

Tools For Navigating Ethical Dilemmas

Being ethical requires more than just following laws.



BY PEGGY KERNS AND SUSAN HUNTLEY

“The legislature finds that high moral and ethical standards among public servants in the legislative branch of government are essential to assure the trust, respect, and confidence of the people of these states.”

—ALASKA CODE §24.60.010.

Alaska’s introduction to its Standards of Conduct section goes on to state “no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws

Peggy Kerns is director of NCSL’s Center for Ethics in Government and former minority leader of the Colorado House of Representatives. Susan Huntley is a research analyst. This article is adapted from the Institute for Global Ethics seminar in Ethical Fitness®, and its Nine Checkpoints for Ethical Decision Making; Josephson Institute of Ethics, Making Ethical Decisions, and Santa Clara University, Markkula Center for Applied Ethics, A Framework for Ethical Decision Making.

and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment.”

Alaska couldn’t have said it better. Laws have their place, but ethics cannot be legislated.

A GREATER RESPONSIBILITY

We all try to be ethical people. If we are public servants, and holders of the public’s trust, we have a responsibility to operate with high ethical standards. Legislatures pass ethics laws and rules that are lists of do’s and don’ts that public officials must follow. These laws do not make a person ethical. They are necessary, but they provide only a framework to help guide a person’s actions. As Alaska’s statute says, ethics is much more.

Ethics is the standard of what is right and wrong. Being ethical is using our moral judgment. And it’s not always easy. Ethical behavior takes courage and has to be practiced. Public officials feel added pressures. The ethical choices we make often occur in the public arena. They can get messy, and are under the media’s lens.

Most of us don’t think a lot about ethics as we go through our daily lives. We display our ethical core in many ways, but we usually don’t talk about it. Every once in a while, we come to an ethical decision point that makes us stop and ask: What should I do? If there is a law to guide us, it’s easy. If our instincts tell us it’s a clear choice between right and wrong, it’s easy. Although we may occasionally be tempted, these right-vs.-wrong dilemmas are usually solved quickly.

But the choice isn’t always so clear, and there aren’t always rules to follow. In a limited budget year, do I put more money into education or health care? Do I remain loyal to a colleague, even if I think he is wrong? Do I always keep my word, even if I change my mind? In these examples, there may be no clear distinction between right and wrong. Whatever decision we make is an ethical one, based on our core values.

Ethical dilemmas, then, involve choices between competing ethical values. At various times, we may rank these values differently, based on the circumstances. Ethical dilemmas present a choice between “right-vs.-right.” When you are faced with an ethical dilemma, here are some steps to navigate:

-1-

Be aware of the problem. Recognize a moral issue is at question. This step is important, because it requires us to think about the matter and not brush it off.

-2-

Decide whose dilemma it is. Sometimes the answer is obvious. It’s yours! There may be a situation where it’s not your dilemma, but someone else’s. Because we all rank our ethical values differently, what is a dilemma for one person may not be for another.

-3-

Gather the facts. What do you know and not know? Who will be affected? Even if your decision is controversial, you help shape the debate by saying, “These are the facts as I know them.”

-4-

Identify the competing ethical values. It helps you understand your dilemma. Weigh one value against the other. Either choice may be ethical. Do I vote for a bill that gives a short-term gain for my district or vote for one that hurts my district, but provides a long-term gain for the state? Do I always tell the truth, even if it means hurting a friend?

-5-

Analyze your options. Is there a third choice—a compromise position that holds you true to your ethical principles? Choose a decision-making model that fits your ethical values and helps you solve your dilemma. The option may change, depending on the dilemma. Some include:

- ◆ **Common-sense:** What do your instincts tell you? What do you feel in the pit of your stomach?
- ◆ **Ends-based:** What is the greatest good for the greatest number? Which decision will produce the most good and do the least harm? The principle of utilitarianism judges the decision by the good it will do—its consequences.
- ◆ **Rule-based:** What single principle or rule should everyone follow? Based on teachings of Immanuel Kant, this option does not consider consequences, only the ethical principle behind the decision. In other words, do the right thing, no matter what the result.

◆ **Care-based:** What would I want if I stood in the other person's shoes? Called the “rule of reciprocity,” this option has a long history stemming from various religions and philosophers.

◆ **Fairness or justice:** Which choice treats people equally or people proportionately and fairly? Consider the stakeholders, individuals or groups that have a stake in the decision.

-6-

Make the decision. You don't have to do this alone. Seek advice from a trusted adviser. Consult your peers, legislative leadership, family or a friend—people you respect.

-7-

Act. This may seem obvious, but it's sometimes too easy to let circumstances and other people's actions make the decision for you. Consider the effects of your action and be prepared to justify it.

-8-

Reflect. This final step may be the most important. If you had it to do over again, would you make the same decision? What would you do differently? What were the responses to your decision? Reflection will help prepare you for the inevitable tough choices that will present themselves again. ■