



# Considering the Collective Good

When faced with moral and ethical dilemmas

BY BRAD YARBROUGH

Throughout history, there have been endless accounts attesting to ethical dilemmas. These often require a response even when, in some cases, none of the perceived solutions seems to satisfy all the people affected.

Consider the ethical dilemma illustrated by the 1842 tragedy at sea when the American sailing ship *William Brown* struck an iceberg. Survivors squeezed into a lifeboat only meant to hold half the number on board. Despite heavy opposition from the remaining survivors, the captain decided that the number of people on the small vessel had to be reduced. Feeling the weight of responsibility—and concluding that all his options would result in people dying—he made a decision to save those with the strength to row. After days of strenuous rowing, the survivors were rescued and the captain was tried for his actions. Knowing the circumstances, what would you have decided if you were a juror? This is an extreme example of a moral dilemma. But at its core is a simple, yet profoundly important question. To what extent shall we

insist on the sacrifice of some in order to achieve the collective good?

In a colorful exchange with several other online bloggers, one voiced his opinion on the issue saying, “To me, there is no such thing as the collective good. Individual rights outweigh everything else.” Then he took aim at the subject of eminent domain by stating, “I don’t believe private property should be seized without the owner’s consent at any time for any reason. If they want to build a road, they can go AROUND the person’s property.”

Another blogger sensibly replied, “Ok. I can see how this can be used for good if, for instance, a road that could save hours of travel time and reduce fuel emissions was to be built, and the government called upon this power to make it work. I don’t see a problem, since the government usually pays the owners well.” These posts provide a glimpse into the range of feelings that characterize the attitudes people have toward government.

Today, the role of government is being scrutinized, criticized and in many cases, modified. Generally, the public believes that government should manage what it owns, regulate what it does not for the public good, and prohibit or allow (through enacting laws) those behaviors deemed to protect the public’s rights. But is there a limit to these roles?

In regard to eminent domain, for instance, the Fifth Amendment of the U.S. Constitution requires that the taking be for a “public use” and mandates payment of “just compensation” to the owner. However, an ethical dilemma often surfaces when defining these terms. Governments must make ethical decisions about its responsibility and role to regulate the conduct of businesses and individuals. But in this matter, many believe it has reached beyond the boundaries of good governance and wandered into costly, unnecessary harassment.

Now we must refocus our attention on being ethical, and we must always ask ourselves to what extent we should insist on the sacrifice of some in order to achieve the collective good. Perhaps the insight offered by former Supreme Court Justice Potter Stewart applies when he stated, “Ethics is knowing the difference between knowing what you have a right to do and what is right to do.” ☘



*Brad Yarbrough is the Owner and CEO of Pilgrim Land Services, a right of way services company in Oklahoma City. With over 35 years experience in oil and gas, he has clients nationwide and an extensive network of landmen and agents.*