In every civilized society there are certain rules that govern its subject these rules are based on moral aspect of society, that later on form a part of law. In these regard law, morality and ethics cannot be separated from each other. If we look at the form and content of law, we find that a legal norm may be common with that of religious and moral norm. Law, morality and ethics are too vague to understand. The legal system is distinct from religion and morality in the form but not in the content. Law is influenced from both religion and morality and hence their takes place a sought of interaction between the legal system and the moral and religious faculty of our society. “In a traditional society laws have never had a very dominating character, but religion and morality had always had a very predominant role. But in a modern society life changes very fast, hence morality and religion are under a great pressure. Hence, law is the only alternative to human development”\(^2\). At any particular time, for any situation, law becomes a technique to establish a certain expected social behavior. Morality and ethics are may be for enlightenment and would facilitate individual peruses. So it can only be concluded that, not only the morality and ethics are somewhat dependent on law, but also that the law itself is to a considerable extent dependent on morality and ethics.

Background

The words "morality" (moral) and "ethics" (ethical) are commonly employed as synonyms, even by philosophers. (See, for example, "Introduction to the Objectivist Ethics," by Ayn Rand, which is in fact an essay on morality.) They are, however, different. Morality is personal. Ethics is (are) social. Morality is a human problem. Animals typically behave ethically by their nature (and most often can do nothing else) but can within limits make choices that seem unethical, but cannot (by definition) be immoral. For us humans, the individual has no moral obligations toward others, but, by our social nature, as we mature, we acquire ever more ethical obligations. As contradictions do not exist, there can be no moral dilemmas. However, ethical dilemmas abound and we humans attempt to resolve them by appeal to moral principles. By distinguishing between morality and ethics, we can better understand and solve problems in what is commonly called "Ethics" but which is in fact "Morality."

---

\(^1\) Ankit Kumar Nema is an author and Arunesh Nanda is co-author 3\(^{rd}\) Year student of BBA-LLB, from MATS LAW SCHOOL, Chhattisgarh, approved by Bar Council of India.

\(^2\) http://legalserviceindia.com/articles/lmor.htm
The words derive from different roots and in their native languages they had similar meanings, as philosophy was not yet well developed. "Ethos" ("ethnos") is a Greek word and refers to the population so that ethical behavior is that which is good within society. Aristotle was not the first or last to use the word in his attempt to define the good life for the individual, as in The Nichomachean Ethics. As Greek philosophy matured and developed from the Ionians through the Peripetitics and further, it became clear that a person could be moral or immoral (ethical or unethical) independent of what happened around him. Morality is a Latin word and means simply manners, again, social custom as the standard for right action. Ethics and Law are both mere variants of rules by which humans are expected to conduct themselves in Society. Rules are required to ensure repetitiveness that makes events predictable. Predictability is essential for security, survival, continuity and growth. Even therapy, which is of immediate concern to us as Psychiatrists, can work only if we have tools which have predictable effect. Therefore attention to the genesis and execution of rules is of utmost importance. All elements in Nature are continuously bound by rules which permit the cascade of causality to flow flawlessly and without fail. This 'high-fidelity' system of Nature permits emergence of many existences including humans who are endowed with consciousness and free will. Free will provides freedom, even though limited, from the tyranny of rules and thereby the capacity to break rules. Therefore this freedom needs to be regulated in such a way that it does not lead to conditions of lawlessness and thereby to chaos and self-destruction. Ethics and Law are two available mechanisms at the social level to give appropriate direction to this freedom in the best interest of all.

**Ethics**

In this new era of quick life and ever changing technology, the question of morality and ethics is something that comes across in every field. The paper deals with the relevance of ethics, morals and values that exist in this modern society. Development achieved at the cost of sacrificing them is development but not growth. Ethics deal with values relating to human conduct, with respect to the rightness and wrongness of certain actions. The conflicts between personal and individual ethics are faced by every individual in the society but in this competitive environment, professional attitude precedes over personal morals and values. The paper lays special focus on the role of lawyers whose duty is to safeguard the interest of the society. The fundamental objective is to secure a spirit of friendly co-operation amongst the people. It is a profession of great honour, created not for private gain but for public good. The society today, even though requires strong and strict laws, it also requires an individual to be aware of his responsibilities. The paper primers on the importance of Intellectual Property with the development of law.

