

Situational Ethics

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**Florida Government
Finance Officers Association**

PUBLIC SECTOR VALUES

- Values or core beliefs determine priorities for individuals and organizations.
- Government agencies adhere to values critical to their mission.
- If we were going to identify core public sector values, what would the list look like?
- Values likely to make the list include, efficiency, effectiveness, accountability, inclusiveness, compassion, due process.
- What if these values conflicts and how are these conflicts resolved?
- How do the values of compassion/love square with other public sector values?



- My good friend, Robert Meyers, asked me if I would be interested in appearing with him on a panel discussion about situational ethics, I immediately agreed.



- Then, I did the only thing a reasonable, rational person would do in 2026, I asked AI.....“ What is situational ethics?”

AI Response #1

- Situational ethics, evaluates the morality of an action based on the specific context rather than adhering strictly to universal moral laws or principles.
- It is a **teleological and consequentialist** theory, meaning it focuses on the outcomes of actions, particularly whether they promote the greatest amount of love or well-being.
- Unlike legalistic ethics, which relies on rigid rules, or **antinomian ethics**, which rejects rules entirely, situational ethics seeks a middle path that balances flexibility with moral guidance.



- So now I had to ask AI what does “teleological, consequentialist and antinomian” mean?

AI Response #2

- A **teleologist** attempts to understand the purpose of something by looking at its results.
- A **teleological philosopher** might argue that we should judge whether an act is good or bad by seeing if it produces a good or bad result.

Example

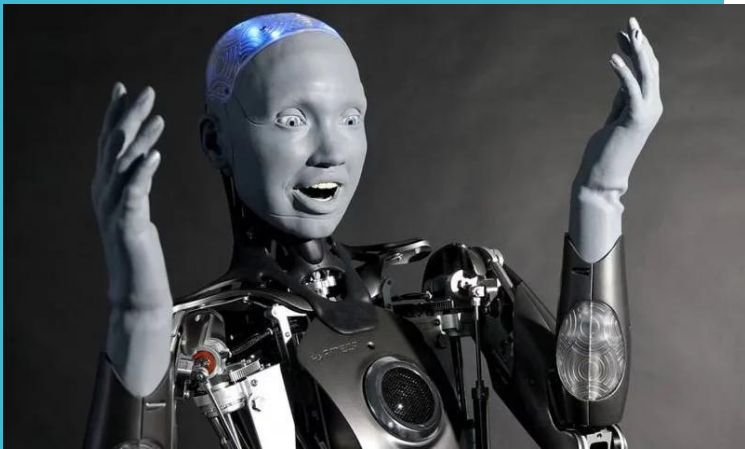
- If I embezzle money from my employer and I don't get caught and go to jail, is that a good act? (for me it is)
- Does it matter what I used the money for?
- If I spend it on wine, women and fancy cars vs spending it on medical treatments for my ailing family member?



- Consequentialism is an ethical theory that judges the morality of an action based on its consequences.
- It posits that an action is right if it produces a greater balance of good over evil.

Example

- If the money that I embezzled from my employer was used to pay for my medical treatments that saved my life.....
- More good over evil?



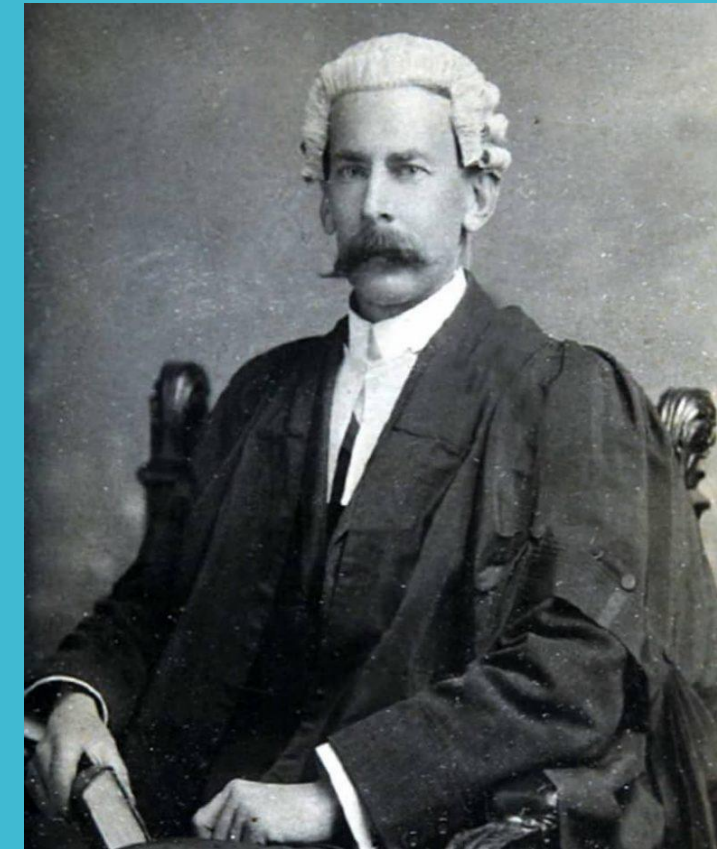
- antinomianism comes from two Greek words, anti, meaning "against"; and nomos, meaning "law." Antinomianism means “against the law.”
- Antinomianism is the ethical theory that posits individuals are not bound by moral laws, particularly those prescribed by religious authorities, due to the belief in salvation through faith alone.



