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THE ETHICS OF PUBLIC SERVICE

So far we have focused on the context of public administration—the values, structures, and relationships you need to act effectively and responsibly in public organizations. Now we begin a transition to more skill-based issues by exploring the ethical issues raised in public service. An ethical posture toward work in public organizations requires not only knowing the right answers, but also being willing and able to do what is right. You must be prepared to act.

As a public manager, you will often face difficult ethical choices. These choices may present themselves in several ways. “It is certainly true that in many administrative ethics dilemmas, multiple rationales for action can be considered. It is also true there is no science or set of fixed rules for resolving the dilemmas. Without question, ethical tensions are inevitable” (Goodsell, 2006, p. 136). Understanding the moral implications of your actions and resolving the dilemmas they pose are some of the most difficult problems you will face when working in the public sector. Consequently, your ability to understand the context in which public problems arise and to work them out in a careful, reasoned, and ethical fashion will be essential to your success (and your own sense of personal well-being).

In this chapter, we examine a variety of ethical issues faced by public managers. Some involve concerns that might arise in any organization—cases of lying, cheating, or stealing, or questions about what to do when you feel compelled to refuse an order from your boss. Others are more directly connected to the special values that underlie public service, involving the relationship between political leaders and career civil servants or between competing demands for efficiency and responsiveness.

Approaches to Ethical Deliberation

Ethics is a branch of philosophy concerned with the study of moral principles and action. To properly define *ethics*, therefore, we must first understand the meaning of morality. *Morality* is concerned with those practices and activities that are considered right or wrong; it is also concerned with the values those practices reflect and the rules through which they are carried out. The morality of a society, a political system, or a public organization concerns what is considered to be right or wrong within that group. Morality expresses certain values that members of the group hold to be important and is reflected in laws, rules, and regulations, or in policies and procedures. Moral action, in turn, is action that is consistent with the group’s morality—that which expresses the group’s most basic commitments about what is right and what is wrong.

Ethics, on the other hand, can be defined as “a systematic attempt through the use of reason to make sense of our individual and social moral experience in such a way as to

determine the rules which ought to govern human conduct” (DeGeorge, 1982, p. 12). Ethics is concerned with the process by which we clarify what is right and wrong and by which we act on what we take to be right; it involves the use of reason in determining a proper course of action. Ethics is the search for moral standards.

Though we have defined ethics as the study of morality, the two terms are often used interchangeably. For example, we often call an action that is morally correct an ethical action. Similarly, we speak of codes of moral conduct as codes of ethics. Despite the overlapping uses of the terms, the distinction between morality and ethics is important not only for philosophical reasons, but also because focusing on ethics emphasizes the individual’s active involvement in searching out morally correct positions. Ethics calls us into action; it requires us to reason, to analyze, and to seek guidance as to the proper course of action.

This deliberative aspect of ethics is important because the issues you will face in public organizations are rarely black or white. Should you lie to a legislator so as to carry out a policy you think is correct? Should you bend the rules to benefit a client in need? Should you follow orders from an organizational superior even if you know you are being asked to do something wrong? These questions and the thousands of others you may encounter in public organizations don’t have easy answers. To act properly, you must be able to sort through the many and often competing values that underlie your work, and you must be able to come to a reasoned conclusion that will form the basis for action.

It’s not enough to simply say, “It depends,” and then go about your business, though such a position has gained widespread currency in our society. *Ethical (or moral) relativism* is the belief that actions that are immoral in some places or circumstances are moral in others and that one can make moral judgments only by taking into account the context in which an action occurs. According to this view, there are no universal rules of conduct that apply in all situations, as we will see in our discussion of postmodern ethics. A defense of the relativist position is that different cultures have different rules of conduct. One culture may consider it proper to leave elderly people to die in solitude, whereas another may give them considerable care and attention.

Such arguments, however, may fail to take into account larger and more unifying moral principles, such as respect for the elderly. Furthermore, the relativist position seems at odds with our moral experience. When we make the judgment that murder is immoral, we don’t mean that it is immoral for some individuals and not others. We don’t even mean that murder is immoral in some countries and not in others. We claim that murder is immoral for all people at all times—and we can defend our statement on both rational and emotional grounds. This position suggests that there is only one right answer to moral questions (even though that answer may be hard to find!). The postmodern position is quite different but also compelling. In either case, by understanding the context in which an action occurs, working through the various arguments in behalf of one position or another, and arriving at a set of guidelines for action, one can at least act with greater clarity and confidence.

What are the steps in ethical deliberation? First, as displayed in the box “Take Action: Steps in Ethical Deliberation,” you should attempt to *clarify the facts*. Although most ethical issues involve both facts and values, and the facts alone are not likely to resolve the issue, it is important to establish the facts as clearly as possible. A pollution control policy

may require precise measurements of pollutants released into the air; knowing the exact measurements, rather than speculating about them, may resolve the issue. In other cases, merely clarifying the facts will help resolve certain ethical problems.

