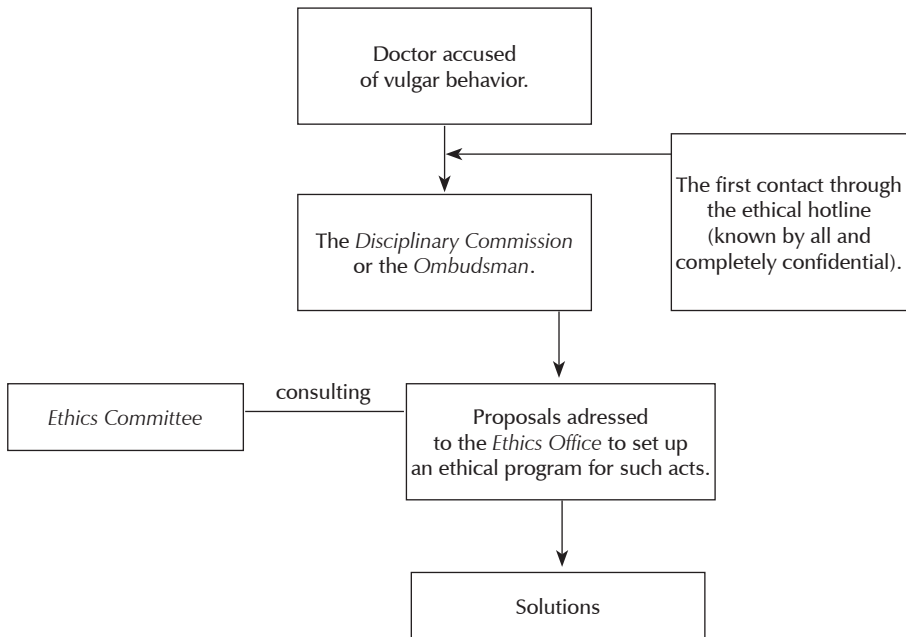
sociological investigation may also be conducted (the “moral diagnosis” of the organization).

For confirming the assessment, the employees must visit the *ethical consultant* of the company—which should be an expert—and ask his opinion. Learning and respecting this moral route may transform a layman into an increasingly ethically mature person. He will become increasingly aware of the specificity and limits of the moral assessment instruments his organization has.



Route 2

A PATIENT in a hospital wants to complain about a supposed case of vulgar behavior of the doctor (or vice versa). He doesn’t know whether repeated behavior is a criminal offence, a moral trespass without a legal significance, or a combination of both? Who could resolve such uncomfortable cases? How could a patient (doctor) find the “algorithm” to solve with minimum effort such a practical puzzle? Which is the route inside the organization which leads to competent counsel and finally to a solution to the problem? How could we build an institutional culture to exclude such a kind of behavior? In this case, the moral route ends up probably with the *Disciplinary Commission* and begins with the *Ethical Hotline*.



Similar moral routes may be established for solving malpractice problems, sexual harassment, complaints of different kinds, bribery, etc.

What does all this show? For the case of *daily moral judgments*, the respect of moral rules has priority. Without moral codes and character dispositions we would not have a moral life. We cannot continuously use our “moral thinking.” George guided himself as a simple act-utilitarian, using only the consequences of actions, which is very risky, especially when their probabilities are ignored. Therefore, even if it is obvious that in this particular case the bad consequences of the teacher’s behavior dominate, what George can say, on this basis, is that the action of the teacher is *inexpedient*, against the school interests, but not *immoral*. He may *suspect* the teacher of immorality and even accuse her openly, but George—individually—does not have any means to *prove* this. The duty of a moral organization is to provide such ethics management means for the personnel. In any case, *individual* moral judgments (even those that use methods such as casuistry or the ethical matrix) cannot *set up* new moral rules but can only help us to judge more clearly from a moral point of view when we participate to the longer process of *social homologation* of a new rule. Classroom exercises are only simplified simulations of actual decision-making processes.

Such an institutional procedure as the “moral route” may be useful for strengthening the *moral order* in an organization’s life. We must begin to draw

on our past experiences, we have to learn from them and seek to increase institutional coherence and performance, including the organization's approach from a moral point of view. These procedures increase the "clarity" and "visibility" of an organization conceived as a moral body.



Note

1. An action is expedient in this sense iff it maximizes utility in an impartial way.

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Abstract

An Organization's Moral Topography

Starting from a considerable body of experience, including the personal one, the author remarks that even in an organization having a good code of ethics, as well as the means to enforce it, one usually ignores how to react adequately when a new and surprising moral event arises, the dominant reaction being a chaotic behavior of the staff, administrative solutions instead of ethical ones, and superficial measures taken under media pressure. The author suggests a way in which to diminish these bad effects. The organization has to establish "moral routes" for guiding moral behavior in a mature way to reach the best solutions efficiently; these routes may be part of the code of ethics as chains of procedural rules. They are similar to the evacuation plan in case of fire. The density of the moral routes in an organization may be seen as a measure of its *moral content*. What the author calls the "great moral route" is a meta-procedure for the right behavior inside a moral organization inspired by the methodological side of the "two levels" "Kantian-utilitarianism" of R. M. Hare.

Keywords

ethical decision-making, moral content, moral route, code of ethics, ethics management, R. M. Hare