A generous campaign donor becomes increasingly insistent that you prioritize his interests over those of contributors who gave less. Do you bump his project to the top of your to-do list? You’re in a hurry and there are no other cars on the road. Do you drive faster than the speed limit?

These questions force us to think about what we value. In my law school class on professional responsibility and ethics, the professor likened the constraints that affect us when we make ethical decisions to two separate and distinct “floors”—a moral floor and a legal floor.

His idea was this: In all but extreme situations, our decisions are determined by the location of those floors relative to each other. The legal floor generally is static and is imputed upon us by the simple fact that it is law. As law-abiding citizens, we dare not make decisions that break the law—or go below the legal floor—for fear of the consequences we might face.

The moral floor is different. It need not, and often does not, align with the legal floor. Its location is different for everyone. On any matter, or in any decision-making process, your moral floor may fall above or below the legal floor.

You may have no moral problem, for example, exceeding the speed limit in the situation above. This might indicate your moral floor falls below the legal floor. “If the road is empty, no one is getting hurt,” you might say. Conversely, our moral floor might be above the legal floor. Perhaps, in the same example, you feel constrained from speeding because you believe society benefits when people respect the rules, especially when no one is looking. Your moral floor is limiting, or anchoring, your behavior.

What will happen the next time your moral floor falls above the legal floor, or vice versa? What will you think about in making that decision? Try pinpointing where these floors exist in relation to each other. Perhaps you can find a pattern to your decision making and use that knowledge going forward.

—Ethan Wilson

Ethan Wilson is a policy specialist in the Center for Ethics in Government at NCSL. Have you dealt with an ethical dilemma recently? We’d love to hear about that or other questions or comments on ethics. Email Ethan at ethan.wilson@ncsl.org.