CHAPTER 20

Postscript: How to Evade an Ethical Problem

Before an ethical issue can be addressed, it first must be identified and acknowledged. Below is a short list of brush-offs commonly used in organizations when people wish to deny the existence of, minimize, or otherwise evade recognizing a potential ethical problem.

Motives for such evasion need not be dark ones; it is often as simple as lack of time, stress, and sheer overload. Frequently, though, it reflects working in a culture that has lacked focus on ethical awareness, reflection, and mentoring.

On the wall there is often a large poster declaiming in eloquent language the organization’s “vision” of its ethical character. Side by side with this poster may hang the ethics code of a respected professional society.

It is not necessarily irresponsible or unethical to consider cost, political, or administrative points in deciding ethical questions. It is not unethical to “choose your battles.” But it is unsound to resolve every question that comes along on the basis of sheer expediency. The Romans used to observe that “the road to Perdition is paved with good intentions.”

Use of these evasions does not mean that a person is bad or unethical. It’s just that they have become so commonplace and acceptable that people stop thinking about them as evasions.

Here is what you will often hear if some one asks whether a situation poses an ethical issue or not:
EVERYBODY DOES IT

It ought to be obvious that what “everybody does” is not necessarily ethical. By making everybody else’s decisions a benchmark for your own, you implicitly cede ethical judgment to others. People with reputations of high character are usually the ones who do not always do what “everybody else does.”

IT’S AN INDISTINCT AREA

Terms in ethics codes are notoriously ill-defined (when defined at all) and the rules leave abundant maneuvering room for interpretation and application to specific cases. Ethical mandates, loyalties, and operational considerations often do conflict. And typically, the associations issuing ethics codes provide little or no guidance to members.

People can tell when the limits are being pushed, but vagueness does not in itself justify it.

THIS ISSUE IS CONTROVERSIAL SO LET’S STAY AWAY FROM IT ALTOGETHER

We have seen that in many instances, Canons or pledges of ethics codes can conflict. Debates over some questions can become highly polarized. Acknowledging the concern and taking action can be painful.

THE LAWYERS CLEARED IT

In large organizations, outside lawyers review many things. “Shopping for lawyers” – asking one lawyer after another until you get the answer you want – is not unheard of. At times the lawyers aren’t told all the facts. Also, outside counsel may be paid handsomely . . . their motives for vetoing management actions may be diluted by this fact. Many arguments by lawyers can be convincingly answered by arguments reaching an opposite conclusion, which is why we have courts. A lay person may read what seem to be highly strained logic, misuses of
anecdote, factual errors, or extreme torture of language in legal memos and briefs. Euphemisms are used to describe positions so supported as “novel” or “aggressive.” Finally, an action may be “legal” according to such reasoning as above described . . . but that may not make it right.

**NOBODY EVER CHALLENGED THIS BEFORE**

In some instances the reason is that the action has been kept secret. In others, the authority responsible is overwhelmed and will simply never get to it. In still others, there is no audit at all addressing the issue. “Nobody ever challenged this before” amounts to the assertion that since we’ve gotten away with it this long, it must be okay. In some instances, a searching inquiry may yield a conclusion that the practice is okay after all. We do not leave to others the determination of our own ethical standards.

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**BUSINESS IS BUSINESS**

This notion is surprisingly popular, and is usually a way to shut off further discussion. People who talk this way are often extremely alert to situations when vendors, competitors, or customers cut corners on them, however.

**YOU DON’T UNDERSTAND ALL THE PROBLEMS**

Often true. This statement might be an opening to probe into what those conflicts and problems are.

**IT’S A MINOR MATTER ANYWAY**

This is an insidious attitude. What is minor to General Motors or a large federal agency may in fact be major to the individual or group involved. Labeling things as minor does not make them go away. Being careless about minor matters can become a habit.

All of the above points may be true in a given case. There are many issues that do not have easy or precise answers, but these obstacles do
not add up to an argument for pushing an issue aside. On the contrary, they may amount to a compelling case for some study, discussion, and reflection. They may motivate an attempt to develop some clarity of approach that satisfies ethical demands and can be implemented administratively.

These brush-offs occur in all organizations and groups, even in some that are highly regarded for their ethical standards. Yet when they crop up at more than a minor and infrequent level, they may be a symptom of a weak ethical climate.

Minor situations may be the best ones to attempt to conduct ethical discussion about, as the stakes for the organization are small and it is easier to be objective. Fixing what you can fix quickly is often a good administrative strategy in any case.

It can be difficult for your interpersonal relations with peers and managers to raise ethical concerns about established practices – it can be taken as an accusation that your associates have been behaving badly. One reason ethical issues get swept under the rug often turns out to be that those raising them in the first place are accusatory, preachy, and sanctimonious, not to mention inexperienced. They may be unwilling to understand the situation’s context. Also, people are understandably unwilling to become identified as tiresome moralizers seeking to impose their values and attitudes on others.

Trying to create a better climate for ethical discussion simply by levying accusations is not likely to succeed. Because of the difficulty of critiquing an organization’s own practices, a process of raising discussions of cases involving others may be sensible.

I always find it easier to see what others should do!