

## Ethics: The Moral Dilemma Of Our Times

Sharon Drew Morgen

While recreating a new look for my website recently, I noticed that many hundreds of people monthly were printing off the three sample chapters of my new ebook but an equivalent number were not buying it. I voiced my curiosity to my web person who replied, "Well. Some people are buying it, and then they're making copies for all their friends."

"That's ludicrous. Why would they do that?" I asked.

"Because they can. Because it's easier than buying it."

A few hours later I heard an interview with Sam Waksal from ImClone as he was on his way to jail for insider trading. He said that he hadn't realized the consequences of what he was doing. "I'll have a lot of time to reflect about my mistakes now."

What is happening today, at this time in history, that offers such a huge divide between the ethics in our work lives and those in our home lives? We treat our loved ones with great care and respect, and yet some of us seem to be willing to treat people in our business lives with less integrity.

I have a great deal of curiosity about this conflicting state of affairs and am writing this newsletter to get some answers. As a result, this newsletter will be a bit different from the others because I will be posing more questions than I answer. But make no mistake: I have a strong bias. I believe that the circumstances don't matter – whether it's in business or at home, taking music off of the web or copying tapes to give to friends - you're either an ethical person or not.

### **BUSINESS, ETHICS, AND LAWS**

Have we separated out certain portions of business – say the Internet, or intellectual property or CEO compensation – from society and created a different set of morals? Is it possible to have this separation because we don't have appropriate rules in place yet for our historically unique business environment?

It's fascinating to me how people who are honest and integrous in one area of their lives are willing to be dishonest and out of integrity on the net or in business. I wonder if the absence of defined rules brings people to their lowest common denominator, which they then rationalize away.

I did a search on the web for 'ethics in business' and found the following quote from a Peter Bowden in Australia on a chat room:

Ethical practices are "sociological accounts of different accepted practices."

Peter is saying that ethics can be defined according to the practices of our current culture – so, for example, here in the US we are exploring new laws on co-habitation rights and estate taxes to make sense of the different types of relationships that our society has spawned.

Obviously we are at a point in business wherein we must rewrite our rules to protect employees, and artists, and copyrighted material to ensure that unethical people – or, um, ethical people who are behaving unethically - cannot steal what doesn't belong to them.

## **RIGHTS: WHO HAS THEM, AND HOW DO THEY GET DEMONSTRATED?**

I'm not sure we're talking only about integrity, or values, or solutions here. I think we're talking about rights: who has them, and what does it mean when they are juxtaposed with other's rights. Who gets to choose? Does the person with the money or with the computer or with one purchased copy of tapes get to choose whose rights they are serving – their own, or the artist's?

And why is it a choice? Seems to me that the moral high ground comes with a code: if someone creates something and puts it up for sale, this person or company has the right to get paid for it. Why would it matter if the potential purchaser wants it in a different format, or at a different time? What gives people the right to think they can copy material and distribute it just because it's 'easier' than purchasing it?

In doing research for this article, I spoke with a person who wanted to purchase a CD on-line. It was available for purchase in the stores, but not on-line. But a pirated version was available free on line. Well, then! Bad distribution! Obviously it was easier to go on line, so, poor musicians! 'We don't have to pay you cuz your distributors should have made it easy for us to do what we wanted our way. Bummer. Too bad for you.'

Why is 'ease' the main criteria? Who said instantaneous delivery was a 'right'? What type of a world have we created in which ease of ownership is a guaranteed right, putting the distributor or artist or IP at the mercy of the whim of the expectation of the audience?

Years ago we just waited until it came out in the mode we wanted – like waiting for a paperback to come out instead of paying ten dollars more for the hardback. Or waiting for the video instead of going to the movies. Now people just pull a pirated copy off the web *and believe they have the right to do that*. These people don't even recognize they are actually stealing something from someone. They somehow believe they are within their rights, and *blame the people who put the material out* for not distributing it in the way it 'should' be distributed. These same people would not consider going into a store to steal anything and curiously see a huge difference between the two.

One of my friends (26-year-old man, and an editor of an ezine) sent me a note about this: "Stealing intellectual property is much easier on the Internet. It's frightening how "easy" comes to determine morality. I'd rather people shoplifted -- at least then there's a better chance of their being caught; then they're really risking something, and they're fully embracing the fact that they're thieves." After all, it's easier to 'lift' an item from a counter than stand in line to pay for it, right? And using the same logic, why do we even need money? We can just take whatever we want. Why stop at stealing IP from the net?

I got this quote recently, while having an online discussion with folks about this topic: "I think that my ideas for how business should be done with online delivery and who I am as a person are two very different things."

Why is 'online delivery' different from any other delivery? What makes it a 'right' to freely

take and use whatever is on the Internet because it's available – or *should be available*? And how does this behavior get defined as 'acceptable'?