Ethics is a topic which many people or groups of people tend to disregard. The decisions taken by business firm or individuals can be influenced by number of reasons. Many a times money or

---

3 [legalservicesindia.com/index/ethics-professional-vs-personal-law-ethics](http://legalservicesindia.com/index/ethics-professional-vs-personal-law-ethics)
any monetary gains can influence a person to do unethical things either on work place or in everyday life. At each stage of life, every individual faces questions with negative or positive consequences. Is it right to cheat in a class test or bribe a police officer or cheat in a tax return? The questions are endless. Capital punishment like hanging a person may be right, but is it ethical?

Ethics are about making choices that may not always feel good or seem like they benefit you but are the ‘right’ choices to make. They are the choices that are examples of 'model citizen' and are the examples of 'golden rules' like; don't hurt, don't steal, don't be dishonest, don't lie. But if we take Ethics as a subjective philosophy then what will happen to these golden rules. Especially at the time of facing any ethical dilemma how one should decide - what is ethical and what's unethical? Organization provides rules, regulations, code of conduct, protocols which provide guidelines to work, it shows how to walk, but it does not show the correct path to walk on. Ethical dilemmas faced by managers are often more real to life and highly complex with no clear guidelines, whether in law or often in religion

Ethics is the part of philosophy that talks about good and evil but today rarely any business school would have left which does not provide lessons on Ethics Management. Some philosophers call ethics the "science of morality", morality is what someone thinks or feels is good or bad. However, other philosophers believe that ethics is subjective. This means that they think what is right for me is whatever I say is right. This means that ethics is just a person's own morality. These philosophers do not think that ethics is the same for all people.

Ethics guide the decision making process and actions of individuals on a broader prospective. The society is subjected to the implications of rules, legal restrictions, customs that determine what is right and wrong in the eyes of the society. Thus these rules upheld the rigid ideas of morals and ethics. For example thousands of years ago, the ‘10 commandments’ were created in order to teach the common man the difference between right and wrong. But the question that arises out of the entire argument is who determines what is ethical or unethical?

The professional organizations have widely adopted the “basic” code for many companies, universities and professional institutions. While the professional codes of ethics have slight differences in emphasis, they are in agreement on general principles. Every profession faces some challenges where his personal values contradict his professional needs. Ethics is something that has been defined in every possible manner but none of them are complete or conclusive. Ethics are nothing but the values which are cultivated in every individual to facilitate harmonious and smooth functioning of the society. Thus, it helps the people to decide what is right and what is wrong for their society. What are ethics? They are nothing but rules of right and wrong behavior. Webster defines ethics ‘the principles of conduct governing an individual or

4 www.morality.com
groups’. Ethics is that branch of philosophy that deals with morality. It is concerned with distinguishing between good and evil in the world, between right and wrong human actions and between virtuous and non-virtuous characteristics of people. Ethics entail doing what is right in face of powerful selfish desires. Society with a strong code of ethics and moral values leads to a developed society. In today’s world when everybody is striving for success, very little place is given to one’s ethics and morals. At times when the right and wrong are challenged, what is the basis to decide the correct path? One man’s justice may be other man’s pain. Today the society has become so competitive that we require people who can push the bar higher and touch new peaks of success. At such times, a lot of decisions and actions are questioned. The decision of an entity may be correct but not ethical. What is to be done when ethics hamper success? Does man require new innovations at the cost of what is right? Our customs and traditions teach us to follow the path of righteousness. But does righteousness come before money or success? Thus morals, values and ethics are inextricably tied to each other. Therefore the need of the hour is not only progress of mankind but also upholding the morals that have been passed to man from generations. Succumbing to pressure and situations and sacrificing the good, will only lead to a society which is developed from the outside but hollow from the inside.

Depending on the situations faced and mode of environment, ethics are classified into two major types. Those being:

1. Personal ethics
2. Professional ethics

Earlier a man only had to worry about his family and their livelihood. Today every decision taken by man is influenced by money, ambition and career. We will see what personal and professional ethics are and also see how everyday they are at conflict with each other.

**PERSONAL ETHICS:**

One important type of ethics is the ‘personal ethics’. Personal ethics is that category of philosophy which determines what an individual believes about morality and right and wrong. It is completely outside the domain of community, government and organizations. Personal ethics can affect all areas of one’s life, including family, friends, finances and relationships. Expressing one’s personal grasp of ethics may not be understood immediately in the world at large or even in the household. This is usually because every man has a different set of rules and principles for himself. Today what may be right for one person may not be right for the other person. Personal ethics may overlap with business ethics and vice versa. What is the algorithm to be followed when one’s principles are being challenged? Personal ethics may vary from person to person. Every child is taught to not cheat, share things, speak the truth, work diligently and many other

