

UNIT 88 – UPSC - Ethical Concerns and Dilemmas in Government and Private Institutions

A dilemma is described as a grim problem apparently incapable of a satisfactory solution or a situation involving choice between equally unsatisfactory alternatives (Davis, Aroskar, Liaschencko, and Drought, 1997). It is concept appraised by Sletteboe (1997) who recognized three circumstances that can give rise to a dilemma. These include two or more alternatives to choose between; a wanted option leads to unwanted consequence; and a choice where one does not know what is the right thing to do. He also suggested five defining features of dilemma as there were engagement, equally unattractive alternatives, awareness of the alternatives, the need for a choice, and uncertainty of actions.



Ethical Dilemma

Ethical dilemmas are situations in which there is a choice to be made between two options, neither of which resolves the situation in morally satisfactory manner. In such circumstances, social and personal ethical guidelines can provide no satisfactory outcome for the selector. An ethical dilemma is an intricate situation that often involves an apparent mental skirmish between moral imperatives, in which to obey one would result in disobeying another.

Theoretical studies have demonstrated that an ethical dilemma ascends from a situation that necessitates a choice between conflicting sets of principles. Therefore an ethical dilemma can be defined as a circumstance that requires a choice between competing ideologies in a given, usually undesirable or confusing, situation. Conflicts of interest are perhaps the most apparent example that could place public sector leaders in an ethical dilemma. Other types of ethical dilemmas in which public officers may find themselves include conflict between: the values of public administration; justifications for the institutions; aspects of the code of conduct; personal values and supervisor or governmental directive; professional ethics and supervisor or governmental directive; personal values and professional ethics versus governmental directive; blurred or

competing accountabilities; and the dimensions of ethical behaviour (Cranston, Ehrich and Kimber 2002). Ellis and Hartley (2001) proclaimed that ethical dilemmas have no flawless solution, and those making a decision may find themselves in a position of having to defend their decisions. Beauchamp and Childress (2001) evidently stated that ethical dilemmas are conditions in which moral obligation demands appears to demand that a person adopt each of two or more alternative actions, yet the person cannot perform all the required alternatives. In general, however, ethical dilemmas happen in at least two forms. Either some evidence or argument designates that an act is morally right, and some evidence or strength of argument on both side is inconclusive or an agent believes that, on moral ground, she or he is obligated to perform two or more mutually exclusive actions.

Types of Ethical Dilemmas

Ethical dilemmas are in three broad categories:

1. **Personal Cost Ethical Dilemmas:** It rises from situations in which compliance with ethical conduct results in a substantial personal cost to the decision maker in a problematic situation.
2. **Right-versus-Right Ethical Dilemmas:** It arises from situations of two or more conflicting sets of bonafide moral values.
3. **Conjoint Ethical Dilemmas:** It develops when a careful decision-maker is exposed to an amalgamation of the above-indicated ethical dilemmas in searching for the "right-thing-to-do".

Ethical dilemmas also arise in the following situation:

- i. When his expert directives are in contrast with his own personal values
- ii. Working towards the best interest of the community versus being responsive to the government.
- iii. Ethical dilemmas can arise, when two equally striking options are acceptable as 'right' in certain situations.

Ethical Concern in Government

For a public officials who try to function as a professional, the demands of law, his duty, impartiality, due process, provides a productive ground in which ethical dilemmas arises. Whistle blowers face this problem because their disclosure may institute a crime when the on-going misbehaviour is severe.

Ethical standards are not organized, so there are always chances that dilemma arises and discrepancies always occur about appropriate behaviour.

It can be shown in other studies that an ethical dilemma arises in a situation when the choices or behaviour is undesirable and presents harmful ethical consequences. Right or wrong is not clearly recognizable.

Mainly, Ethical Dilemmas Faced by Public Servants are as follows:

1. Administrative discretion
2. Corruption

3. Nepotism
4. Administrative secrecy
5. Information leaks
6. Public accountability
7. Policy dilemmas

Administrative Discretion

Public bureaucrats are not just facilitators of public policy. They make decisions relating to the lives of citizens, for example, about taxes, survival and the dismissal of people. In doing so they exercise discretion. The main concern is that they should make decision to avoid ethical dilemmas. In other words, the promotion of general welfare depends on the use or exploitation of administrative discretion.

It is factual that within the rules and regulations laid down by legislature and within the prescribed procedures, there is plenty of opportunity for the public official to use his discretion. When faced with alternatives the choice of the public official poses an ethical problem, the choice may be acceptable to only a small section of society. The problem is that the selection of one path of action from among several alternatives is often made on the basis of personal preference, political or other associations, or even personal embellishment, thus ignoring identified facts and thus the possibility of rational decision making. It could well be that all the prescribed rules, regulations and procedures are adhered to but that the discretionary choice may be regarded as unprincipled or even fraudulent.