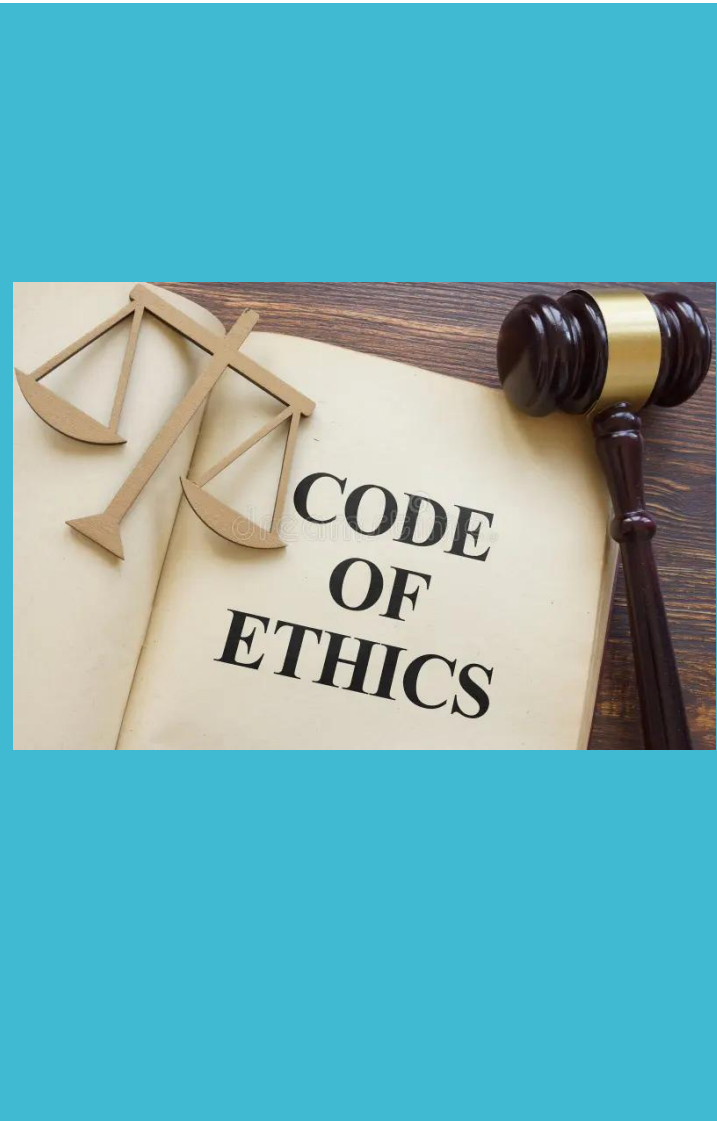
- Situational ethics is an ethical framework where moral decisions are based on the context of a situation, guided primarily by love rather than fixed rules.



- Situational ethics is distinct from **utilitarianism** in that the latter's aim is "the greatest good for the greatest number" that focuses on creating the greatest amount of love.
- Situational ethics can also be classed under the ethical theory genre of "**proportionalism**" which says that "It is never right to go against a principle unless there is a proportionate reason which would justify it."
- a form of ethical "relativism"



- Mr. Meyers and I are both lawyers, so we're trained to take a "Legalistic" view
- A legalistic view is a strict adherence to a set of predetermined laws or rules.
- **Key features:**
 - Rules are absolute and must be followed regardless of context.
 - Decisions are made by referencing existing laws or principles.
 - Flexibility is limited; exceptions are rare and usually only when laws conflict.