---

5 [www.indianmba.com](http://www.indianmba.com)
things. The real test arises when the child grows up, skips a traffic light and has to bribe the police officer. No rule in India or any country in the world has made following the code of ethics a law. But the sidelining of morals and principles is the real reason for the world to be in this state of war and violence. How can a person’s conscience allow him to commit a crime and sleep peacefully? It is because he sacrificed his morals and principles for something else. Today, when the country needs strong citizens, it is important for people to not forget what they had learnt. It is important that the greater good is not always given preference but individual good and collective good are given privilege. Man should not strive for his success, power and progress by squashing somebody else’s rights. But this is what has been happening. We cannot have laws to uphold morality but we can have a strong conscience achieve our goal.

**PROFESSIONAL ETHICS:**

The other type of ethics is ‘professional ethics’. Professional ethics are codes of conduct or certain standards that people set in a specific profession. A code of ethics is expected in every profession in the society today. Respect and honesty are the two main components of professional ethics. All employees in a company are expected to represent a business in such a way that the goodwill of the company is maintained. Again like personal ethics, the professional ethics may be different for different persons and their company. What may be considered ‘justified’ by one organization may not be right for the other one. Professional ethics generally talk about the collective good of the company or organization. The competitive world has given rise to many power hungry individuals who have made innumerable profits. How far has their success been ‘ethical’ is a vital question. Every employee has to be loyal to his company, he is expected to be truthful and work diligently. Today the society tends to question professional ethics because it often comes in the way of personal ethics. But everything needs to change with the changing trends in the society. Acceptance to strict professional conduct is one of them. An employee is expected to not question his company’s policies. An employee is also expected to keep complete secrecy and maintain the company’s privacy. How far does following professional ethics help the society is a vital question. If professional conduct fails to acknowledge personal morals then the downfall of people’s character is inevitable. Thus it is important that a company protects its rights and at the same time the rights of its employees and society.

**PERSONAL VS PROFESSIONAL ETHICS:**

After having discussed what personal and professional ethics are, we come to the most talked about argument in the society today- the conflict between personal and professional ethics. Man in his everyday life often comes across situations where he has to either choose his personal morals or make professional decisions which go against these morals. The professional decisions are taken either to achieve some ambitious gain or to keep his job ahead of his personal life. Many a times when we face a conflict of personal and professional morals, we tend to succumb
to pressure and take professional decisions without thinking about our principles. Many companies want their employees to take up professional decisions without stopping to consider their personal morals. When a mega company has to set up a factory which emits hazardous waste in the environment, thus affecting the local people, the project head doesn’t stop the project. The greater good of the company and its profits are of prime importance then and not the lives of innumerable people. Very few individuals in the society can work with a clear conscience and still manage to achieve professional success. What is required today is a steady balance of one’s morals with one’s decisions. Progress achieved at the cost of sacrificing one’s principles will be progress but only at its face value. If millions give up their ethics in the name of development, the developed world will be left with a pool of shallow people. The companies and organizations are adopting and adapting today to keep their records clear and corruption free. They are adopting ideas and techniques that ensure growth through the path that is right. Why does one have to choose between a personal or professional ethic? Why is there a conflict between these two ethics? What is right should prevail and what is wrong should be changed. It is time that all organizations, companies and groups safeguard the personal ethics of its employees while making professional decisions. The need of the hour is a system which does not compromise what is right and yet manage to touch new heights of success. We want people to not worry about having to keep their principles at home. At the end of the day what is right for the society and man should prevail.

**LEGAL ETHICS:**

In the words of Chief Justice Marshall- “The fundamental aim of legal ethics is to maintain honor and dignity of the Law profession, to secure a spirit of friendly cooperation between the Bench and the Bar in the promotion of higher standards of justice, to establish honorable and fair dealings with the counsel, with his clients, opponent and witnesses”. This suggests that lawyers play a very vital role in the society to safeguard the interest of the common man. Ethics are a code of conduct written or unwritten for regulating the behavior of a practicing lawyer towards himself, client and the Court. It is said that legal ethics is the body of rules and practice which determine the conduct of the members of the Bar. The importance of ethics in legal profession is to maintain honor and dignity of the profession and friendly relation with people. Legal profession is not a business but a profession which is created for the public good. The essence of the profession is stated in three things:-

- Organization of its members for the performance of their function
- Maintenance of certain standards, intellectual and ethical for the dignity of the profession
- Subordination of pecuniary gains to efficient service
The lawyers are not puppets compelled to obey the dictate of their client, where matters of good faith and honorable conduct are concerned. They are responsible for the honest and fair conduct of the case. They play a very important role in the maintenance of peace and order in the society. Law is not only a money making profession but the branch of administration of justice. Thus, it is the duty of every legal professional to safeguard the interest of the society and to work for the public good. It is also the duty of a lawyer to maintain friendly and cooperative relations with clients, Court and the people of the society. The society today, even though requires strong and strict laws, it also requires an individual to be aware of his responsibilities.

