

PRIMA FACIE IN W. D. ROSS: A MORAL DECONSTRUCTION OF BUREAUCRATIC WORK PLACE

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Abstract

Bureaucracy is a convoluted, splitting up of duties, professional management and hierarchical of coordination. The Rationale for of bureaucracy is to achieve efficiency in a well-organized way through strict adherence to a well-defined procedures and rules. It is an ethical monism that water-down quick decision making. The single approach of doing things is stringent and has led to poor performance and delay in decision making. Bureaucratic workplaces is good, it enhance efficiency but it slow the administrative activities and rendered the workplace monotony and toxic nature. Using the method of philosophical analysis, this paper argue that ethical monism in organization may not do enough to achieving organization goals. This study suggest the application of moral deconstructionism to redefining organization principles, performance and measurement through the application of W.D Ross's principles of prima facie for the achieving of organizational goals to enhance efficiency.

Keywords; prima facie, moral deconstructionism, Bureaucracy decision-making and

INTRODUCTION

The application of bureaucracy in an organization is one of the moral issues confronting businesses and corporate organizations in the recent time. The administrative and organizational bottlenecks associated with the theory and practice of bureaucracy transcends local formal organizations, civil societies and national administration or leadership that are guided by bye-laws and constitutions and extends to international organizations and or world politics that are guided by charters and treaties. Etymologically, bureaucracy is an assemblage of a French word "bureau" meaning desk or office; and a Greek word "kratos" meaning rule or political power. Bureaucracy is an organized group of persons or government that is not necessarily elected who are charged with the responsibility of administrative policy making. According to Webber, bureaucracy in the modern sense is formal rule-driven operation comprising individuals with appropriate hierarchical delivery structure (Burgess, Adnam, Besley, Xu, 2021). It is the administrative structure of any large institution or organization whether it is privately or publicly owned. Bureaucracy is experienced or practiced in social organizations, hospitals, educational institutions, business

organizations trade unions and associations, professional bodies etc. Bureaucracy was a form of organization which emphasized speed, precision, regulation, clarity, responsibility and efficiency (Chen, 2022). The theory and practice of bureaucracy has a long history and global impacts in the annals of administration. Bureaucracy as a technique established in government, large organization and corporation for effective reliance on rules and guidelines is beneficial to the society. A bureaucracy is beneficial to the society by developing systems that assist to keep human beings safe and productive (Scot, 2022). The adherence on the rigid policies and legal frameworks of an organization strengthens its well-being. On individual basis, an employee in a bureaucratic organization is exposed to better opportunities for schooling and on the job training. This places him a vantage position to attain high level of open-mindedness, creativity and strategic thinking which help an organization in making pragmatic or results oriented plans. As the employee discharges result oriented planning skills in a bureaucratic organization; and as the organization flourishes and stabilizes, the employee has invariably secured his position/stake in the organization.

The structure of bureaucracy creates greater job security than other varieties of oversight (Scot, 2022). In addition to job security created and ensured by bureaucracy in an organization, other attendant and sundry benefits are accrued from it. Such sundry benefits of job security are comfortable salary structure, good health insurance and healthy pension scheme. As these are symbols of social and economic security after retirement, employees would be more dedicated to duties and responsibilities because their post service years are secured and guaranteed. It ensures that in the operation and division of duties and functions in an organization that areas of competence and specialization are clearly spelt out. This enhances functionality and productivity of a given cadre because laid down formal rules is followed. This is achievable through hierarchical organizational structure. These fundamental features propel the workability and effectiveness of bureaucracy.

The essence of bureaucracy is to achieve efficiency in a well-organized way through strict adherence to a well-defined procedure and rules (Egeberg, 2012). The system is to achieve efficiency, recognition of hierarchy and specialization in the annals of civil service, corporate organizations and national leadership. But as a concept, the theory has not attained perfection in practice (Martin, et al., 2013). It is a complicated concept or technique, which purely and strictly founded on rules and guidelines, but it has been associated with some flaws because the system has been practically faced with some challenges that hinder the attainment of its essence. The problem of bureaucracy is duplication of office, departments and ministries (Bendix, 1947). The offices are often duplicated to solve the problem of unemployment; but this would create wastage of resources in remunerating the officers and servicing the offices, departments and ministries. The strict adherence to the laid down rules and regulations of an organization hinders the goals and aspirations of an organization in situations of emergency and in matters involving life (Ting, 2003). At times, bureaucracy leads to situations where two different agencies set different goals and objectives that contradict those of the others. This does not promote the general interest of the society. The problem of conflict of interest amongst varied organizations is usually one of the attendant effects of duplication of offices and departments which characterize bureaucracy. Also, in

