

ethikos Volume 33, Number 5. May 01, 2019 Understanding what is ethically right vs. what is legally right

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In the world of law, the differences between ethics and legality can often be misconstrued. There are some who believe that if something is legal, it must be ethical and vice-versa. If something is illegal, it must—by rule of law—be unethical. But this is not always the case. In fact, the lines between what is ethically and morally right and what is legally right are not so straightforward.

In this article, we'll examine this topic in further detail and discuss the difference between ethics and law, particularly as it pertains to corporate ethics and culture and business ethics and procedures. We'll discuss several key concepts and examine several case studies that illustrate the difference between ethics and legality. Let's get started now.

If something is legal, it must be ethical, right?

This is an idea that is espoused by many people in a variety of professions, from lawyers to legislators, corporate officers, and executives. If something you are doing is legal (i.e., you are protected by the law when you do it) it must be ethical, right? How could something that is legal not be ethical?

At first glance, this argument seems to hold up, but if you test it even a little bit, it begins to fall apart like a house of cards. Let's take a look at simple example to show why this argument is incorrect.

Let's say that you cheat on your girlfriend, boyfriend, husband, wife, or partner. You haven't broken the law. There is no law that says you cannot cheat, although if you're married, you may end up paying hefty fees if you get divorced. Still, that is a *civil* penalty, and not a *criminal* penalty.

Long story short, there is no law against cheating on your partner. So it must be fine to do so, right? There's a reason that argument won't hold water in a divorce court or family court. It's obviously untrue.

It may be legal to cheat, but doing so is obviously unethical. You are breaching the trust another person has put in you and harming them in a real, tangible way. You're within your legal rights to do so, but that doesn't mean you're free of the consequences or ethically in the right.

Sure, this is a simplified example. But the main argument (that what is ethical is not always illegal, and vice versa) is exemplified in one of the most high-profile business ethics cases the pharmaceutical industry has ever seen—the case of Martin Shkreli, the drug Daraprim, and Turing Pharmaceuticals.

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