

# Right Versus Right: An Ethical Dilemma

Values and Ethics Management in PR

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## Introduction

The nonprofit research institute I work for as the project and event manager was hosting its triennial event this past autumn for local and regional doctors to attend and gain continued medical education (CME) credits. Bee Medical <sup>1</sup> had contacted the Institute last summer asking to sponsor the event and we had agreed. A contract was signed. However, when it came closer to planning the logistics for the event, the Institute's President had decided to have Clear Corp <sup>1</sup> sponsor the event through a verbal agreement without my knowledge. We weren't able to host the event with two sponsors due to space capacity, so the ethical dilemma of what to do moving forward once I found out had me at a crossroads.

This final paper will explore this ethical dilemma and define who is responsible for dealing with it. Two ethical philosophies, character-based (virtue) theory and contract-based (rights) theory, will be explained and considered to manage this ethical dilemma. The two ethical philosophies will be judged on which are the best and worst to consider for this particular ethical dilemma. Also discussed will be the consequences of choosing one theory over the other, the issues not properly addressed in this paper related to this ethical dilemma and any possible limitations and recommendations for future research.

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<sup>1</sup> Names have been changed to keep confidentiality.

## Ethical Dilemma

The research institute I work for hosts three continued medical education (CME) accredited events each year for local and regional doctors. As a nonprofit, the Institute partners with industry-related corporations to sponsor these events. These events are extremely appealing to industry-related corporations as it offers company representatives the opportunity to communicate face-to-face with attendees that are physicians who could potentially use their products. The event allows exhibitors to showcase and present their innovative technology, products and marketing materials. This is a great time for networking and for industry-related corporations to listen to their customers (physicians) and address any questions or concerns. It's a tremendous way to build and foster relationships between industry-related corporations and physicians who make the purchase decisions in their medical offices. Many of the industry-related corporations that sponsor these events hosted by the Institute end up gaining more sales leads and more possible sites for future clinical research trials (Gioia, 2018). This is one opportunity industry-related corporations do not want to miss out on.

This past summer, one corporation, Bee Medical, had contacted me as the Institute's project and event manager and asked to sponsor the upcoming October 2018 event. There can only be one corporation that sponsors an event due to space capacity, and Bee Medical wanted to reserve that spot by signing a contract before anyone else did. After I ran it by the Institute's President, an exhibitor sponsorship contract was signed. However, in September, when it came closer to planning the logistics for the event, the Institute's President had spoken with another corporation, Clear Corp, and had decided to have Clear Corp sponsor the event through a verbal agreement without my knowledge. The President had forgotten the Institute already signed a contract agreement with Bee Medical and so promised Clear Corp the exhibitor spot at October's

event. We couldn't have two sponsors for the event, yet one had already signed a contract and the other had been promised a spot by someone they had a strong and lasting relationship with. The Institute has strong and trustful bonds with both of these corporations after years of collaboration. This paper focuses on the ethical dilemma of what to do moving forward without tarnishing any relationships and still coming out of this with one sponsor for October's event.

## Approach and Questions

### 1. What is the ethical problem/dilemma?

Before I mention the example, we first must define an ethical problem vs. an ethical dilemma. An ethical problem usually “can be solved with a single, discrete solution” (Educational Leaders, 2018). “A dilemma describes a situation where one is confronted with two choices, neither of which is desirable” (Tavani, 2013). Therefore, the focus of this paper is an ethical dilemma of a right-versus-right.

Rushworth M. Kidder, author of *How Good People Make Tough Choices*, states there are four paradigms in ethics for right-versus-right dilemmas: 1) truth versus loyalty; 2) individual versus community; 3) short-term versus long-term; and 4) justice versus mercy (Kidder, 2009). The “principles are useful because they ... provide different lenses through which to see our dilemmas, different screens to use in assessing them” (Kidder, 2009).

The dilemma the Institute faces is choosing what to do when caught between upholding conflicting promises and a contract between two different corporations that have long lasting relationships with the Institute. These corporations trust the Institute to keep its word after years of collaboration. To go back on the Institute’s word risks losing the trust years have built between these two corporations and the Institute. It also risks damaging the reputation of the Institute as an uncredible and unreliable organization. If turned for the worse, this wouldn’t only damage the two relationships the Institute has with Bee Medical and Clear Corp, but also, if word got out, with all other corporations the Institute has relationships with. The doctors who attend the Institute's continued medical education accredited courses could potentially view the Institute as uncredible and unreliable and no longer attend the courses as well. This ethical

dilemma could potentially ruin the Institution in the long run. Therefore, the dilemma the Institute faces would be considered a short-term versus long-term dilemma according to Kidder.