bureaucracy different organizations and departments often tend to exert supremacy on others by asserting their own ways of thinking and operation on others. This is likened to imperialism or domineering tendency of some departments and organizations towards others. The rigidity of bureaucracy raises moral questions of innovation. Bureaucratic redtapism emphasizes strict adherence to rules and guidelines. When a law is passed in a bureaucratic arrangement through a complex system, it becomes difficult to amend (Moore, 1992). This type of legal procedure in a contemporary society characterized by social progress is faulty because it does not accommodate a new system of doing things. We must apply methodology that goes outside bureaucracy. The above problems associated with bureaucracy has raised fundamental moral question of how do we break bureaucratic work place into components in order to solve the bottlenecks associated with bureaucracy. The ideal to deconstruct bureaucratic work place is not meant to write the epitaph of bureaucracy but to meet post-modern request or call by business culture. The change do not mean the demise of bureaucracy and new form of organization take over, on the contrary, they are mere seen as a further evolution of bureaucracy itself rather than a complete evolution (Chen, 2021). This has informed this study on the need for the application of W.D. Ross concept of Prima facie duties as a model to deconstruct bureaucratic work place.

SIR WILLIAM DAVID ROSS AND PRIMA FACIE DUTIES:

William David Ross was a British scholar and Philosopher. He is regularly referred to as W.D. Ross in the annals of philosophical scholarship. W.D. Ross is celebrated for his contributions to the development of moral theories, philosophy and classical scholarship In moral philosophy, the concept of prima facie duties was popularized by the British philosopher W.D. Ross in his work "The Right and the Good" (1930). Ross argued that our moral obligations are not absolute but rather prima facie or conditional. According to Ross, we have several moral duties that we should consider when making moral decisions, and these duties are prima facie binding. However, in any given situation, one duty may outweigh another, leading us to prioritize one over the other. Ross identified several prima facie duties, including fidelity, gratitude, justice, beneficence, self-improvement, and non-maleficence. For example, if someone promises to meet a friend but also has a duty to help a stranger in need, they must weigh the competing obligations and decide which one to prioritize. Another aspect of prima facie in moral philosophy is the idea that our moral judgments are based on prima facie principles or intuitions that we hold. These principles may include notions of fairness, honesty, compassion, and respect for autonomy. When faced with a moral dilemma, we often rely on these intuitive judgments to guide our decision-making process. However, these judgments may be subject to revision upon further reflection or consideration of additional information. In epistemology, the concept of prima facie justification refers to the initial justification or warrant that a belief possesses based on its appearance or first impression. For example, if I see smoke coming from a building, my belief that there is a fire inside may be prima facie justified based on the appearance of smoke. However, further investigation may reveal that the smoke is actually coming from a controlled burn or a smoke machine, undermining the initial justification for my belief. Philosophers have debated the nature and scope of prima facie justification, with some arguing that it provides a sufficient basis for knowledge, while others maintain that it is

merely a starting point that must be supplemented by additional evidence or reasoning. Additionally, the concept of defeasibility is often associated with prima facie justification, as beliefs that are prima facie justified may be defeated or overridden by countervailing evidence or reasons. Overall, philosophers of prima facie explore the role of initial appearances, intuitions, and conditional duties in moral reasoning and epistemic justification. Prima facie duties seek to understand how we form beliefs and make decisions in various domains of inquiry, and how we can navigate conflicting obligations and evidence in our quest for knowledge and moral understanding (Simpson, 2023).

