

The ethical decision making



Ethics and morality are entwined together, concerning how we ought to act and behave within the boundaries of standards that govern certain actions being right or wrong. Karhausen (1987) simply described ethics being characterised as a philosophical discipline, surrounding the evaluation and justifications of norms of personal and interpersonal behaviour. Within ethics people make rational processes through moral dilemmas by applying a criteria or moral principles in order to obtain an ethically just outcome, this process is known as ethical decision making (Kohlberg 1973).

Within the public service reaching ethical decision can form the underpinning factor of life and death situations, therefore it is crucial that there is constructive and ethical framework in order to base and develop theoretical outcomes from.

Police officers in the United Kingdom are given the discretion that if the suspect poses a threat to themselves or to the public, the officers can protect or prevent injury to both themselves and others by whatever is deemed necessary. This could include the use of deadly force. Police officers must have a justification for the use of deadly force and this is based upon the regulation of the agency but most importantly their own analytical and ethical decision making. The National Decision making Model is a framework which helps support and encourage police officers to make the morally correct outcome in everyday situations not just those which requires firearms to be implemented. The National Decision Model (NDM) derives from elements of three decision making models that were formerly used; the Conflict Management Model (CMM), the Scanning, Analysing and Responding to and Assessing model (SARA) and the Value Based Decision making model

(Association of Chief Police Officers (ACPO) n. d). These models all have the similar common values, so were brought together to form the National Decision Model, whilst keeping the benefits of simplicity and utilizing the intrinsic aspects from documents such as: The Peelian Principles, Human Rights Act and Force Values etc (ACPO n. d). The most significant difference for the new National Decision making Model is the central core that has been developed and altered into the ‘ statement of mission and values’. This is to be considered at each stage of the model, because the role and expectation of the police service is required to be both ethically and technically correct (ACPO n. d). Surrounding this central concept is five action points that collaboratively contribute to an effective decision making process. These are; gather available information and intelligence, assess threat and risk level, consider powers and policies, identify options and contingences and take action and review (ACPO n. d).

The ethical issue I have chosen to discuss within this essay is whether police should be routinely armed and the ethical example I am going to use to best demonstrate my facts is the case of Jean Charles de Menezes, who was tragically killed in July 2005. This was due to his suspected involvement in the 7/7 bombings in London, and the high level of alert the police were under at that time (Glass 2007). In order to form a balanced argument I am going to research and explain two ethical theories, the utilitarian approach and the justice approach. I will then apply both of these theories towards my ethical issue of arming the police and discuss how each theory stands in relation to this ethical issue.

In today's democratic society the police are expected to uphold the Human Rights of every individual and this is achieved by balancing regulations and policies along with ethical and moral dilemmas. Furthermore this emphasis is increased in situations such as arming the police and ensuring that there is evidence of moral justifications for their implementation. Multiple philosophical theorists have argued alternative justifications through the use of philosophical theories towards ethical issues such as arming the police; however this essay will focus on primarily examining the utilitarian approach and the justice approach. I have chosen these two differing theories as their opinions towards arming the police are very different and almost contradict one another, so therefore will form the basis of this essay.

On the 22nd July 2005, at approximately 9. 20am a gentleman left his flat and walked down Tulse hill in London as he commuted to work (Telegraph 2008). At 9. 39am, Officer James drove past this gentleman and said that he is “ possibly identical to the suspect Hussain Osman” the suicide bomber they were after who was on the run (Telegraph 2008). At 9. 46am the control room of Scotland Yard recorded that the subject had been “ discounted” and informed all units to return to their original positions. Minutes later there was confusion within the command room generated by uncertainty to whether he had been identified or not and commander Cressida Dick's loggist recorded. “ It is him, the man is off the bus, they think it is him and he is very, very jumpy” (Telegraph 2008). The commander remained “ deeply concerned” and stated that the suspect should be prevented from entering the underground system. Despite this the suspect walked into the underground, went down the escalator and apparently heard his tube leaving so jogged

down the stairs and into the carriage where he sat down and started to read his newspaper (BBC News 2005). It was then that the officers were told over the radio that the situation was a code red, thus being shot to stop. At 10.06am officer Ivor, after following the alleged suspect onto the Tube at Stockwell station, signalled to the firearms officers “ he’s here” (Telegraph 2008). The suspect stood up as the firearms officers’ entered the carriage shouting the word “ police” and apparently walked towards them (BBC News 2005). Ivor reported that the suspect appeared very agitated and therefore pinned him back into his seat as he proceeded forward. Seeing this, the firearm officers named Charlie 12 and Charlie 2 for identifiable reasons shot the suspect believed to be Mr Osman seven times in the head, to ensure what they believed as the threat was over (Telegraph 2008) However, it turned out the man they believed to be Hussain Osman, was in fact Jean Charles de Menezes, a normal family man, who was an electrician by trade on the way to a job in North West London that day, who had no connection to terrorism.

