

ETHICAL DILEMMAS IN THE PUBLIC SECTOR

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Abstract:

The article offers an insight on the ethical dilemmas specific to a public sector and brings some suggestions for coping with these. Ethics management is a complex system that deals also with ethical dilemmas. The instruments and tools of ethics management are helpful in dealing with these issues. There are a lot of cases in which public employees do not know what to do or how to react in a certain situation, so, a debate on this subject is very useful for people working in public institutions.

Keywords: ethics, public sector, dilemma

INTRODUCTION

The main objective of the article is to highlight the ethical dilemmas in general and also applied to the specific case of public sector. The secondary objectives of this paper are the following ones: *identify some typical ethical dilemmas; observe ethical dilemmas in the public sector; offer some suggestions for limiting risks and unethical behaviors when public employees face with ethical dilemmas; address the right questions in order to offer the right answers.*

The research methodology used in this article includes: *study the professional literature* regarding ethics, ethics management and ethical dilemmas in general and applied to different areas like the public sector; *observation* of different cases and situations that needed a better knowledge of ethics in order to offer a better answer/ solution to some dilemmas; *comparison* of different answers to the same question or ethical dilemmas; *the choice map of M. Adams* showing that we have to address the right question to get the right answers.

In my opinion, this tool can be applied when we face with ethical dilemmas, because in this case, we have to choose from doing or not doing something.

Sometimes, there is no right answer, not a perfect solution. There are a lot of examples in which a fact is ethical in a country, but unethical in other countries and same might be with different people.

When an action is good or bad, we know what is right to do or not to do, we know what is ethical or unethical, but there are also some cases, in which people feel trapped.

It is a complex situation that creates a conflict in our mind, making us incapable of taking a rapid decision, at least not before a deep analysis.

In some papers I read about this subject (Anderson, 1997; McConnell and Terrance, 2014), I also found the type of ethical dilemmas that is considered as very problematic – Sophie's choice, named after the movie with the same name from 1982. In this example, no matter what we choose or who we choose, the decision is perceived as unacceptable by reason or heart.

Sophie's choice (1982) is a movie where a woman is forced by a German soldier to choose between her daughter and her son. If she would not have chosen anything, the soldier would have killed both of them.

This movie that won also an Oscar in that year reveals this ethical dilemma.

It is very difficult to say which is the right choice from a moral point of view, because none of the choices can be seen as acceptable.

Of course, there are not many situations like this and this example is only an extreme one, revealing the fact that ethics and non-ethics is not white and black, is like choosing between different shades of grey. Perfection and humanity are two different things. The beauty of humanity consists in its imperfection. And "ethics represents a suite of values that has accompanied human history" (Meghişan, 2014, p. 269).

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According to Sinnott-Armstrong (1985), moral dilemmas are those "situations in which an agent morally ought to adopt each of two alternatives but cannot adopt both".

Swedene (2007) appreciates that most philosophers agree that moral dilemmas are those "quandaries in which an agent must choose between two or more mutually exclusive act-choices, each of which is morally required."

Sophie's choice type of ethical dilemma is extreme because in that case, we have two choices but they are not exclusive, they are very similar, this similarity making the act of choice very difficult and in that particular case, when involving human lives, very painful.

Types of ethical dilemmas

According to McConnell and Terrance (2014), there are different ethical dilemmas types, depending on the criteria we take into consideration:

Epistemic vs. ontological dilemmas

The former ones refer to the possibility to choose between two alternatives, when the person knows which requirement has a moral priority.

The latter type of dilemma refers to the existence of two possibilities, but the

person that has to make a decision does not know which option should prevail.

Self-imposed vs. imposed by society

In the first case, the person is responsible for creating a conflictual situation. The dilemmas imposed by society are not created by our inner self. We can give here the well known example of Sophie's choice, when the German soldier imposed Sophie with the burden of having to take a decision and choose between two unacceptable alternatives or not choosing, case in which both children would have died.