**Morality**

Again, what morally correct is not always ethically also. Morals and the expression, "moral values" are generally associated with a personal view of values. Personal morals tend to reflect beliefs relating to drinking, gambling, etc. They can reflect the influence of religion, culture, family and friends. These concepts and beliefs about right and wrong are often generalized and codified by a culture or group, and thus serve to regulate the behavior of its members. Conformity to such codification may also be called *morality*, and the group may depend on widespread conformity to such codes for its continued existence.

**Law**

When we talk about *Law at work place*, we discuss the set of rules imposed by authority. In other words, law is a rule or body of rules of conduct inherent in organization and essential to or binding upon all the employees.

**Ethics + Morality + Law**

The systematic study of morality is a branch of philosophy called ethics. When Ethics seeks to address questions such as how one ought to behave in a specific situation ("applied ethics"), how one can justify a moral position ("normative ethics"), and how one should understand the fundamental nature of ethics or morality itself, including whether it has any objective justification ("meta-ethics"). Ethics is concerned with how a moral person *should* behave. Ethical values are beliefs concerning what is morally right and proper as opposed to what is simply correct or effective. An individual may personally believe that drinking is immoral. However, drinking is not, in and of itself, unethical. Game shows are a sophisticated way of gambling thus immoral but not unethical. Further, it is unethical to impose your personal moral values on another. Ethical values go above cultural, religious, or ethnic differences. Ethical values embrace a more universal worldview.
Albert Einstein said, "A man's ethical behavior should be based effectually on sympathy, education, socialites; no religious basis is necessary."  

Sometimes, we have to do things which are legally correct but not morally, or go ethically right but not morally. At workplace we have to keep a proper balance of Morality, Ethics and Law. The safest place is where your action covers all the three aspects (EML). From the organization's point of view you must not cross the boundaries of law i.e. perform within EL, EM, L or EML. Further, An employee may not always follow the law sometime he could listen to his ethics but one should always have the answer of breaking the law of Worklife.

In the words of great Abraham Lincon – "When I do good, I feel good; when I do bad, I feel bad. That's my religion."

Many organizations are providing Ethics management workshops for their employees to refrain them from such situations. There are a number of benefits such workshop bring in like,

i. It removes undue stress which may result in the wrecked work relationship, low turnover, accidents etc.

ii. It cultivates strong teamwork and productivity.

iii. These programs are like insurance policy because even at the turbulent times a company can relay on its man force.

iv. It builds good image of a company in market which provides such programs.

v. Such programs give positive effect on Public relations.

There are certain other benefits also which will encourage an organization to run such programs. HP, Johnson & Johnson, Ben and Jerry are some of the well known names in the field of 'Working with Ethics'. These companies have adopted some guidelines to cultivate and maintain ethics in work life. Some of the guidelines listed below may be followed by a company for the said purpose:

i. A company and its employees should always believe that managing ethics is a continuous process and it is inherent like any other management function in the organization.

ii. The ground of ethics management is relationship and behavior is the root, thus without fair and just behavior an organization cannot make their employees follow ethical practices.

---

6 http://rescomp.stanford.edu/
7 www.quotationspage.com
iii. As the McGregor's *Red hot stove rule* says, the administration of discipline should be more like touching a hot stove i.e. immediate, impersonal, consistent, and foreseeable; in the same way the act of breaking ethical norms/code must be rooted out in its very initial stage. The codes must be applicable to each and every employee without discrepancy.

iv. Value forgiveness. It's better to try operating ethically and committing few mistakes than not trying at all.

v. Participation of employees in such programs must be sought out. Employee must feel that working with ethics is as much necessary for the good health for the organization as fresh air is for human being.

A company may adopt different ways and methods to bring in work ethics in work life.

Further, the other side of the coin is "*Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws*": Pluto.

Whether the circumstance is business or life, ethical values should be ground-rules for behavior. When we live by these values we are demonstrating that we are worthy of trust.

