

Legal Rights & Ethical Responsibilities

This video introduces the relationship between laws and ethics. This relationship is not always clear. Although we may have a legal right to do something, this does not necessarily mean it is ethically justified.

To learn about laws and ethics in terms of intellectual property and artistic and creative works, watch *Appropriation & Attribution*.

To learn more about ethical responsibility, watch our series of videos *Being Your Best Self*. These videos explore various components important to making moral decisions and acting ethically. Part 1, *Moral Awareness*, explores the ability to detect and appreciate the ethical aspects of decisions one must make. Part 2, *Moral Decision Making*, explains how to produce a reasonable and defensible answer to an ethical question. Part 3, *Moral Intent*, examines the desire to act ethically and overcome rationalizations when facing a decision. Lastly, Part 4, *Moral Action*, describes the necessary steps to transform the intent to do the right thing into reality.

Consider the roles that values and value systems play in shaping the relationship between laws and ethics; watch the *GVV video series* to learn more about values and how we can voice them.

Two of the case studies on this page offer greater detail about the cases discussed in the video, and a third case study examines legal rights versus ethical responsibilities in terms of presidential duty. "*Snyder v. Phelps*" explores how freedom of speech was put on trial when the Westboro Baptist Church protested at the funeral of U.S. Marine Matthew Snyder. "*Dr. V's Magical Putter*" examines debate over the ethics of journalist Caleb Hannan's reporting when he outed the subject of his article, Dr. V, as a trans woman. "*Approaching the Presidency: Roosevelt & Taft*" looks at the legal and ethical dimensions of two extreme approaches to wielding presidential power. For a case study that examines legal rights and ethical responsibilities with regard to medical care and informed consent, read "*Patient Autonomy & Informed Consent*."

Many other general ethics and behavioral ethics concepts are explored in detail in *Concepts Unwrapped* videos.

Discussion Questions



1. The video poses that ethics demands more than the law. Do you agree? Can you think of an example? How about a counter example?
2. Although the video is attempting to highlight the conflict that sometimes occurs between law and ethics, more often they overlap. Can you give specific examples? Do you think the law follows ethics or ethics follows the law?
3. Have you ever been in a situation to do something legally permissible but ethically questionable, or vice versa?

4. In the case of *Snyder v. Phelps*, the Supreme Court protected Westboro Baptist Church's right to freedom of speech, while Snyder sought to protect his family's right to privacy and to not be caused unnecessary pain and suffering. Regardless of your opinion of Westboro or Snyder, which of these values do you believe is more important to defend? Why?
5. Is free speech so important that it should be protected even when it's used to intentionally cause others emotional harm?
6. Do you think there is a way to uphold the right to free speech without protecting the sort of hateful speech the Westboro Baptist Church has used while protesting?
7. The *Grantland* editors chose to uphold the journalistic values of truthful and comprehensive reporting, even in light of the suicide of Dr. V. Do you agree that truth in journalism should be pursued at all costs, regardless of outcome? Why or why not?
8. If you had been in Hannan's shoes, how would you have framed the article on the putter invented by Dr. V.?

Additional Resources

Annas, George J. 2006. "Hunger Strikes at Guantanamo — Medical Ethics and Human Rights in a "Legal Black Hole"." *The New England Journal of Medicine* 355: 1377-1382.

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Halbert, Terry, and Elaine Ingulli. 2015. *Law & Ethics in the Business Environment*. Stamford, CT: Cengage Learning.

Higgins, Rosalyn. 2010. "Ethics and International Law." *Leiden Journal of International Law* 23 (2): 277-289.

Lauritzen, Paul. 2013. *The Ethics of Interrogation: Professional Responsibility in an Age of Terror*. Washington, D.C.: Georgetown University Press.

Merryman, John Henry, Albert E. Elsen, and Stephen K. Urice. 2014. *Law, Ethics, and the Visual Arts*. Alphen aan den Rijn, The Netherlands: Kluwer Law International.

Monteiro, A. Reis. 2014. *Ethics of Human Rights*. New York: Springer International Publishing.