Corruption

In government offices, corruption is major issue. The majority of bureaucrats maintain the high standards required by public office and are enthusiastic to promoting the general welfare. The moral standards of public officials are, however, directly related to society as a whole. If the public accepts that in order to secure a quick response from a public official some monetary or other incentive is necessary, and the official accepts the incentive, then the standards of ethical conduct of officials and the public are in fact in harmony from the point of view of the public. The corruption of public officials by private interests is usually indirect, for example, favours by the public to the official under obligation and he gradually substitutes his public loyalties to those doing him favours. The ethical dilemma that faces the public officer with regard to corrupt practices as result of private interests primarily concerns his reaction to the situation. If a corrupt practice or an attempt to corruption is exposed, it is quite possible that the official's personal loyalties or party political relationships may be in conflict with his official responsibilities.

Administrative Secrecy

In government offices, another major ethical dilemmas is the secret conduct of public business. This is especially so because confidentiality can provide an opportunity to cover up unethical behaviour. Secrecy is an ally of corruption and corruption is always practiced in secret way. It is generally recognized that in a democracy, the people have a right to discern the working of the government and it would be in the interest of the public for the administration of public affairs to be conducted openly.

Nepotism

It is very common practice in government offices. Nepotism is the appointment of relations and/or friends to public positions and consequently, overlooking the merit principle, may lead to the declining of the quality of the public service. This upsets trust and resulting in unethical management, owing to the ability of a select few to weaken control measures on account of their personal relationship with the policy-maker, and by reason of their not being easily dismissed or replaced by others. It occurs in private and government sector both. Private-sector companies that involve in nepotism risk internal displeasure. Workforces may stop giving their best and accept a career at their current level. Worse, they may move on to another position where upward mobility is possible. In either case, the current company loses. Another by-product of nepotism in the private sector is its potential to dilute the talent pool by inserting less-qualified personnel into positions that suit others better (W. Davis Folsom, Rick Boulware, 2009). It can be said that those who are appointed with the view that they will conform to the standards and views of their appointing authority could prove to be problematic. The favoured treatment of one individual over another, without taking into account the relative merit of the respective individuals, signifies nothing but victimization of an individual.

Information Leaks

It has been seen that government officials are so careless that there are cases of information leak. Official information is often a sensitive nature such as a pending tax increases, rezoning land, cost-cutting of staff that disclosure of the information can lead to turmoil, corrupt practices or, for some individuals, improper financial gains. Leaking official information at a date prior to the public announcement thereof is a defilement of procedural prescriptions and can result in an ethical dilemma.

Public Accountability

Public officials have great responsibility to implement key public policies. They ought to be accountable for their official actions to their superiors, the courts and the public. It is however, possible for them to hide behind prescribed procedures, the cloak of competence and even political office-bearers.

Policy Dilemmas

Policy makers in government bodies are often challenged by conflicting responsibilities. They have definite loyalties to their bosses, but also to society. They have liberty to act on behalf and in the interest of others, but they must be answerable to others, their superiors and society for their actions. The official's obligation to respect the political process may conflict with his view on how the objects of policy making are treated. It can be understood that the dilemma of the public official is the clash between his opinion of the public interest and the requirements of law.

Other Problem Areas: Besides these areas of possible conflict, other problem areas from which ethical dilemmas may arise such as the political activity of public servants resulting in divided loyalty on the part of those officials who commiserate with the views of a specific political party. Other more understated ethical problems, such as the abuse of sick leave privileges, extended tea breaks and the violation of office rules in general.

Process of resolving an ethical dilemma in administration:

An ethical dilemma is visualized as intricate matter for the executives of both public and private companies and demanding than a problem of what it appears to be. These dilemmas cannot be solved based on its initial status of presentation. The decision maker faces a several challenging situation in which he faces mutually exclusive alternatives that choosing one option means opposing the other that is equally significant (Rapoport, 1960). The reason is that dilemmas, unlike problems, cannot be solved in the terms in which they are initially presented to the decision-maker.

Nevertheless a dilemma is also dealt properly by modifying and reformulating all the options in an organised and intelligible manner. To resolve ethical dilemmas, a sequence of logical reasoning sets is proposed to assimilate and rearrange the process of dealing with ethical dilemmas. They are:

Accountability

The faithfulness of the administration to the ministers is grounded on their responsibility to be answerable and responsible to the legislature who is accountable to the will of the people and their general interest. It is then an essential ethical duty bearing on civil servants to show a spirit of impartiality and discretion and keep their own personal preferences out in the performance of their duties and responsibilities.

The rule of law and the principle of legality

The rule of law is central and universal to politics and society. Respect and obedience to the principle of legitimacy is an important requirement to exercise authority. Law establishes the minimum standard for ethics. Unprincipled conduct clearly leads to violation of law. Thus for enforcement, law should be priority in case of dilemma. Professional integrity: In administrative job, knowledge and expertise should be used with certain standards defining professional ethics such as, avoiding corruption in the delivery of services.

Responsiveness

The government openness to its citizens is major issue in political economy. In this regard, ethical reasoning in state action involves that public institutions be responsive to society and pay attention to the requirements and demands of the people, facilitating access to services and creating an supporting environment for sustainable human and social progress.