**THE DIFFERENCES**

Ethics, Law and their mutual relationship have been discussed from the beginning of civilization both in India and the West. The discussions have remained amorphous and abstract. Ethics represents a system of controls that is internal whereas Law represents a mechanism of control that is external. Both internal and external controls are required for optimal control of behavior which includes seeking and dispensing of treatment. Ethics, often referred to as 'science of morality', represents a body of knowledge that contains principles or standards for value-based human behavior. Law refers to a set of rules which are enforced usually through social institutions or the state. Ethical principles are generally voluntary and mostly unwritten whereas legal provisions form a written document prepared purposefully by the legislature, judiciary or the executive. The guiding principles of Ethics are all that is 'good' and/or 'right', whereas laws of the land are made more on the reality considerations of the place, the time and the people as to what is required, aspired for and is practically possible. The guiding principles for determining what is good and what is right have varied depending on the time, the place and the context. Broadly they are determined by dictates of pragmatism, of pleasure or of power. For Jeremy Bentham the highest good is the greatest happiness of the greatest number of people. According to Immanuel Kant the morality of an act must not be judged by its consequence, but only by its
motivation. Intention alone is good. According to Nietzsche, every action should be directed toward the development of the superior individual, or Übermensch (“superman”), who will be able to realize the noblest possibilities of life. There are many other perspectives of looking at these questions. One universal mode of deciding ethical questions has been the 'empathic mode'; it is by placing oneself in the place of the other person and then decides as to whether he would like that to be done to him. We grow up with ethical principles during childhood development but learn to live with law only at a later stage. The constructs of the good and the right get internalized into our conscience through parental and social reinforcements, but the laws of the land have to be consciously assimilated in our behaviour repertoire guided by the anticipated consequences of its betrayal. The regulators for ethical imperatives are the self, the seniors, the peers, the parents, co-professionals, religious and cultural forces; whereas the regulators for maintenance of law are the police, the magistrates and the judiciary. Ethics is the immediate determinant of our behaviour; it is private, personal and all pervasive. We may not have law for all situations of life, but no behaviour can be ethics-neutral. Ethics fills in the gaps in law, it also guides where law is silent. Law is impersonal, distant and has to be invoked to be operative. Ethics is continuously updated automatically because it is linked with life, whereas law can be updated only periodically. Law lives in the past; at times it can be more than hundred years old and completely divorced from the current realities of life. Ethics get modified by the changing consensus in society, therefore it is always current. No amount of legislation can be a substitute for ethics or vice versa. Ethics has the immediacy and primacy of control over behaviour but law is more powerful and uniform. Ethics and Law have to mutually supplement each other; they should be congruent and mutually non-contradictory. Ethics is more concerned about the thinking process as to what constitutes the good and the right. These are the precursors of behavior. Law comes into action only when some act has actually been committed, either of omission or commission. Failure to comply with law leads to punishment authorized by the state; whereas failure to comply with ethics can only lead to shame and guilt or remorse. There may be situations of conflict between the good and the right, the present and the future, the individual and the society or even between ethics and the law. Guidelines need to be developed for dealing with such situations. One possible way out could be to choose the least damaging option among the available alternatives. The ownership of any body of laws lies with the State which is sovereign and vested with the authority and responsibility of enforcing it. Ethics on the other hand belongs either to a community, a group or may be to whole of humanity. Freedom of individual discretion in adopting and interpreting ethical principles is always there to individual members but this freedom is not available for the application of provisions of law which are full and final in their respective current forms. There has been a recent trend in professional bodies to formulate their own written guidelines for its members. However it is generally devoid of any power to enforce it. A system of graded professional sanctions may be developed after stratifying the guidelines into three tiers of ideal, optional and obligatory types. We must ensure application of ethical self discipline from within or else law of the land shall increasingly and inevitably find reasons to intrude upon the otherwise legitimate professional autonomy.
CONCLUSION:

Summarizing all that is discussed in the given paper, ethics be it any, personal or professional, are of importance. But achieving one at the cost of another is wrong for the individuals and society in general. This competitive and power hungry society needs people who uphold their principles. We need citizens who enjoy their rights while recognizing their duties. What is right should ultimately be the law. Legal entities should also be moral and ethical. Both Ethics and Law are required to optimally regulate the behavior of both the therapist and the patient to achieve the therapeutic goal of maximum reduction of suffering.

We need people, groups, companies and organizations to keep in mind the principles taught to man since early ages. Customs should not be forced but not discarded outright. A steady balance between the constantly conflicting personal morals and professional ethics is the need of the hour. A nation developing at the cost of its citizens’ character and morals is developing but not progressing.