

Immoral Morale – An Ethical Jury

This is a report for the Secular Morality Project on the Ethical Jury held by West London Humanists and Secularists on 21st March 2013. It was facilitated by Philip Veasey, Chairman of WLHS, who started by explaining how the event was part of the [Secular Morality Project](#).

Chosen Dilemma

Three people offered dilemmas and the one chosen was an experience of X in collaborating with corrupt commercial practices. X once worked for a computer company as a salesman at a time when expenses incurred for entertaining clients could be charged against gross profit rather than against profit after tax, as is now the case in UK. The company had an “illegal” practice of encouraging its salesmen (yes, only men) to take out their wives for dinner at least once a month and lie on their expense claim that it was for a client. The purpose of encouraging this immoral behaviour was to improve morale in the sales force by giving them something that felt like a treat and to lower stress levels by reducing the anger felt by their wives at the prolonged absences of their husbands. The company could have given everyone a salary increase which would have given them the same amount of money but doing it this way ensured that the morale benefits to the company were achieved and was cheaper than paying this staff benefit out of net profit.

Dilemma Resolution Process

It was agreed that we attempt to use the following steps:

1. Clarify any points of fact
2. Agree on some general objectives that any solution should satisfy. These were allowed to be more specific than the “principles” and equated more to “policies”.
3. Agree some actions that were or could have been part of the solution
4. Assess the likely outcomes of the actions and their fit to the objectives
5. Decide which actions should have been followed
6. Assess the relevance of the principles in the toolbox

Toolbox Contents

The following moral principles were offered as the initial contents of the toolbox.

The Golden Rule

Do as you would be done by.

Principle of least harm

Choose the action that results in the least aggregate harm

Kant's Categorical Imperatives

1st "Act only on that maxim which you could will to be universal law."

2nd "Always treat other people as ends in themselves, never as means to an end"

Utilitarianism - John Stuart Mill

Achieve the greatest good for the most amount of people

Triax - Philip Veasey

Kindness Recognise that humans have evolved as social animals and that it is in our nature and to our advantage to look out for one another

Courage Manage your fears and don't let them stop you doing what you think is right

Self-Honesty Defined as never lying to yourself (lying to others is not excluded and may sometimes be kind).

Objectives

The following possible objectives were suggested:

- Preserve moral self-esteem
- Pay fair dues to society
- Obtain benefits for self and family
- Company wants best from its entertainment budget
- Giving people a fair salary without any strings

- Don't coerce people towards corruption
- Keep all team members happy

Actions

The following possible actions for X were suggested:

- Go along with it
- Don't participate and don't comment
- Object to this practice:
 - Discuss with peers
 - Complain to management
 - Anonymously
 - Openly
 - Resign
- Tell the Tax Office with or without giving management a warning
- Organise an event to boost morale
- Campaign for better tax laws
- Buy meal at half the price, get bill for full amount and give balance to charity

Issues

It was observed that there were some issues that affected the way people would make their decision

1. One's opinion on the validity of the tax laws – the more outraged one feels about the unfairness of the tax system, the more tempting it is to cheat the little you can when it is so much less than the rich get away with.
2. Views on how one manages slippery slopes – Everyone recognised that this fairly mild instance of corruption could condition people to accept much more serious ones. In fact X confirmed that this was the case in this company and that bribery was commonplace. Most of the jury felt that they were prepared to venture some way down slippery slopes. X felt strongly that the moral obligation was to recognise the dangers and to make a clear decision, well before reaching it, about how far down the slope one was willing to go.
3. How well off you were – It was felt that if, you could easily afford to buy the meals out of your own pocket, then it would be more immoral to take part in this practice.

Decisions

There were varied decisions from the jury. No one thought someone who was struggling financially could be expected to risk losing the job by openly opposing it. There appeared to be quite a spectrum of opinion over how much one's moral self-esteem might be at risk, varying from not at all to very uncomfortable. This seemed to determine whether people thought they would just go along with it or quietly avoid it. Most felt that they would go along with it but that there were things they would do to compensate for it such as warning the tax office or the "half to charity" ploy. No one seemed to think X deserved much more than a smack.

Effectiveness of the decision process and Toolbox

The decision process worked tolerably well in helping people to form their opinions, although the step of assessing the likely outcomes of the actions and their fit to the objectives was barely touched on. This was probably because there was inadequate time. At the time, no one felt that the Golden Rule, Least Harm, Kindness or Greatest Good would have been very useful in making their decisions. The dilemma fits the pattern of "victimless crime" where a noticeable benefit would be felt by some at the cost of a miniscule loss to tax revenues which would not be felt by the many. Of course the wide repetition of such behaviour does cause very noticeable harm to the many but, when one looks at an individual instance, one's "kindness instinct" does not get involved. Kant's 2nd Imperative has little relevance but his first is. It would urge us not to take part in the practice because we would support a universal and effective ban on it. Interestingly no one felt very much constrained by this – not a great appetite in this instance for acting on principle. The Triax virtues of Courage and Self-Honesty were felt to be very relevant. It would certainly take courage to oppose management, colleagues and possibly one's spouse

over this matter. More interestingly this was a situation where one would be very tempted to lie to oneself about:

- How unjust the tax system was
- How it might lead one to accept even more dubious behaviour
- How poor one was
- How risky opposing the practice would be
- How valuable one's compensation tactics might be,

in order to justify going along with it.

Other Observations

1. Slippery slopes are a feature of many moral dilemmas. It helps to have good ways of dealing with them.
2. In this dilemma, the questioned practice was illegal. This was the first time that the Secular Morality Project has looked at a dilemma that involved the law. How do we make good judgements about how to behave when laws are unjust? We will never have a perfect tax system, we will never have perfect laws. Using this as an excuse to break laws freely leads to a disregard of even the laws which are fair.
3. A suggestion was made that the best thing would be for everyone to break a bad law since this might expedite a change to it.
4. A common line of thought is that if one looks around and sees everyone else breaking a law, why should you be disadvantaged by being the only one who obeys it. Is it not enough that you are supportive of any change to law/enforcement that would result in everyone obeying just laws.
5. What is at issue here is a "social contract" which requires rigid adherence to the laws, as they are, in return for a promise that all efforts are being made to maintain a system of just laws. How attractive this contract is to the individual will depend on the credibility of the "government". Clearly governments, good and bad, have an interest in conditioning citizens to accept this contract. How do we judge when it is right to break it?