## **2. Whose ethical dilemma is this?**

This dilemma is the Institute's problem, and especially the President's and mine as the project event manager. It is also the dilemma of Bee Medical and Clear Corp, even if they might not know it. It is important to note whose dilemma this is because it shows who is responsible for managing the dilemma and who is most affected by it.

## **3. What ethical philosophies are suitable?**

Two ethical philosophies are suitable for this ethical dilemma: virtue theory, also known as character-based theory, and rights theory, also known as contract-based theory. However, the ethical philosophy most suitable for managing this ethical dilemma is virtue theory.

### **Character-Based (Virtue) Theory:**

"The fundamental principles of virtue ethics were introduced in the writings of Plato and Aristotle nearly 2,500 years ago" (Tavani, 2013). Aristotle believed to be an ethical person, one must not only "memorize and deliberate on certain kinds of rules," but also be virtuous gained through good habits and character traits (Tavani, 2013).

Virtue ethical theory "ignores the special roles that consequences, duties, and social contracts play in moral systems... Rather, it focuses on criteria having to do with the character development of individuals and their acquisition of good character traits from the kinds of habits they develop" (Tavani, 2013). "Because virtue ethics focuses primarily on character development and moral education, it does not need to rely on a system of formal rules." It is "agent-oriented" (Tavani, 2013).

To be virtuous, an ethical person asks, “*What kind of person should I be?*” (Tavani, 2013) According to Tavani, philosophers believe a moral person is obligated to do the right thing in their daily lives. Aristotle believed in “building habits of character such as kindness, truthfulness, honesty, trustworthiness, helpfulness, generosity, and justice” (2013).

“The concept of a virtue is the concept of something that makes its possessor good: a virtuous person is a morally good, excellent or admirable person who acts and feels as she should” (Stanford Encyclopedia of Philosophy, 2003).

“Whereas consequentialists will define virtues as traits that yield good consequences and deontologists will define them as traits possessed by those who reliably fulfill their duties, virtue ethicists will resist the attempt to define virtues in terms of some other concept that is taken to be more fundamental. Rather, virtues and vices will be foundational for virtue ethical theories and other normative notions will be grounded in them” (Stanford Encyclopedia of Philosophy, 2003).

Virtue theory is the ethical philosophy focused on the character traits of the decision maker to come to a homogenous solution that can make everyone involved satisfied.

However, another ethical philosophy to consider for to resolve this dilemma is rights theory, also known as contract-based theory.

### **Contract-Based (Rights) Theory:**

One of the earliest forms of contract-based ethical theory was developed by Thomas Hobbes (Tavani, 2013). Hobbes believed humans are rational creatures and that “it would be in our best interests to band together.” He believed “that we are willing to surrender some of our ‘absolute’ freedoms to a sovereign” in return for “many benefits, including a system of rules and laws that are designed and enforced to protect individuals from being harmed by other members of the system” (Tavani, 2013).

A contract “is inscribed in legal doctrine, in the principles that contracts are created through offer, acceptance, and consideration. An *offer*, according to the U.S. Second Restatement on Contracts, ‘is the manifestation of willingness to enter into a bargain, so made as to justify another person in understanding that his assent to that bargain is invited and will conclude it. (R2 Contracts: §24)’ To establish a contract, an offer must be met with an appropriate *acceptance*, characteristically ‘a manifestation of assent to the terms [of the offer] made by the offeree in a manner invited or required by the offer (§50)’” (Stanford Encyclopedia of Philosophy, 2015).

“Contracts...must arise not out of a simple, gratuitous promise, but rather out of an exchange of promises, in which each promise constitutes” mutually beneficial and acceptable consideration “for the other” (Stanford Encyclopedia of Philosophy, 2015).

“Rights are claims against others (whether individuals or social entities) to be treated in certain ways. Rights claims generate correlative duties on the part of others. There are two basic divisions of rights:

1. Natural and conventional — natural rights pertain to us by virtue of our humanity; as such they apply to all persons. Natural rights are commonly called moral rights.

Conventional rights are created by humans, generally within the context of social and political organizations.