The Prima Facie duty is a duty that is morally binding or obligatory on an individual or group of individuals. The theory of Prima Facie duty has relationship with political obligation which is the moral reason to obey the law. It encompasses the obligation to speak the truth at all time, obey the law of the land, fulfill promise and protect people from being harmed (Garret, 2004). Prima Facie duty is the duty that is binding (obligation) other things being equal, that is, unless it is overridden or triumphed by another duty or duties (Garret, 2004). Ethical dilemmas do occur when there is conflict of prima facie duties. In the discharge of duties, a worker may be caught in the web on either to obey the law or to protect others from harm. For instance, a traffic officer could be in a dilemma on either to ask a waiting car to proceed while the traffic light is showing red and there is an oncoming heavy-duty truck with a failed break. The ethical dilemma here lies in the fact that asking the waiting car to move while the light is showing red would mean the traffic officer disobeying the law. But asking the car to wait would subject the car and its occupants to danger of being crushed to the ground. Kant for instance supports that it is unethical to lie about the location of our friends even to a person trying to murder them. He seems to say that it is always wrong to lie when to a murder asking for the whereabouts of his victim (Helga, 2010). This deontological problem is related to prima facie conflict. Against this backdrop, the conception of obeying the law or rule except in an emergency situation “threshold deontology” is required. Threshold deontology holds that rules ought to govern up to a point despite adverse consequences; but when adverse consequences become so dire, that they cross stipulated threshold or during emergency, consequentialism takes over (Alexander; Moore, 2007). Obedience of the law is a prima facie duty because there is moral reason for obeying it; but disobeying it could have a weightier moral reason. Similarly, an act is a Prima Facie duty when there is moral reason in doing an act but such act could be outweighed by other moral reason that could makes the person in question to act otherwise. For instance, If I promised to pay school fees for an indigent student because he is financially disadvantaged, I think I am justified if not paying his school fees would enable me to channel the money to save a dying soul. This is a practical case of conflict of Prima Facie duty. Ross's theory of Prima Facie duties appears to be an advocacy of moderate deontology because it is prima facie duties in the positive directions. Amadi and Ogugua (2022) Argues that the divisions of Prima Facie duties include:

- i. Fidelity: If you make: a promise, you have a Prima Facie obligation to uphold it.
- ii. Reparation: If you offend someone, you have the moral obligation to make it right.
- iii. Gratitude: If you have benefited from someone, you have the moral obligation to show appreciation.

- iv. Justice, you here moral obligation to distribute goods equally.
- v. Beneficence: you here moral obligation to help your brother/sister.
- vi. Self-improvement: you are morally obliged to improve your personality.
- vii. Non-maleficence: you are morally obliged not to disappoint your brother or sister.

The above divisions of divisions of Prima Facie duties by W.D. Ross are advocacy for being a good individual with deep sense of moral responsibility.

ROSS PRIMA FACIE DUTIES AND BUREAUCRACY

Prima facie, a Latin term meaning "at first sight" or "on its face," holds significant relevance in bureaucratic work across various sectors and industries (Herlitz, 1994). This legal principle serves as an initial assessment or presumption based on first impressions or appearances, without delving into deeper investigation or evidence. In bureaucratic contexts, the concept of prima facie plays a crucial role in decision-making processes, policy formulation, administrative procedures, and legal proceedings (Hunt, 2001). One of the primary functions of prima facie in bureaucratic work is to establish a preliminary basis for action or judgment. In administrative settings, officials often encounter numerous cases, requests, or applications requiring prompt attention. Applying the moral principle of prima facie, it can make quick initial assessments to determine whether there is sufficient justification to proceed with further examination or action (Block, 1980). For example, in the review of permit applications or regulatory compliance, officials may rely on prima facie evidence to identify apparent violations or irregularities that warrant closer scrutiny. Moreover, prima facie serves as a guiding principle in bureaucratic decision-making, helping to streamline processes and allocate resources efficiently. In complex bureaucratic systems, there are often limited resources, such as time, manpower, and budgetary allocations. By employing prima facie criteria, decision-makers can prioritize cases or tasks based on their apparent significance or urgency. This prioritization mechanism ensures that critical issues are addressed promptly, while less pressing matters can be deferred or handled through streamlined procedures (Snare, 1974). Furthermore, the concept of prima facie contributes to transparency and accountability in bureaucratic operations. When officials make decisions or take actions based on prima facie assessments, they are expected to document their rationale and justify their choices. This documentation serves as a record of the decision-making process, allowing for accountability checks and ensuring compliance with procedural requirements. Additionally, transparency in bureaucratic decision-making promotes public trust and confidence in the integrity of administrative processes (Snare, 1974). In legal proceedings, prima facie evidence plays a pivotal role in establishing the initial burden of proof. In civil and criminal cases, plaintiffs or prosecutors are often required to present prima facie evidence sufficient to establish a plausible case against the defendant. This initial showing shifts the burden to the opposing party to rebut or disprove the allegations (Pietroski, 1993). By setting this threshold, the legal system ensures that cases with merit proceed to trial or adjudication, while frivolous or unfounded claims are dismissed at an early stage (Pietroski, 1993). Moreover, in administrative law, prima

