

Following the Law is not Enough

A common source of ethical insensitivity is a legalistic attitude toward ethics that says that if an action is legal or within some set of "rules," then it's acceptable and therefore ethical. The prevalence of this notion explains why so many people accused of wrongdoing hide behind technical interpretations of the law. They boast that they were not indicted or convicted, as if clears them of any charges of ethical impropriety. The error in this approach is the assumption that legal standards are as all-encompassing as ethical principles. Although law abidance is surely an aspect of one's ethical obligation to be a responsible citizen, it is important to remember that laws and rules establish only minimal standards of propriety. They tell us what we will be punished for doing; they do not describe what an ethical person ought to do.

Many company ethics programs are called "compliance" programs because they focus on the employee's duty to comply with laws and organizational codes. In most cases, this produces a "do only what you have to do to stay out of trouble" mentality, which disregards the ethical implications of the conduct and treats standards of conduct as mere obstacles to be overcome or avoided. Compliance is about what I must do; ethics is about what I should do. When companies make compliance their ultimate goal they create a minimalist conception of obeying the strict letter of the law. Soon, doing what they can we get away with becomes the goal.

One can be dishonest, unprincipled, untrustworthy, unfair, and uncaring without breaking the law. Ethical people and companies measure their conduct by their adherence to core ethical values rather than to laws and rules; they do not walk the line of propriety. Ethical people often do more than they have to do and less than they are allowed to do. The area of discretion between the legal "must" and the moral "should" presents challenges to our ethical consciousness. That is why there is a difference between what we have a right to do and what is right to do.