Ethical concern in private institutes:

In private companies, moral principles like ethics regimes, ethics reforms, codes of conduct, codes of ethics, and ethics rules were not initially developed. With the process of globalization, many states have lost some level of control over their compliance with ethics standards, and, often, the ability to assess and even sanction violations of labour codes and environmental standards. Globalization, however, has created new opportunities for companies, which now can shift their production to parts of the world where the cost of labour is cheaper to increase revenue.

Private companies are also facing new restrictions. As people have become more knowledgeable, customer concern has become gradually focused on the ethical, environmental, and labour standards of companies that become global by writing and calling companies to complain about human rights defilements, demonstrating against the companies, supporting company anti-sweatshop organizations, filing shareholder resolutions, and in some cases, boycotting products and companies that are allegedly not respecting basic ethical. These ethical violations involve but are not restricted to issues concerning child labour, employee harassment and abuse, and solutions consisting of non-discrimination laws, freedom of association, collective bargaining agreements, health and safety standards, and adequate wages and hours of work.

Growing moral concern of customers have rapidly and completely redesigned the business environment in which companies operate. Reputation has now become more important which not only commands the economic victory of a company, but its existence. It is well recognized that companies in last decades have made mindful efforts to protect their reputation and assure their customers of their adherence to a certain level of moral principles.

Private sector ethics standards are shaped to respond to that consumer requirement. In order to make it effective, the private sector develops a list of obligations to adhere to human rights standards, and the beginning of what would become the Corporate Responsibility or Corporate Social Responsibility (CSR) movement. Corporate social responsibility is the commitment of businesses to behave morally and to contribute to sustainable economic development by working with all relevant stakeholders to enhance their lives in ways that are favourable for business, the sustainable development agenda, and society as a whole.

However the ethical dilemmas faced by certain companies may be specific to their industry or company, other types of ethical issues are common to all types of companies. To deal with ethical decisions with wisdom is especially important for small businesses. Because these issues, if not resolved correctly, may lead to the potentially devastating effects. One area of ethical consideration for employers is how to balance expense control with the health and security interests of workers. Manufacturing plants and other workplaces where employees use hazardous equipment or engage in physically demanding work should have strong safety standards that not only meet federal requirements, but that also make eliminating accidents a priority. Even standard office workplaces pose health hazards to personnel who are asked to sit or stand all day. Unfortunately, some private institutions cut on safety controls, equipment and training to save money. This is both unethical and potentially damaging in the long run if major accidents occur.

It has been seen that technological advancement and the growth of the Internet in the beginning of 21st century have produced a slew of ethical dilemmas for private companies. Company managers have to balance the privacy and freedom of workers while also maintaining standards which require that company technology use is for legitimate business purposes. Some companies go for monitoring all online use and email communication from employee computers and work accounts. A company may have this right, but its leaders need to understand the potential concern about privacy and sovereignty among workers.

Another major ethical concern is transparency. All over the world, there are many business and accounting scandals happened that made companies to operate with openness and transparency. For public corporations, this includes honest, accurate and complete reporting on mandated financial accounting reports. For large and small businesses, transparency includes

communicating messages, including marketing messages, that are not open to misapprehension and that clearly represent the intentions of the company and its messages.

Fair Working Conditions: Private companies are generally expected to provide favourable working conditions for their personnel in the business environment, but being responsible with employee treatment typically means higher labour costs and resource utilization. Fair pay and benefits for work are more obvious features of a fair workplace. Another important element is provision of a non-discriminatory work environment, which again may have costs involved for diversity management and training. Morality and values-based quandaries in the workplace are difficult to manage when workers have to choose between right and wrong actions according to their own philosophies. Optimistic employers who implement workplace ethics policies are usually equipped for the potential conflicts of interest that arise due to the diversity of opinion, values and culture in the workforce. However, handling ethical issues in the workplace requires a steady and watchful approach to matters which can potentially be unsafe or unlawful.

To handle ethical dilemmas successfully, Private companies practices either of these two effective ways, they are ethical relativism and ethical universalism. Ethical relativism means that doing business in a country by following strictly to its culture or ethics, for example, if bribery is a culture or ethics of doing business in a specific host country then in order to survive, the multinational companies have to follow the local culture or ethics. As far ethical universalism means that the ethical standards are the same and it is applied to all countries in which the multinational companies is doing business with it. Ethical relativism may help the multinational companies to survive in the market of the host country without any barriers but the disadvantages will be, it might be going against the law of human rights like labour rights and others if child labour as the culture of the host country where lots of critics on company image will arise. Ethical universalism has more advantage because it is regarded as higher moral responsibility because multinational companies are said to be stricter in following human rights and it is more ethical. As for drawbacks is concerned, in certain cases, it might lead to cultural imperialism which the multinational companies feels that certain country's culture is immoral and inferior thus some conflict might arise.

In contemporary period, ethics in government have become not only something of great public interest, but also significant area of study in the academic fields of politics and government. There are several unethical conducts in organizations. In dealing with ethical issues, officials are often faced with dilemmas that challenge a simple choice between right and wrong. Assessing the ethical concern of both government and private organization, it can be understood that the challenges posed by ethical dilemma sometimes make a person to be at a lost with no solution in sight. This becomes more pronounced if one is to make a choice between personal values and public values as in the case of public officials involved to provide public services.