Obligation dilemmas vs. prohibition dilemmas

In the first case, more than one feasible action is mandatory, meanwhile in the second case, all actions are forbidden, like in Sophie's choice.

Ethical dilemmas in the public sector

The public sector as well as other areas of economy or just everyday life, has its own ethical dilemmas. As I said at the beginning of this article, there is not a right pattern, an ideal answer for all ethical dilemmas, but what ethics management offers to all of us is a system of tools that can help us deal with our ethical dilemmas.

In my opinion, ethical trainings or ethical self-trainings are one of the tools that can be used or implemented in a public institution in order to have a better image on these dilemmas.

My previous research on Romanian public sector revealed and strengthened my own spirit of observation related to ethical dilemmas and ethical trainings in the public sector, but not only.

The professional literature on ethics management is abundant in books and papers approaching this subject of ethical dilemmas in the public sector.

This can be compared to personal development books: a lot of people still believe they are useless, even if the reality shows us that those who apply those principles are more successful than the others. The situation is similar with those guides for a better ethical climate and ethical dilemmas are something inherent in real life.

For example, Steinberg and Austern (1990) included in their book *Government, Ethics and Managers: A Guide to Solving Ethical Dilemmas in the Public Sector* 14 ethical dilemma questions which you can answer with yes or no.

One of the example offered by the authors as an ethical dilemma and also as an question for those who read and perhaps work in the public sector is related to police duty.

Example of ethical dilemma

Some policemen are regular customers of a coffee shop and one day, the cashier does not want the money for the donuts and the coffee. One policeman accepts that. The dilemma is what would you do if you were the colleague of that officer? Would you leave without paying too?

The dilemma here consists in analyzing if that is ethical or unethical. Maybe the cashier or the owner of the coffee shop will believe they will pretend they will not see future problems with the shop because they received free coffee. On the other hand, it is a high probability that their credibility will be put under question if the entire problem is found out and if the owner of the shop is found guilty of something.

These hypothetical situations/ dilemmas from the public sector have as an aim a development of the capacity to analyze ethical dilemmas when they arise, to recognize them and to choose the best alternative from a moral point of view.

The authors also bring into discussion the idea according to which "the right answer usually depends on

putting the right question", starting from a case Rogers vs. Commissioner (1943).

Ethical dilemmas are in fact questions to which we have to answer A or B, yes or no or similar. Another choice is also not choosing anything, not doing or saying anything.

This idea is linked in my opinion with the Choice Map of Adams, founder of Inquiry Institute. More on this tool we find out from the book "Change Your Questions, Change Your Life" (2009). The central idea is that we have to address the right questions if we have to get the right answers.

Because for ethical dilemmas, sometimes, there is not a perfect answer, the aim with ethical trainings is mainly the exercise of addressing the right questions and having a debate with other people with experience or with an ethical expertise.

There are, of course, some dilemmas where the answer is obvious and simple and dilemmas are not so complicated, but the complexity of a dilemma occurs when the answer is not so evident and does not pop up into your face.

Symmetrical dilemmas like Sophie's choice are the most difficult dilemmas to answer. In those cases, there is not a correct answer or the best choice.

It is important for public employees to know ethical dilemmas and to debate on them, because they are more prepared to face with them when they occur in their activity or life.

A teacher, a doctor, a nurse, a public official and other public employees should be prepared for the cases that involve some ethical issues, like gifts, invitations, relations or more serious ones like bribe, corruption and so on.

These employees should be aware of the fact that they can be involved one day in these situations and they should know how to react and what to do.

Sometimes, unethical behaviors or wrong choices when facing with an ethical dilemma are a consequence of not knowing laws, ethical codes or other ethical procedures.

Steinberg and Austern (1990) highlight the importance of having as a condition for employment in the public sector the requirement of knowing the ethical codes, at least, because the reason for the existence of such a code is that to be known, otherwise it is useless.

Ethics is taught and exercised, we are not born ethical. So, an important role in dealing ethical dilemmas not only in the public sector, but also in the private sector, is played by ethical trainings, ethical codes, ethical models and other tools specific to an ethics management system.