I will now discuss the utilitarian approach which evolved in Great Britain over the eighteenth and nineteenth centuries by Jeremy Bentham, John Stuart Mill and Henry Sidgwick, who together succeeded in developing this into a practical and rational theory, which we can find today within our modern society (Genniet 2010). There are four theses combined to make utilitarianism, these are; Consequentialism, which is the relevance of actions that are determined solely by their consequences. Hedonism, which is the so called good that each human seeks to achieve, and utility to which is the degree an act produces pleasure. Maximalism, which is the right action

producing the most good and thus causing the least bad, and finally Universalism, which is how the consequences affect everyone (Waight 2012).

Overall utilitarian's are mainly concerned with the two following components; happiness and consequences of actions. Within utilitarianism happiness is about reaching the biggest state of contentment and pleasure that every human being strives for. Utilitarianism is based on the principle of Utility, which is found in everything that contributes to happiness of every rational human being (Genniet 2010). The utilitarianism approach is classified as a consequentialist ethical theory, so this simply means that a judgment is made on morality of an action in relation to the consequences or results of that action (Mackie 1977). Consequentialism within utilitarianism is the fact that an action must be judged for its consequences on the happiness of the largest number (Mill 1863). So in simple terms this means within utilitarianism the belief is; there is a choice between courses of action and the most ethical one will produce the greatest happiness and cause the least harm, not only to the individual, but for all who are in any way affected (Mackie 1977). Utilitarianism does not care if that action is formed by lies, manipulation, or coercion as long as it produces the greatest benefits (Velasquez et al 1996).

The strengths of the utilitarian approach is that it is a simple clear systematic method to ethics and cannot be faulted on its morals, as it tries to establish the greatest happiness and fairness of the greatest number or party involved (Mackie 1977). Bentham states that utilitarianism considers all the consequences from differing actions, which is vital in building a civilized society (Troyer 2003). This can be seen each time we make a cost-

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benefit decision, we are being utilitarian's. An example of this could be, when we build a new road, instinctively knowing that traffic fatalities will occur, we are analysing that the sacrifice is worth making for the greater good that will follow (Gillette n. d). In terms of the theory, these decisions are crucial in order to live and further develop the world we live in, otherwise society will stand still.

Researchers have argued that there are many weaknesses and implications within the utilitarian approach and one strong weakness is that according to this ethical theory there would be no moral absolutes. For example, things that are always right or wrong whatever the circumstances or actions may be, would not exist (Mackie 1977). Many have argued with the concepts of utilitarianism, as some state that it does not relate well to human beings, instead treating individuals as objects used in connection with increasing happiness (Gillette n. d). This is furthered by that fact that utilitarian theories make it morally permissible to imprison, torture and murder individuals, whether innocent or guilty, in order to achieve the greater good (Gillette n. d). Other weaknesses from this theory include that it is difficult and sometimes impossible to predict the consequences of each action, and that it is difficult to define exactly what is meant by someone's happiness (Smart and Williams 1973). Although these are all strong weaknesses within utilitarianism, strong believers of this theory like Bentham and Mill, have confidence in that the strengths outweigh these perceived flaws.

I will now discuss the utilitarian approach in relation to my ethical issue of arming the police and my working scenario of the Menezes case. In its simplest the utilitarian belief is that the most ethical action will produce the

greatest happiness and cause the least harm to all who are in any way affected (Mackie 1977). So from the information I have researched it would be plausible to assume that arming the police would be both permissible and acceptable in the eyes of utilitarian's and their approach. This is because having a society which police officers are routinely armed with guns that are capable of delivering lethal and life threatening force; it can be seen as a method of protection and prevention for both the police and greater community. This links to the utilitarian approach in terms of sparing the lives of the many which outweigh the potential lives of a few. However, the risk of injuring to the many can be exacerbated as there is a potential for the police officers weapons to be used for wrong doing or the criminal believing that they should be armed as well, like within an Americanised society. This would then flaw the utilitarian approach as by criminals having guns, its main principle theme of achieving greatest happiness by causing least harm, would be not be entirely applicable.

In the terms of utilitarianism and specific to the Menezes case, shooting an individual or suspected individual who poses a risk to innocent civilians is justified because the death on that individual would mean sparing the lives of many others. Furthermore, the officers involved in this situation can be seen to have followed the ethical framework, the National Decision Model to aid there decision making. They did this by gathering the apparent intelligence from the control room, assessing the threat to themselves and the public which informed them that they were under red alert and to use lethal force in order to stop the risk of the bomb being detonated and prevent fatalities. When the situation arose the officer decided that it was

necessary to take action and did what was needed to be done. However, as the final stage of the National Decision making Model is to review what happened, in this case it turned out that the information they had received was not hundred percent accurate and thus resulted in killing an innocent member of society, Mr Jean Charles de Menezes.

I will now discuss the justice approach or otherwise known as the fairness approach, which was developed by the ancient Greek philosopher Aristotle who stated ' equals should be treated equally and unequal's should be treated unequally' (Velasquez et al 1996). Justice has multiple meanings within different context for example the importance of having rights, equality and fairness. Surrounding this concept are theories which cannot solely be related to moral theories because justice and morality can be separate notions within themselves (Gray 2011).

