

# Joseph Ellin's Commentary on "Question of Delegating Responsibilities"

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Question of Delegating Responsibilities

## I

Poor Dan Dorset! After weeks of looking forward to his ski trip, both it and his deposit are about to go down the drain--and unnecessarily at that, because Jerry Taft is qualified to supervise installation of the tardy equipment. It's too bad Dan is going to lose his vacation, but he has no choice, as his responsibility is to supervise installation of the units. What can he do about it? It's not that he's without recourse. What he can do is to try to get his company, Rancott, to reimburse him for his lost condo payment, and perhaps give him a free vacation to compensate for the one he lost. If he's a valuable employee, this seems like a good investment on Rancott's part. However if Dan doesn't think this option will work out, there's no harm done in phoning home and seeing if Rancott will let him leave early; perhaps there's another engineer available who can fill in. Although Rancott has good reasons for their policy of having one of their own engineers supervise installations, it doesn't necessarily have to be Dan, and in any case it is Rancott's company policy, not required by law or contract. So they can make exceptions if they choose (and Taft is said to be fully capable). But if Rancott turns him down, he's got to sacrifice his vacation. You can't just walk away from a job responsibility, even if you think nothing will go wrong.

## II

Later, Dan asks his chief, Ed, what Ed would have done if Dan had taken the vacation. Ed replies that he probably would have done nothing, at least not if nothing had gone wrong, but nevertheless 'officially' he wouldn't have approved of Dan's leaving, because to do so would be to risk his own neck. Is this a defensible

position for a chief to take? No: Ed's position is mealy-mouthed and unconscionable. If he doesn't think Dan is needed, he should give him permission to leave. Since he won't authorize him to leave, and is afraid of "his neck," this is an implicit admission that Dan is needed; something might go wrong in Dan's absence. Ed is trying to be a nice guy and 'reasonable' by not telling Dan straight away that he isn't allowed to leave; he's afraid to authorize Dan to leave and doesn't have the courage to order him to stay and do the job. He wants to avoid making any definite decision so as to appear blameless no matter what happens. Ed needs to learn to accept the responsibilities of his position.

On the other hand, Dan's way of going about this is not above reproach either. He has no right to push Ed into making hypothetical commitments Ed is reluctant to make. His approach to his lost vacation should be to request compensation from Rancott; he ought to simply assume that he would have be subject to disciplinary action if he absents himself from the work site without authorization. In fact, this assumption is part of his claim to compensation. Clearly, were it the case that he would not have been disciplined, then his claim for compensation is weaker, since in fact he would not have lost anything had he taken the vacation.



In this scenario, Dan asks Ed for permission to leave, and doesn't get it. Ed's avoidance of responsibility is at least consistent: he won't authorize Dan's departure, but he won't threaten punishment if Dan departs without authorization. On the other hand, Ed isn't obligated to tell Dan what he would or would not do if Dan takes unauthorized leave. Given that nothing goes wrong, Ed might regard it as within his discretion to overlook the infraction; there is no rule saying that every infraction must be punished, nor is there any rule that he must decide in advance and notify Dan whether he'll be disciplined or not. Actual outcomes ought to be taken into account in determining punishments (as they are in the law: the drunken driver who kills someone is punished more severely than the drunken driver who manages to get home safely). Dan knows the rules and can assume violations will be punished. When Ed says he's given Dan his assignment and the rest is up to him, this is strictly speaking correct, (and in fact a tautology), but Ed's problem is that he's saying this as a way of evading his own responsibility to tell Dan in unmistakable terms that he's supposed to be on the assignment. Ed is not giving orders, he's covering his

own neck.

Ed's position is that Dan takes the risk by leaving without authorization; if something should go wrong, Ed will have no choice but to come down on Dan. This is a fair position to take, but not a fair proposition to put before Dan, who is thereby not given any clear directives.

Given Ed's mealy-mouthed direction, and given that Dan really thinks his own presence at the site is unnecessary, would it be all right for Dan to leave? No, since he's not authorized to do so; the fact that Jerry can do the job and Rancott isn't legally obligated to have anyone present means that Dan could very well have been allowed to leave; but he wasn't. From his conversation with Ed, he's discovered that he works for a boss who doesn't like to accept responsibility. This makes it more difficult for Dan to make decisions, but doesn't change the picture about this one. Even assuming that he's correct in thinking that he isn't needed because nothing will go wrong if he's not there (an assumption which may not be justified), the fact remains that he's been told to be there and so has no choice.

