

Michael Davis' Commentary on "Owning up to a Failure"

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Part of being a good professional is making distinctions. This is a case that calls for distinguishing between lying, deceiving, and merely failing-to-reveal. Lying is much more likely to be morally wrong, all things considered, than is deceiving; and deceiving, more likely to be morally wrong than just failing to reveal.

To lie is to state as true what you do not believe, intending that the person to whom you are speaking (or otherwise signaling) will believe what you say. To deceive is to try, by whatever means, to get someone to believe what you do not believe. To fail to reveal is to do nothing when you could provide information that would change what another believes. Lying is a kind of deception; deception, in part a failing to reveal.

We have a general moral obligation not to lie. Excusable lying is rare; justified lying, rarer still. We also have a general moral obligation not to deceive, but both excusable and justifiable deception is more common. The reason for this difference is that too much lying would make communication impossible, while too much (non-lying) deception would simply make us more wary where we could not get assurance in words. Even in war, this distinction is important. For example, while feigning retreat to trick an enemy out of its fortifications is morally permissible, using a flag of truce to do the same is not. The flag of truce preserves the possibility of communication between enemies. War would be crueler if a flag of truce meant nothing. The cruelty would, on balance, benefit no one. Not everything is fair even in war.

In contrast, failing to reveal is not necessarily morally wrong even where lying or deceiving would be. We have no general moral obligation to tell all or to correct the misconceptions of others. Indeed, failing to reveal is morally wrong (all else equal) only when we have undertaken to reveal what we do not reveal (for example, by contracting to warn) or when the harm to be prevented is great relative to the cost

of revealing the information (for example, where a word would keep someone from walking off a cliff).

So, keeping silent is not deceptive just because XYZ might benefit from hearing what Winters is thinking. How much one should open one's thinking to others is a matter of judgment, taste, and convention. Some customers want "only the facts" while others want to participate in the fact finding as well. Some engineers like the give-and-take of thinking together. Others don't want to talk until they know. We recognize much latitude in such matters. "Privacy" is the word we most often use to invoke this recognition. Winters is under no moral (or professional) obligation to express his "suspicions".

Acknowledging fault under the circumstances is, however, another matter. While ordinary people are not obliged "to hang out their wash," engineers are. According to the NSPE's Code III.I.a., engineers "shall admit and accept their own errors when proven wrong." So, if the mistake were Winters', he could not keep silent. He would have to tell XYZ at the first opportunity.

Of course, the mistake in question is not Winters' (or Nash's) but someone else's at R&M. So, Winters is under no obligation to speak up. No one's health, safety, or welfare is at stake; and, so long as no one asks him what happened, nothing in his relationship to XYZ could reasonably lead its representatives to misinterpret his silence. The same would be true of Nash if, as is likely, he too is an engineer.

The letter to XYZ explaining the credit adjustment presents a different problem. If (as suggested) the adjustment was made because R&M made a mistake, the letter, as written, states as true what is in fact false. R&M (apparently) wants XYZ to believe what R&M knows not to be true, that the credit was given (primarily) for one reason when it was in fact given (primarily) for another. The letter seems to include a lie.

That lie cannot be justified (or even excused) on grounds of business necessity. XYZ may well see through it, reducing its trust in R&M. Even if XYZ does not see through it, the lie probably will not benefit R&M. In the short run, the lie saves the people responsible from public embarrassment, but R&M is unlikely to get any business because of that. In the long run, customers are likely to realize that R&M routinely covers up its mistakes. Its lies will become useless. Indeed, they will probably become worse than useless. They will reduce communication between R&M and its

customers. R&M may lose its customers' help in tracking down and correcting problems. Why help if all you ever hear from R&M is that it's not their fault but they'll reimburse you anyway? So few R&M customers are likely to find such defensiveness attractive that the practice of not "hanging out the wash" seems certain to hurt R&M in the long run. And, in business, the long run is seldom more than a decade.

Winters might want to think about the problem from another angle: what should a faithful agent or trustee of R&M do when R&M's longterm interests are at stake? Nash may be thinking about R&M, or he may be thinking about his own cousin down in Quality Control. The manager who eventually wrote to XYZ may know the whole story or only what Nash told him. Nash (for whatever reason) may not have told his superiors everything. People are not necessarily more open with superiors than with customers. Like water, information does not flow upward without help. The lying letter may have been the work of ignorance, not cunning.

So, though Winters may think of himself as trespassing on management's prerogatives, he probably should check with superiors to see how official "the official position" really is. I would not be surprised if he found that, while Nash honestly thought he was doing what his superiors wanted, they wanted no such thing. Instead, they had not really thought the matter through yet and now, hearing a different opinion, have begun to rethink a practice that had grown up without anyone noticing.

If this turns out to be so, Winters will have learned at least two lessons he should take with him into management. The first is that he should not emphasize the distinction between management concerns and engineering concerns. The most likely effect of such emphasis is to bottle up in engineering information a manager would like to have. The second lesson Winters might take with him is how easy it is for a large organization unintentionally to put its agents in a situation where they believe the organizations wants them to do things it in fact does not want them to do.

I have so far been assuming that R&M Machinery is not an engineering firm, that is, a firm with engineering in its title and owned primarily by engineers. An engineering firm, like an individual engineer, would have a positive obligation to admit its errors (just as individual engineers do) and an obligation to make sure its employees understand that.