The underpinning moral question this approach asks are; how fair is the action, how does it treat everyone in the same way, or does it show discrimination and favouritism. Discrimination and favouritism within the justice approach focuses on how unfairly benefits or burdens are dispensed among members in a group without justifiable reason, even though those members are the same as other members within that group (Velasquez et al 1996). In simple terms the justice approach finds that moral decisions must be based on standards of equality, impartiality and fairness (Daft and Marcic 2008).

A leading individual within the justice approach is Rawls, who rejects the utilitarian approach with its basis on maximising happiness and formulating a

social contract through establishing principle of justice (Rawls 1999). Rawls's theory is purely hypothetical, which helps identify a rational choice of what the justice approach might require. Within this theory, Rawls believes that individuals should operate behind a "veil of ignorance" in which they are not aware of their gender, religion, social position, intelligence or place in society (Rawls 1999). Following this Rawls predicts that two essential features would become apparent in society, firstly people have the same equal rights to certain basic liberties for example freedom of life, freedom of speech and thought and freedom to participate in government. Secondly, least well off members of society would benefit from social and economic inequalities and differences of treatment, however only if these principles are available to everyone (Rawls 1999). This shows that Rawls take on the justice approach is purely hypothetical and only parts of it relate to today's society.

There are three main types of justice concerned within this approach and they are; Distributive justice, Procedural justice and Compensatory Justice. Distributive justice is concerned with individuals who are similar in ways that is relevant to an action or decision, for example men and women carrying out the same job should be paid the same (Daft and Marcic 2008).

Procedural justice requires that rules and regulations should be administered honestly and these rules should be clearly stated and impartially and consistently enforced (Daft and Marcic 2008). Compensatory justice is focussed on individuals receiving fair compensation for any injuries they sustain from another party if it was not their fault or wrong doing.

This approach does reflect however the utilitarian ethics as it uses merit to distinguish how members of society will either be punished or rewarded,

based solely on whether that individuals actions is beneficial or harmful to the society in which it occurred (Rawls 1999). The strengths of the justice theory are that it does not require complex calculations such as those demanded by the utilitarian approach, nor does it justify self-interest as the individualism approach does (Daft and Marcic 2008). However its weaknesses are far more arguable, including that there is no knowledge of its own status, no social background, and it is influenced by not having social circumstances, psychological make-up, culture and civilization.

I will now apply the justice approach and its theoretical concepts to my ethical issue of arming the police and the working scenario of the Menezes case. As previously established the Menezes case is a prominent event in the deliberation of whether it is ethically justifiable to arm all police officers within today's society, and is plausible from the utilitarian viewpoint.

However the justice approach stands aside in this issue, with the notion that by disarming all involved parties will equal the playing field for all. This is true as it may limit such violent crimes and any lethal mistakes made by the police, thus concurring with Velasquez et al (1996), that equals should be treated equally and unequal's should be treated unequally. However, practically within society this would not exist as some individuals already have firearms and would not want to see themselves as equal to others. This poses both a risk and a challenge for police officers within the justice approach as the majority of society would be equal in not having firearms, although they would be inadequately prepared if faced unexpectedly with an individual with a firearm, therefore not on an equal level. Additionally the justice approach is concerned with individuals having certain liberties such

as the right to life and speech, which could be compromised and infringed upon if society decided that police officers should routinely have firearms. In terms on the Menezes case, taking the life of someone who is innocent and unarmed is against the principles of the justice approach as these two parties were unequal. This is irrelevant to the officer's ethical decision making process or the National Decision Model to which it can be seen as lawfully correct but not ethically right in this situation.

To conclude, this essay has used the ethical issue of whether police should be routinely armed in society and has looked at the ethical example of Jean Charles de Menezes. As a method of ensuring a balanced argument I have examined two ethical theories, the utilitarian approach and the justice approach and explored their viewpoint related to my ethical issue.

This essay has found that the utilitarian approach is mainly concerned with the two following components; happiness and consequences of actions and although its morals cannot be doubted, achieving the greatest happiness is important, the approach is very limited and not practical in a modern society. This is evident in an example by Gillette (n. d) who conceptualised that utilitarian's view of murdering, raping or torturing is acceptable if it is for the greater good and happiness, yet this is not ethical. In relation to arming the police, the utilitarian approach is immoral, as it would make it ethically permissible to shoot someone if it benefits the greater good of everyone else.

Alternatively the justice approach finds that moral decisions must be based on standards of equality, impartiality and fairness (Daft and Marcic 2008),

although similarly to the utilitarian approach, this is not always practical and is restricted by the nature of society we all live in. The justice approach finds that in relation to arming the police, some individuals may not want to perceive themselves as equal to others, for example already owning a firearm therefore invalidating the possibility of all individuals being equal and having the same liberties under a veil of ignorance.

Overall the ethical issue of whether police should be routinely armed remains controversial from various ethical viewpoints, and will remain a prominent subject in our ever developing society for the forcible future.

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