2. Negative and positive — negative rights impose duties of noninterference on others.

Thus my right to life as a negative right is a right not be killed. positive rights impose duties of assistance on others. For example, welfare rights impose on the state the duty to assist those who cannot provide for themselves” (Marquette University, 2018).

The contract between the Institute and Bee Medical would fall under the conventional division of rights. Rights theory gives people motivation to act morally and uphold the

conditions of a contract in order to cause no harm to another (Tavani, 2013). Applying contract-based theory to the current ethical dilemma would ensure upholding the contract with Bee Medical, keeping the Institute legally accountable and causing Bee Medical no harm.

#### **4. What options are there for a resolution?**

The best resolution is virtue theory, because in order to make everyone happy, it would allow both corporations to sponsor Institute events. This theory takes into consideration the relationships the Institute has with Bee Medical and with Clear Corp. It holds the Institute accountable to Bee Medical and to Clear Corp based on the Institute's word of promise, and not just because of a contract. It shows the Institute's character traits of trustworthiness and generosity, and tells not just Bee Medical and Clear Corp but the Institute's other stakeholders as well, that the Institute is a trustworthy organization.

The worst resolution out of the two is rights theory. The Institute signed a contract with Bee Medical, while Clear Corp was only spoken to about supporting the event. This theory honors the contract and upholds its conditions without second thought to Clear Corp. This would cause harm to the Institute's relationship with Clear Corp and possibly to the Institute's reputation in the eyes of its other stakeholders as well as potential loss of sales for Bee Medical.

#### **5. What are the actual and possible consequences of each resolution?**

The consequence of virtue theory is that although both corporations cannot sponsor the same event, Bee Medical would sponsor the October event and Clear Corp would be promised to sponsor the first spring event of the following year.

The consequence of rights theory is even with Clear Corp knowing of the Institute signing a contract with Bee Medical, Clear Corp still might not trust the Institute's word moving forward after being promised by the Director, thus tarnishing our relationship with them. This

could also have the doctors, who attend the Institute's continued medical education accredited courses, think the Institute is unreliable and untrustworthy. It may damage more than just the relationship with Clear Corp, but also the reputation of the Institute in all its stakeholders' minds.

In reality, we utilized the virtue theory, which aligned with our contract with Bee Medical to sponsor the fall event and kept our word for Clear Corp to sponsor an Institute event, just not the fall event, but rather the following spring event. Clear Corp was understanding with our dilemma and appreciated us keeping them in mind for the spring event. I believe Clear Corp was so understanding due to our solid relationship we've fostered over the years. Bee Medical had no idea about the dilemma. After the dilemma was resolved, I believe the reputation of the Institute is still one of credibility, and Clear Corp looks forward to many more years of collaboration with us, as does Bee Medical.

## Issues Not Addressed

Other issues purposely not addressed are the other main potential ethical philosophies to apply to the Institute's dilemma: utilitarian (consequence-based) theory and deontological (duty-based) theory.

### **Utilitarian (Consequence-Based) Theory:**

Utilitarian (consequence-based) theory “moves beyond the scope of one's own interests and takes into account the interests of others” (Carnegie Mellon University, 2002). Utilitarian theory “places the [focus] of right and wrong solely on the outcomes (consequences) of choosing one action/policy over other actions/policies” (Carnegie Mellon University, 2002). Utilitarian theory “stresses promotion of happiness and utility [and] ignores concerns of justice for the minority population” (Tavani, 2013). There are two branches under utilitarian theory:

1) “*Act-utilitarianism* -- The principle of utility is applied directly to each alternative act in a situation of choice. The right act is then defined as the one which brings about the best results (or the least amount of bad results)” (Carnegie Mellon University, 2002).

2) “*Rule-utilitarianism* -- The principle of utility is used to determine the validity of rules of conduct (moral principles). A rule like promise-keeping is established by looking at the consequences of a world in which people broke promises at will and a world in which promises were binding. Right and wrong are then defined as following or breaking those rules” (Carnegie Mellon University, 2002).

Rule-utilitarianism theory could apply to the ethical dilemma in this paper. However, it was left out because it would lead to a similar outcome of contract-based (rights) theory. I believe contract-based (rights) theory was more fitting since there was an actual contract involved in the dilemma.