## IV

Therefore Dan's decision to leave is wrong, and now he shows that he's also dishonest and untrustworthy by being willing to falsify documents and expecting Jerry to do so as well on his behalf. Jerry would be a fool to sign, since obviously he's got a lot to lose if something should go wrong. Since Dan knows that Jerry will have to lie on his behalf, his willingness to take the vacation involves more than (arguably, minor) dereliction of duty on his own part, but subornation of dishonesty as well. Now Jerry is forced to choose between falsifying the documents, or in effect revealing that Dan took unauthorized absence. Maybe Dan didn't foresee the dilemma this creates for Jerry, or maybe he didn't think it would be a dilemma because he thinks Jerry is just as dishonest as he is; but the inevitability of putting his colleague on the spot in this way is another argument against taking the leave.

## V

In this scenario, Ed wants to leave early, not to take his vacation, but to begin another assignment. It's not stated how Dan got into this conflict. If he works under

assignment from Rancott company, the fact that he'll be late for the next job is their problem which they can handle as they wish; since they can't have their engineers in two places at once they'll have to decide which is more important. Presumably Dan would point out to Ed that he's needed elsewhere, and let Ed decide where to send him. Whether Rancott sends someone else to look after the other job, or seeks a delay from the client, or decides to let Jerry finish the installation at Boulding, is not a problem for Dan.

On the other hand perhaps the next assignment is one Dan is doing on his own. In that case, given the constraints of the question, Dan has a real problem that's not easily resolved, since he's apparently got inconsistent ethical obligations, to do work for two different employers at the same time. In the first place, one wants to know how he got himself into this situation. Presumably he relied on completing the Boulding job on time, which turns out to have been unrealistic, so his contract with the new client should have made allowance for this. Second, one should look for a solution: maybe he can overcome the late start and meet the deadline anyway, or persuade the second client to waive the on-time completion requirement, or persuade his boss Ed to let him leave the Boulding site. But third, if no solution presents itself, Dan will have to make some precise calculations. Since he can't fulfill both obligations, he ought to fulfill the one that's the most important. One consideration would be risk. Just how risky is it to let Jerry finish the first job? Is it correct that serious injuries may be possible from improperly installed equipment on the Boulding job? Against this possibility, how important is it to get the second job started on time? The risks of late installation at the second site are not given: do they involve safety, or just time and money for everybody? If there are equal risks involved, or if the risks to safety at the Boulding job are really insignificant, then if the second job is very important for Dan in terms of compensation and career advancement, he might be justified in opting for his self-interest and letting Jerry finish at Boulding. But if he does so, he'll take the risk that many other people won't agree with this decision, and he'll be blamed if something goes on the first job.

## VI

The question of whether evaluations should be based on actual outcomes or on foreseeable outcomes is important in law and ethics, but the answers are not the same. In law, crime is generally measured by the harm actually done rather than foreseen or attempted; if you shoot at me and kill me you've committed murder, but

if you miss you've committed only attempted murder. In ethics however the situation is different, since ethics, which evaluates character as well as behavior, depends much more heavily on intention than does law, which regulates in the first instance behavior, not thinking. If you do shoot at me, I might be thankful that you missed, but I'll evaluate you by your murderous intention and not by your inaccurate aim. Therefore ethical evaluation should be based on what is intended or foreseeable rather than on what actually happens. Putting aside all other considerations such as his responsibility to his company, whether Dan's decision to leave would be justifiable or not should depend on the risk he is running rather than on what actually happens. equal unwarranted risk deserves equal condemnation, regardless of actual outcomes in the two cases. Since a bad outcome is said to be unlikely, Dan's decision to leave, though wrong, is less to be condemned than were the odds of an accident greater, whether or not the bad outcome actually happens. However punishment is another question, since to punish is a law-like activity rather than a strictly ethical activity. Since punishment imposes harm on the person punished, in part in order to compensate for the harm he/she has done to some victim, there is always an argument that punishment should be reduced where no actual harm has occurred. Hence, two risks being equal, the one with no bad outcome should be punished less than the one where the bad outcome occurs; and it is at least open to question that someone ought to be punished at all for taking a small, though unwarranted, risk which does not in fact eventuate. It could be said then that whether or not a person is subject to punishment, should be determined by the risk he runs; but whether the punishment be administered, and how much, by outcomes. In actual fact, this seems to be Ed's position in II and III. Since ethically however we judge Ed by his intention, which is to save his own neck, and not by the actually outcome of his reflection, which is to arrive at a philosophically valid position, he gets little moral credit for it.