The debate during an ethical training session is very important because makes the employees think more and in anticipation regarding some ethical issues that can occur in their activity.

Lewis and Gilman (2012) compare the decision making models with the process of ethical dilemmas, offering a guide for public managers that could offer them support in dealing with ethical issues in their institutions.

As the authors state, "ethical reasoning is a form of specialized problem solving." So, there is a complex process in which the person that has to make a choice will need some tools and the right information in order to choose what is correct from the moral perspective.

Forester-Miller and Davis (1996) offered an ethical decision making model in seven steps:

Identifying the problem

The person that needs to make a decision has to gather all possible information, especially in an objective manner. This step is also the step when a person has to find legal advice if there

is also a legal problem not just an ethical one.

Applying the code of ethics from the institution to which he or she belongs; It is very likely that some of the ethical issues a person will have to deal with in his/her activity will be included in the code of ethics.

Establishing the nature and dimension of the ethical dilemma, by talking and debating with colleagues, supervisors or other experts on ethical problems or legal aspects if there is the case.

Applying brainstorming to establish all possibilities for action, with the help of other, if it is possible.

Identifying all consequences for all alternatives of action and for all the persons involved. This can also be done with the help of other experienced people or those who have the needed expertise and also by brainstorming.

Evaluation of the chosen course of action to see if there are new ethical problems or dilemmas implied by it and if there are, the process will start from the beginning.

Implementation of the selected action and the following up on the situation to see if what you previously anticipated is the same or close to what really happened.

The authors also highlight the idea that there is not always a single right answer and different specialists or experts may have different options to follow.

Ethics is a complex matter, as I also said at the beginning of this paper; ethical problems are seen different in various countries or regions or by different people. What it might be seen as ethical in a country, it can be unethical in other, depending on the culture, religion or laws in a region.

CONCLUSIONS

Ethical problems and ethical dilemmas are a reality and they should not be ignored by managers or

employees, no matter the sector they work. The relation between the ethical climate and the image or even the competitiveness of an organization is something already proved by specialists.

So, if the problem is recognized as well as its importance, there only remains the need for implementing a proper system in order to manage the issues that may occur.

Ethics management is this organized system that can be used by managers (and by public managers too) to improve the ethical background in their organizations and help employees understand what are ethical dilemmas and how to manage ethical decision making.

This research had as a main objective clearing up the concept of ethical dilemmas and the opportunity to use choice map or other models from decision making process, in order to choose the right alternative from a moral point of view.

It was a descriptive and explanatory research, and my contribution consists in documentation, analysis, synthesis, observation and in some guidelines that should be considered by public managers to avoid unethical choices.

The book of Adams - "Change Your Questions, Change Your Life" (2009) where the author describes the Choice Map tool is mainly a personal development book, but the research made by the author in this area was implemented by a lot of big companies in the world.

In my opinion, this tool and others too, because the author registered more similar ones, can also be implemented in ethics management, together with the other already known tools, like ethical trainings, ethical codes, ethical committees, procedures and policies, ethical audits and so on.

The guidelines that should be taken into account by public managers are the following:

Ethics is not something we have from our birth, so ethics should be taught, exercised and practiced. Maybe it will sound silly, but, in my opinion, ethics should be practiced like physical exercises and also create a routine. We have to get used to behave ethical and to expect from others the same. In my other researches on ethics, I talked about passivity of citizens that consider unethical behaviors as a normal attitude in corrupt societies. And this is worse than being unethical.

Having an ethical code that should be known and debated with employees, because ethical codes can offer a guideline for employees when they face with an ethical dilemma or problem.

Offering ethical trainings for employees in order to discuss some typical ethical dilemmas and propose a pattern for solving them.

Combine ethical trainings with a pro-active attitude using brainstorming for evaluating alternatives and consequences of our decisions in an ethical dilemma process.

Implement some ethical decision making models or offer them as a pattern for employees.

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