**Deontological (Duty-Based) Theory:**

Deontological (duty-based) theory is another theory the Institute's ethical dilemma could have utilized, which focuses on "the concept of duty, or obligations that humans have to one another, and never in the consequences of human actions" (Tavani, 2013). Deontology "focuses on the rightness or wrongness of actions themselves, as opposed to the rightness or wrongness of the consequences of those actions" (The Basics of Philosophy, 2018). Deontology is broken into two subtheories, "one based on our nature as rational creatures, and the other based on the notion that human beings are ends-in-themselves" (Tavani, 2013).

Philosopher Immanuel Kant (1724-1804) believed in what he called the categorical imperative as the foundation to consider moral obligations in an objective and impartial way (Tavani, 2013). Rule deontology advocates that all individuals be treated as an "ends-in-themselves and never merely as a means to an end" and to ensure the morality in question "can be universally binding...for all human beings" (Tavani, 2013).

Act deontology applies to ethical dilemmas "when two or more moral duties clash" (Tavani, 2013). David Ross (1930) reformulated Kant's theory to "look at individual situations in order to determine which duty will override another" and to consider the consequences of such an action.

Deontological (duty-based) theory was not addressed because if applied to the Institute's ethical dilemma, Clear Corp would have been ignored and the duty of the legally binding contract would have been the only thing directing our moral compass, which I do not believe, to be a virtuously moral person, is sufficient enough.

## Limitations

There are some limitations when it comes to an ethical dilemma regarding your own organization. I would think it safe to assume Bee Medical does not know about Clear Corp being promised through word-of-mouth after it signed a contract and Clear Corp did not know Bee Medical signed a legally binding contract when agreeing to exhibit at the Institute's fall event. I would not ask Bee Medical if they knew anything about this ethical dilemma nor would I ask Clear Corp about it as it could shine a light on and bring up not so pleasant memories of our past mishaps.

## Recommendations

Recommendations for the future would include creating a procedure where the President of the Institute runs things by me, the project manager, just as I would for him before making any promises and legally binding agreements. This would prevent future conflicts similar to this dilemma.

However, I would recommend considering the following in a hypothetical situation:

1. What would have happened if word got out before we made a decision on how to move forward?
2. What would have happened if Bee Medical found out about the ethical dilemma?
3. What would have happened if the President of the Institute had Clear Corp sign a contract before letting me, the project manager, know? Would we have had two legal and conflicting contracts to adhere by? Would legal action then have to be taken?

These are just some worst-case scenarios to play with. It is always better to be proactive with conflict prevention in mind. Conflict prevention management "is the process of effectively dealing with ongoing or intractable disputes that, for one reason or another, cannot be fully

resolved,” and/or conflict resolution, which “is the process of addressing the underlying and deep-rooted causes of conflict and finding applicable solutions to these disputes” (Weckerle, 2013).

## Conclusion

While working at the Institute, I was faced with an ethical dilemma of a right-versus-right, short-term versus long-term paradigm: what to do when caught between upholding conflicting promises and a contract between two corporations that have long lasting relationships with the Institute.

Virtue theory, also known as character-based theory, and rights theory, also known as contract-based theory, were considered to resolve the Institute's ethical dilemma. However, it was ruled out that the ethical philosophy most suitable for managing the Institute's ethical dilemma is virtue theory. Virtue theory is the ethical philosophy focused on the character traits of the decision maker to come to a homogenous solution that can make everyone involved satisfied.

This theory takes into consideration the relationships the Institute has with Bee Medical and with Clear Corp. It holds the Institute accountable to Bee Medical and to Clear Corp based on the Institute's word of promise, and not just because of a contract. It shows the Institute's character traits of trustworthiness and generosity, and tells, not just Bee Medical and Clear Corp but the Institute's other stakeholders as well, that the Institute is a trustworthy organization.

While both corporations cannot sponsor the same event, it was resolved that Bee Medical would sponsor the October event and Clear Corp would be promised to sponsor the first spring event of the following year. After the ethical dilemma was resolved, I believe the reputation of the Institute is still one of credibility, and Clear Corp looks forward to many more years of collaboration with us, as does Bee Medical.

Utilitarian (consequence-based) theory and deontological (duty-based) theory were addressed as alternative philosophies, however, not the most suitable for this particular ethical dilemma.

Staying proactive in conflict management is the best course of action for any public relations practitioner, and doing so will help prevent an ethical dilemma similar to this one occurring again.

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