There seems to be the denial of harm. Some people now believe they have the right to do whatever is the easiest, and that the artist somehow deserves to have their offering ripped off because they didn't make their information available enough. Do we behave ethically only in areas where the repercussions are high?

Because the net is so new and has so few rules so far, it seems that unethical people now have the ability to create their own rules. This is just the reason we create rules – to protect us from those who rationalize harming others for their own benefit.

The music business has been having this problem with the net for a few years while they have been figuring out the laws to protect the artists. When we embraced our beloved Internet, we didn't know the rules we needed. We are quickly learning.

### **WHAT DEFINES ETHICAL?**

I believe that as ethical people, we can not act in any way that harms another, that all harms – intellectual property abuse, bigotry, harassment, violence, lying to another – are unethical. Otherwise, rules get bent at will, and we have anarchy.

While the Internet searches for rules, and lawyers are kept busy protecting IP, the corporate environment is going through a crisis of its own. Competition and marketing problems used to be the major problem areas of our businesses. We are now addressing globalization, insufficient staffing, a huge trade deficit and a weak dollar, and CEO compensation issues to name just a few; the word 'ethics' is prominently floating around not only in corporations but in universities.

How do we define 'ethics'? There doesn't seem to be a uniform opinion on what it means or how to implement it. It's one of those vague terms that gets everyone to shake their heads in agreement, but that is so fuzzy that no two people would define it the same way.

How, then, do we get our employees to behave ethically if we can't define it? What does ethics look like on a daily basis? And, is it just another new, new thing that has become a sexy buzzword that has erupted as a backlash, only to be forsaken when all is forgotten and Waksal (or Lay or Skilling) emerges from jail?

Let's spend a bit of time here defining the issues that need to be managed. Let's say we believe that our company policies need to be addressing ethics at this point, and Enron and WorldCom brought an unspoken problem to a head. How do we begin?

### **Some thinking points:**

- How do we define ethics?
- How do we see ethics applied on a daily basis – with our staff? Our partners? Our clients? Our marketing/sales materials? Our brand?
- How far do we want to take this: contain it to our branded story? Make it a part of our daily interactions with all people? What would this look like?
- How stringent do we want to be? Do all our employees need to buy in to decisions we

make? Are we willing to fire people if they are not willing to buy in?

- What do we actually stand for? Where do ethics fit into our business?

A good way to begin is to get our employees to define the term and agree what it means to them on a daily basis. In a large corporation, it would be necessary to have groups or teams or departments come up with definitions and procedures. In smaller companies it's possible for the entire group to go away for a day or two together to create policy.

In either case, it's necessary to get company-wide agreement. The more difficult part is to get these agreed-upon ethics to become part of the company culture – the brand if you will – on a daily basis so that it becomes actionable, and accountable.

We can use the decisioning component of The Buying Facilitation Method® not only to define and determine the ethics our employees and Board members wish to work with, but in creating a delivery system to ensure buy-in company-wide.

I'll remind you here of the decisioning sequence that defines Buying Facilitation:

1. What's missing, and how did it get that way;
2. How can we fix the problem with what we're familiar with;
3. What internal, cultural, systems issues need to be managed so that when we face change there will be a minimum of disruption.

The 'internal, cultural, systems issues' are the most difficult ones to manage, since people have become comfortable within their status quo. It's necessary to lead them through the above decisioning sequence to allow them the opportunity to expand their beliefs and shift behaviors as much as possible in order to get the entire corporate culture to buy-in.

I remember interviewing the CEO of a branded printing chain, who told me he had to fire 10% of his national workforce (thousands) because they didn't buy-in to the new cultural change. What did he do to insure buy-in? He did a 3500 mile dog-and-pony show to each of the outlets and expected people to nod and agree. Those that didn't were fired.

What we're advocating here might be a belief shift for some people and they need at least a chance to expand their current belief systems in order to get on board, before we consider firing them. Buying Facilitation will assist them in recognizing new possibilities and making a 'buying' decision. After all, this is a sales job, no?

Here are some questions you might want to use to help you define the above problems, namely: ethics, buy-in, and daily use.

How would we define 'ethics'? What system will we use to agree on a definition? How do we get people on board to work with us? What does agreement look like – how does it behave on a daily basis?

What needs to happen for us to get buy-in from each person? How do we go about it on a team basis? Corporate basis? Brand basis? Client basis? How does this affect our marketing? Our PR? Our sales?

What do we need to do to manage this shift? Who will be responsible? How do we

manage the responsibility?

These are a few of the questions you will have to address as you move forward towards the creation of an ethical workplace. And, it's an ongoing question that needs to be asked daily, monthly and yearly. There is no reason to separate your private life from your work life. After all, if we can't take our hearts with us to work each day, who are we anyway?

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