facie findings can trigger further investigation or adjudication by administrative tribunals or review boards. When regulatory violations or misconduct are suspected based on prima facie evidence, administrative agencies may initiate enforcement actions or disciplinary proceedings. These proceedings afford affected parties due process rights, including the opportunity to present evidence and arguments in their defense. Thus, prima facie serves as a gateway to administrative justice, facilitating fair and impartial resolution of disputes within bureaucratic frameworks. Additionally, the concept of prima facie underscores the importance of procedural fairness and non-arbitrariness in bureaucratic decision-making. Administrative actions or determinations based solely on subjective discretion or bias are susceptible to legal challenges and judicial review. Therefore, officials must adhere to established criteria or standards when making prima facie assessments to ensure consistency, predictability, and fairness in outcomes (Pietroski, 1993). This adherence to procedural norms enhances the legitimacy and credibility of bureaucratic institutions in the eyes of the public and stakeholders. Furthermore, prima facie considerations play a significant role in policy formulation and implementation within bureaucratic settings (Kane, 1988). When designing new policies or regulations, policymakers must assess the prima facie implications and potential consequences of their proposals. It also helps in conducting impact assessments and feasibility analyses, policymakers can anticipate the likely effects of their decisions on various stakeholders, including individuals, businesses, and communities (McCloskey, 1963). This proactive approach helps to mitigate potential risks and unintended consequences, ensuring that policies are well-informed and effectively implemented. Moreover, in the context of international relations and diplomacy, prima facie assessments inform diplomatic negotiations and conflict resolution efforts. When addressing complex geopolitical issues or disputes, diplomats and negotiators rely on initial assessments of facts, interests, and positions to formulate strategies and proposals. By establishing prima facie understandings of the issues at hand, diplomatic efforts can proceed with greater clarity and focus, facilitating constructive dialogue and compromise (Purtill, 1973). The garment of W.D. Ross Prima Facie duties is the pursuit of moderate deontology. This assertion is based on the premise that one had the moral right to tell the truth, obey the law, keep his promise protect others from harm ensure justice and promote humanitarian principles for deontological moderation in decision making (Purtill, 1973). This is where the application of the prima facie duties is necessary in the theory and practice of bureaucracy.

In principle and practice, bureaucracy upholds the strict application and observance rule. Rules are the essence of bureaucracy but they could be the bane of the achievement of any organization. When Prima facie duties are applied, rules would be obeyed but could be circumvented if need be. Prima facie duties help to eliminate the challenge of red tapism associated with bureaucracy. Also, the conflict of interest that is experienced in bureaucratic work place could be resolved through the application of moderate deontology used in resolving ethical dilemma or conflict of prima facie duties experienced during the discharge of moral duties. When one is morally obliged to act and

there is a weightier reason not to act, the conflict is resolved through prima facie duties.

Prima facie duties advocate for self-improvement. This should be inculcated into the theory and practice of bureaucracy so as to compliment its feature of professionalization of management. In the administration of government and civic service, professionalization is attained by crop of civil servants who have attained certain height through training and self-improvement. This helps in increasing expertise and improving productivity. The Prima facie duty of justices is required in bureaucracy (McCloskey, 1963). Justice in the context of Ross's Prima facie duties entails equal distribution of goods and benefits to people. When this is applied to bureaucracy, people would benefit equally from the system and greatest happiness would be given to the greatest number of people.