- In all of my 26years, so far, in the government ethics/ enforcement business, I can not recall a time when I had to make an enforcement decision based on how much love it might produce, but I have looked at factors such as
- What the circumstances deserve..
- What is the greater good produced by either proceeding or not proceeding....



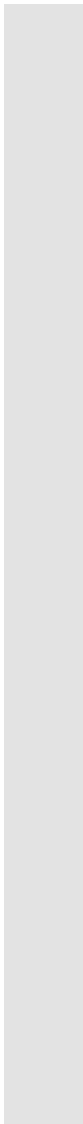
- Where do these theories converge?
- We certainly don't reject rules, so no antinomian theory
- A pinch of teleological theory-- will the action I take produce a good or bad result
- Will it produce the greatest amount of good to the greatest amount of people? (will it be an example to others? Deterrent?)



The price good men
pay for indifference
to public affairs is to
be ruled by evil men.

PLATO

- Ultimately, discretion is utilized, either in a charging decision or in a negotiation to resolve the matter.



SITUATIONAL VALUES AND OTHER ETHICS THEORIES

- Situation ethics as well as several other ethics theories focus on consequences – moral frameworks rejecting rigidity and universal rules in favor of evaluating best outcome.
- Utilitarianism is similar to situational ethics because the attention is paid to outcomes or results. Many public policy decisions follow the utilitarian model to maximize happiness for the greatest number, with the understanding that some will be harmed by the decisions/policies.
- This theory is captured by the cost benefit analysis when deciding whether to pursue or abandon a particular course of action

DIFFERENCES BETWEEN SITUATIONAL ETHICS AND UTILITY THEORY

- As discussed in prior slides, situational ethics applies the single principle of love in any given context. Utilitarianism focuses on what is most useful for maximum happiness for the greater good.
- Situational ethics aims for the most loving outcome in a given situation while utilitarianism aims for the greatest good for the greatest number.
- Situational ethics is more flexible and subjective and that nothing is inherently good or level except love. Utilitarians believe that calculations (such as a benefit cost analysis) are necessary to yield the best possible outcome.
- Both theories have their detractors: situational ethics can be used to justify virtually every act and utilitarianism is criticized for failing to protect minority rights in favor of the majority.

ETHICAL RELATIVISM

- This theory rejects all universal, absolute or objective moral standards, asserting that morality is determined by individual, social or cultural consensus compared to situational ethics with its commitment to love as one absolute principle.
- Relativism maintains that any behavior can be justified if acceptable to that society/culture based on its norms.
- Both are subjective to a degree.

COMPASSION /LOVE VALUE IN CRIMINAL JUSTICE

- In evaluating decisions made by actors in our criminal justice system, does compassion/love factor into the outcome?
- Consider the judicial system with its bifurcated approach to dispensing justice: 1) determination of guilt and 2) sentencing
- While the value of compassion/love may not appear to play a significant role in outcomes, it is an integral part of the system.
- Motives matter – the classical example of stealing a loaf of bread to feed a starving family. The person committing theft is motivated by the love for family and while his conduct may not be excused, the law allows judges to consider mitigating circumstances which will likely lessen the penalty imposed.
- To the extent some subscribe to the rehabilitation model, the thinking is that in many cases people deserve second chances (especially if the offender is youthful) as opposed to warehousing offenders with no regard for their future when they are released in society

SITUATIONAL ETHICS : EXAMPLES TO CONSIDER

- 1) NATURAL DISASTERS OR EMERGENCIES
- Do we suspend the Sunshine Law after a hurricane hits?
- 2) WHISTLEBLOWER LAWS
- Do we want to encourage government employees to leak confidential information for the greater good?
- 3) ADMINISTRATIVE DISCRETION
- Selectively enforcing the rules – traffic stops, code compliance
- 4) CHAIN OF COMMAND
- Not following the chain of command if dictated by the situation
- 5) LOYALTY AND COMPASSION FOR A LEADER
- When a person in power is no longer capable of performing



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