Salbu, Steven R. 1992. "Law Conformity, Ethics and Conflict: The Trouble with Law-Based Conceptions of Ethics." *Indiana Law Journal* 68 (1): 101-131.

Twiss, Sumner B. 2011. "Global Ethics and Human Rights: A Reflection." *Journal of Religious Ethics* 39 (2): 204-222. Young, James O., and Conrad G. Brunk (Editors). 2009. *The Ethics of Cultural Appropriation*. Malden, MA: Wiley-Blackwell.

For more information on concepts covered in this and other videos, as well as activities to help think through these concepts, see Deni Elliott's workbook *Ethical Challenges: Building an Ethics Toolkit*, available for free download at the link below. This workbook explores what ethics is and what it means to be ethical, offering readers a variety of exercises to identify their own values and reason through ethical conflicts. Activities that encourage discussion of ethics in relation to other institutions such as law and religion may be found starting on page 20.

Transcript of Narration

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"The fact that people or institutions have a right to do something doesn't imply that they should do it. A legal right is not sufficient to make an act ethically justified.

Take, for example, the case of Snyder versus. Phelps. Members of the Westboro Baptist Church protested the funeral of U.S. Marine Matthew Snyder, who was killed in Iraq. Church members picketed the funeral, denouncing both the deceased and his father, Albert Snyder, for raising his child Catholic. Snyder sued the church for defamation, invasion of privacy, and emotional distress. Westboro Baptist claimed that they were invoking their right to free speech, and had followed all local ordinances for picketing. Now initially, Snyder was awarded millions in damages, but the Supreme Court eventually overturned the case and ruled in favor of Westboro Baptist on the grounds that free speech is protected under the First Amendment.

In the lone dissenting opinion, Supreme Court Justice Alito wrote: "In order to have a society in which public issues can be openly and vigorously debated, it is not necessary to allow the brutalization of innocent victims." So when ethics and law conflict, what do we do?

Consider also the story published by ESPN-affiliated website, Grantland, written by Caleb Hannan. The story describes the invention of a new style of putter. The golf club was claimed to be extraordinarily accurate because it took advantage of what the inventor called "the physics of golf." And many experts agreed that it struck the ball in a revolutionary way, helping golfers' accuracy.

As Hannan investigated the story, he made what *he* considered to be a dramatic discovery: the inventor, Dr. V., was a transgender woman. But from the outset, Hannan had made an agreement with the inventor to focus the story “on the science, not the scientist.”

Hannan also discovered that Dr. V. had made false claims about her education and work experience. He reasonably included this information in the story. Readers judge the credibility of a scientist based on academic degrees and previous successes. They had a right to know if this scientist’s claims about the physics behind the putter were true or not.

As a journalist, Hannan’s duty was to seek out the truth and provide a fair and comprehensive account of the story. From Hannan’s perspective, Dr. V’s undisclosed gender identity was intertwined with her fabricated academic and career history. In the end, the invention of the putter became a backdrop to his story, which Hannan framed around what *he* saw as Dr. V’s life of deception. On the other hand, Dr. V. had been adamant about maintaining her privacy from the start and did not want the story published. A few months before publication, Dr. V. committed suicide.

Both the writer and the website had the legal right to publish what they did. Neither Hannan nor *Grantland* is legally responsible for Dr. V.’s decision to end her life over the publication. And neither is legally responsible for the promise broken to Dr. V. But having the legal right to do something is not the same as fulfilling one’s ethical responsibility as a professional. *Grantland* acknowledged the difficulty their editors faced in deciding whether or not to publish the article. And the website has apologized for not consulting with members of the trans community before the story was published.

The law sets out what people are free to do, regardless of the effect that those actions have on others. Ethics describes what people should do, taking their responsibilities and the predictable consequences of their actions into account. Just because the law allows you to do something, doesn’t mean it’s the ethical thing to do. And, conversely, you might have an ethical responsibility to do something even though it’s not legally required. In most cases it’s clear: ethics demands more than the law.”