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EMPATHETIC ETHICAL DECISION MAKING THAT WORKS

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AN INVITED RESPONSE TO Bill Herman (2025), "Towards More Empathetic Ethical Reasoning," ***Bus Ethics J Rev*** 12(1): 1–7, https://doi.org/10.12747/j1k04

ABSTRACT

Herman (2025) argues that decision makers should strive to empathize as fully as possible with parties affected by their decision making, considering parties' actual beliefs and attitudes when possible. We discuss challenges to decision makers' abilities to consider parties' beliefs and attitudes in workplace decision making, specifically, research showing that workers are typically unwilling to share their beliefs and attitudes with managers. Applying our account of Intersubjective Reflection (Scharding and Warren 2023), we propose how a futuristic "Scanlon Machine" could leverage recent advances in artificial intelligence to address these challenges and promote empathetic decision making in organizations.

CAN EPISTEMIC INJUSTICE limit managers' empathy for their employees? Epistemic injustice occurs when individuals wrongfully perceive others as lacking credibility due to the individuals' own biases. A manager who discounts a female employees' claim of sex-based discrimination because the manager regards women as untrustworthy, for example, has committed an epistemic injustice to this employee. In his insightful commentary on our account of managerial empathetic reflection (Scharding and Warren 2023), Herman (2025) argues that epistemic injustice challenges the decision-making process we propose. Specifically, epistemic injustice

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could lead to unethical outcomes in our intersubjective reflection (IR) process if managers engaging in IR fail to recognize how their biases distort their reflections on others' claims. To address this possible problem, Herman (2025: 6) proposes that managers should consider not only employees' reasonable (as managers imagine them) claims, as we propose; managers should also "do everything possible to learn about others' actual beliefs and attitudes."

We applaud Herman's efforts to extend managerial empathy in decision making and are grateful for the opportunity to clarify, and potentially improve, the IR process in light of his incisive commentary. We are concerned, though, that employees may not typically be willing to share information about their actual beliefs and attitudes with managers even when managers actively seek their input. In response to his commentary, we review evidence concerning the challenges managers face in ascertaining their employees' actual beliefs and attitudes from the literature in organizational behavior. We then offer a suggestion of how new technologies could help to overcome these challenges and include employees' actual beliefs and attitudes in the IR process, as Herman (2025) recommends.

Employee Silence

Employee silence is an important hurdle to creating and maintaining ethical work environments because it affects how managers learn employees' attitudes and beliefs. A substantial body of research captures the prevalence of employee silence on a variety of topics (Morrison 2023). For example, Milliken et al. (2003) conducted interviews with 40 employees working in a broad range of industries to gauge the issues they would not raise in their workplace. In this study, a large portion of the issues that employees would not raise related directly to ethics or fairness in policies, compensation, and managerial decisions, including discrimination.

To further illustrate how employee silence conceals the actual beliefs of employees, we turn to Creed's (2003) study of LGBT ministers who stay in the 'stained glass closet' by hiding their identities from those in their churches. Because their workplaces disapproved of homosexuality, these ministers remained silent and do not reveal their true attitudes and beliefs, which support the morality of homosexuality. Sometimes referred to as the 'invisible minority' or

'invisible diversity,' employee silence masks employee objections to workplace practices and potentially distorts the popularity of the majority position (Bowen and Blackmon 2003). Importantly, research suggests that employees stay silent to avoid conflict and protect themselves (Brinsfield 2013).

Taken together, these findings suggest that employee silence often occurs around ethical issues at work. Asking employees to share their viewpoints, then, may not produce accurate information for assessing employees' actual beliefs and attitudes.

Using Technology to Improve the IR Process

Although the problem of employee silence is significant, recent technological innovations suggest a means of addressing it. Specifically, Google has developed a form of machine learning-based artificial intelligence (AI) to help groups find consensus about controversial issues (Tessler et al. 2024). Google calls this AI the "Habermas machine," after the German philosopher, Jürgen Habermas. We briefly explain how the Habermas machine works and how it might serve as the basis of a "Scanlon machine," named after the American philosopher, Tim Scanlon, upon whose views we based the IR process.

Habermas (the philosopher) theorized that individuals could achieve consensus about controversial issues by communicating their positions using "ideal speech acts." Similarly, Habermas (the AI) takes group members' individual statements of their positions on controversial issues, including the reasoning supporting their positions, and generates several candidate "group opinion statements" (Tessler et al. 2024: 2). Group members rank the candidate statements in their order of preference; the Habermas machine then aggregates the rankings. Group members privately criticize the highest-ranked statements in writing, and the Habermas machine produces revised group opinion statements. After a second round of human ranking and AI aggregation, group members indicate their preference between the highest-ranked statements in the first and second rounds. Scholars found that, after interacting with the Habermas machine,

> group agreement increased on average by about eight percentage points, indicating that participants converged on a common position on the issue within their group after AI-mediated deliberation (Tessler, et al., 2024: 4).

Scholars have pointed out that the Habermas machine might promote agreement because participants tend to view algorithms as more objective and unbiased than humans (Cohen and Kugelburg 2025). For the same reason, a future Scanlon machine could help employees to express their views more honestly. In the IR process, managers facing an ethical dilemma formulate the dilemma as a principle, identify relevant parties, and then reflect on whether the parties would reject the principle for "intersubjectively valid" reasons (i.e., reasons that other parties would recognize as normative). The challenge, according to Herman, is that managers may not properly gauge whether parties would reject a principle due to their erroneous or narrow understanding of what others believe.

To see how a Scanlon machine would help managers consider employees' actual beliefs and attitudes while avoiding the problem of employee silence, we turn back to an ethical dilemma described in Scharding and Warren (2023). In that dilemma, we addressed an employee who applies for an executive position that females do not typically hold and extracts the norm "Females are excluded from executive positions." Using the Scanlon machine, managers can receive feedback from affected employees about the dilemma, without the employees needing to disclose their identities (thus avoiding the problem of employee silence). Specifically, employees can say whether they reject the norm and, if they do reject the norm, what their reasoning is for doing so. If one or more of the employees rejects the norm for a reason that the manager judges to be intersubjectively valid, then the norm is unethical. The Scanlon machine thus could allow managers to make their decisions with a good understanding of what norms others would reasonably reject while avoiding epistemic injustice.

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