

Fertile ground for moral anxiety

Lawyers are especially at risk of facing ethical dilemmas or situations at odds with their moral compass. **RACHEL SETTI** offers some advice.

“Moral anxiety” in the workplace refers to the distinctive anxiety we feel when faced with a dilemma or conflict as a result of the disparity between our personal moral compass and that of our firm, company or colleagues.

The term is rarely used in commercial parlance, though often rears its head when ethical scandals rock the commercial world – think Enron or WorldCom. When we untangle the precursors to these events, they identify blatant ethical transgressions which were bound up in the commercial disasters that ensued.

An individual’s decisions are highly influenced by the environment in which they work. Further, moral misconduct is not necessarily the result of a person’s deliberate action, rather it is often related to poor self-awareness of the consequences of their behaviour – it is an ethical blind spot.

Yuval Feldman, a professor of legal research, focuses on the employer to support individuals to maintain moral appropriateness. Research states that, at a minimum, firms should make their ethical guidelines clear by highlighting and role modelling them, encourage transparent conversations on handling the tension between commercial imperatives and moral obligations, provide employees with timely reminders of the implications of their behaviour, and proactively address unethical behaviours rather than turning a blind eye. Perhaps history would have

taken a different turn had such checks and balances been applied at the aforementioned ill-fated corporate empires.

Turning our focus to the individual, most commercial ethical meltdowns have involved people acting in a way that did not sit well with their personal moral code. Yet we can assume that they either disregarded their intuition or, if they did present their concerns, were ignored. Legal professionals are unique in that they are bound by their oath as officers of the court, and must uphold ethical standards as part of their professional obligations which, in theory at least, provide them with unambiguous boundaries. Despite this, lawyers are not always immune to the conflicting demands and interests that can lead to morally inappropriate decisions. This is particularly relevant to multi-stakeholder in-house counsel, but also to external counsel.

One factor that may contribute to moral anxiety is that morality is associated with emotion, yet corporate society believes emotional and rational thinking are mutually exclusive, and that rationale trumps emotion in commercial decisions. Despite this prevailing belief, listening to one’s inner voice can actually lead to more robust, well-rounded decisions. In other words, our emotions provide us with important insight into the difference between right and wrong.

Because moral anxiety often exists amongst individuals driven to do the

right thing, behaving in a way that aligns with their moral compass is important for maintaining wellbeing. Ignoring their moral compass can lead to chronic anxiety and can in turn limit their capacity to deal with complex, multi-faceted decisions. This is because, when feeling anxious, people tend to view issues in simplistic, black-and-white terms, thus perpetuating the tendency to misjudge and overlook thorny ethical considerations. It is therefore important to take action if faced with such conundrums at work. The following pointers may help:

1. **Develop** an awareness of your moral discomfort by noticing the following symptoms which may indicate anxiety: ongoing agitation and worry, poor sleep, fatigue, difficulty concentrating, muscular tension, and gastroenterological issues.

2. **Take action** to maintain your own wellbeing. A discrepancy between one’s behavioural standards and those of society can correlate with symptoms of depression as well as anxiety.

3. **Decipher** which elements of the situation concern you. It may be a specific matter requiring a subtle shift, or the ongoing status quo at your firm or company. If the latter, consider whether you can help shift the prevailing culture or, if not, whether it is really the right place for you. For complex, multi-layered issues a confidential brainstorm with a mentor or coach may help tease out the issues.

4. **Contemplate** what you can do differently to align the situation more closely to your moral compass.

5. **Encourage** conversation within the company. Present your opinions by referencing the moral consequences of the decision or action, ask questions and seek answers. Highlighting such issues can help you reach robust conclusions, and support others to develop better moral self-awareness. **LSJ**



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