CONCLUSION

Prima facie holds significant relevance in bureaucratic work across diverse contexts, ranging from administrative procedures and legal proceedings to policy formulation and international diplomacy. As a fundamental principle of initial assessment and presumption, prima facie guides decision-making processes, promotes transparency and accountability, ensures procedural fairness, and informs policy development and diplomatic engagements. By incorporating prima facie considerations into bureaucratic practices, organizations can enhance efficiency, effectiveness, and legitimacy in their operations.

WORKS CITED

- Alexander, L; Moore M. (2020) Deontological Ethics: Stanford Encyclopedia of Philosophy, Winter, Edition.
- Amadi, C.C and Ogugua, P. (2022) W.D. Ross Prima faice duties: implications for Business Ethics in Nigeria, NnamdiAzikiwe Journal of Arts, Vol. 13 (2), 2022.
- Bendix, R. (1947). Bureaucracy: The problem and its setting. *American Sociological Review*, 12(5), 493-507.
- Besley, T; Burgess, R; Khan, A; Xu, Guo (2021). Bureaucracy and Development. National Bureau of Economic Research, Working Paper 29163, Cambridge.
- Block, G. (1980). New Meaning for Facial--A Cosmetic Improvement?. *American Speech*, 55(2), 149-151.
- Chen, Ao. Classic Bureaucracy and Contemporary Change: A critical Perspective, Songklanakarinn Journal of Management Sciences, Vol. 39 NO 1, Jan-June

2022.

- Egeberg, M. (2012). How bureaucratic structure matters: An organizational perspective. *The SAGE handbook of public administration*, 157-168.
- Garrett, J. A (2004) simple and usable (Although incomplete) Ethnical Theory Based on the Ethics of W.D. Ross (https://people/wku/ed/jan_garret/ethics/ross_ethic, lest Revision, August 2004) retrieved 21 Dec, 2023.
- Helga, V. Kant (2010) and Lying to the Murderer at the Door, *Journal of Social Philosophy*, Vol. 41, Issue 4.
- Herlitz, G. N. (1994). The meaning of the term prima facie. *La. L. Rev.*, 55, 391.
- Hunt, D. (2001). The Meaning of a “prima facie Case” for the Purposes of Confirmation. In *Essays on ICTY Procedure and Evidence* (pp. 137-149). Brill Nijhoff.
- Hunt, D. (2001). The Meaning of a “prima facie Case” for the Purposes of Confirmation. In *Essays on ICTY Procedure and Evidence* (pp. 137-149). Brill Nijhoff.
- Kane, R. (1988). Prima facie good. *J. Value Inquiry*, 22, 279.
- Martin, A. W., Lopez, S. H., Roscigno, V. J., & Hodson, R. (2013). Against the rules: Synthesizing types and processes of bureaucratic rule-breaking. *Academy of management review*, 38(4), 550-574.
- McCloskey, H. J. (1963). Ross and the concept of a prima facie duty. *Australasian Journal of Philosophy*, 41(3), 336-345.
- Moore, M. (1992). Competition and Pluralism in Public Bureaucracies 1. *IDS bulletin*, 23(4), 65-77.
- Pietroski, P. M. (1993). Prima facie obligations, ceteris paribus laws in moral theory. *Ethics*, 103(3), 489-515.
- Purtill, R. L. (1973). Deontically perfect worlds and prima facie obligations. *Philosophia*, 3, 429-438.
- Scot, A. (2022) Bureaucracy: Advantages and Disadvantages. *International Scholars Journal, Global journal of Sociology and Anthropology* (ISSN 2756-3456), Vol. II, 2022
- Serpa, S; Ferreira, C.M. The Concept of Bureaucracy by Max Weber, *International Journal of Social Science Studies*, Vol. 7 X102 2019 – ISSN 2324-8033, EISSN 2324-8041, Red Fame Publishing
- Simpson, D (2023) David Ross, <https://lep/.utm.edu/.Ross-up>, (internet encyclopedia of philosophy), Retrieved 21 Dec, 2023
- Snare, F. (1974). The definition of prima facie duties. *The Philosophical Quarterly* (1950-), 24(96), 235-244.
- Ting, M. M. (2003). A strategic theory of bureaucratic redundancy. *American Journal of Political Science*, 47(2), 274-292.