Second, it is easier to resolve ethical issues if those involved come to some agreement about *basic principles*. These may be broad moral standards (such as freedom or justice), laws or rules accepted by society, or standards of behavior appropriate to a particular group or organization. These ideas are, of course, deeply held by members of any society or organization, so disagreements may be marked. For example, two detectives may have dramatically different views about how to treat criminals, but if they clarify their agreement on the basic goal of fighting crime, they may be able to reconcile their differences. Generally speaking, any progress you can make in establishing a common ground or in bringing about agreement on basic principles will help resolve the issue.

Third, one of the central aspects of ethical deliberation is the *analysis of arguments* presented in behalf of various viewpoints. The arguments may be articulated by different individuals or different groups, or they may simply be arguments and counterarguments you think through yourself. In either case, you will need to consider the evidence presented, the justifications for various viewpoints, and possible fallacies of the justifications. Throughout the process of argumentation, dialogue is extremely helpful in clarifying one’s position. (If the problem is one you are considering alone, finding someone to talk through the issues with you is a good idea.)

Ultimately, however, you will need to *make a decision and act on it*. Ethical deliberation will lead you to a decision, but acting in a way that is consistent with that decision is also important, though often difficult.

Take Action

STEPS IN ETHICAL DELIBERATION

1. Clarify the facts.
2. Agree on basic principles.
3. Analyze the arguments.
4. Make a decision and act on it.

Reasoning, Development, and Action

You will be better prepared to deliberate if you become familiar with some basic approaches to ethical reasoning: moral philosophy, moral psychology, and moral action. In each case, we will present only a brief overview. You should be aware that there are varying and sometimes conflicting interpretations of these issues, and you may find others (perhaps including your teacher) who disagree with the formulation presented here. Consider this material merely an invitation for further learning!

Moral Philosophy Regarding *moral philosophy*, we can ask: given a particular set of circumstances, how do we determine what is right and what is wrong? In other words, how do we go about figuring out the proper course of action? One approach is to consider who will benefit and who will suffer from various alternative actions, then ask which course of action provides the greatest benefit at the least cost. Another approach is to search for a moral principle or rule against which to measure aspects of the particular case. In the first approach, one focuses on the consequences of the action; in the second, one looks for universal rules of conduct.

One of the most common forms of ethical deliberation is *utilitarianism*, which focuses on the consequences of actions. Utilitarianism holds that an action is right, compared to other courses of action, if it results in the greatest good (or at least the minimum harm) for the greatest number of people. Proponents of this view contend that there are no universal principles guiding action, but rather the likely benefits and costs associated with any action must be calculated to judge the action either moral or immoral.

Obviously, this view leans toward relativism; according to a utilitarian, telling the truth cannot be judged a priori either right or wrong. Rather, the rightness or wrongness of telling the truth depends on a calculation of who is helped and who is harmed. Only then can a moral judgment be rendered. In the utilitarian view, "Actions themselves have no intrinsic values. They are simply means to attain things which do have value" (DeGeorge, 1982, p. 40).

An administrator employing a utilitarian approach to moral reasoning in a specific situation would ask what the likely outcomes of one course of action or another might be. If building a new highway through a particular neighborhood would inconvenience a few people but benefit many others, then building that highway in that location would be considered a proper course of action. The administrator would not follow any predetermined moral principle (such as that citizens should not be arbitrarily displaced), but would calculate costs and benefits relative to the specific case. Moreover, the administrator would not generalize beyond the specific case; each act would be judged on its own merits.

A contrasting approach to moral reasoning based on the search for general rules or principles of conduct is often called deontological. *Deontology* holds that broad principles of rightness and wrongness can be established and that these principles are not dependent on the consequences of a particular action. Those who hold this view tend to focus on duties or responsibilities (*deontology* derives from the Greek word for "duty"). Quite simply, one's duty is to do what is morally correct and avoid doing that which is morally wrong, regardless of the consequences. Deontologists thus tend to focus on broad principles of right and wrong, such as those embodied in concepts like "rights" or "justice."

Using the deontological approach, an administrator would act in accord with generally accepted moral precepts, such as honesty or benevolence. Administrators are expected, for example, to tell the truth, keep their promises, and respect the dignity of the individual. Doing so does not derive from laws or codes of ethics, but from generally accepted moral principles. In particular situations, these actions might even be harmful to the overall interests of the organization or the society, but because the actions could be justified as consistent with a shared sense of moral order, the administrator should feel strongly compelled to act in that way.

Philosopher John Rawls presents one contemporary deontological theory that has received considerable attention. His approach emphasizes fairness or equity in policy decisions (Rawls, 1971). Rawls's theory suggests that if decisions were made under conditions in which the decision maker had no knowledge of whether they would personally accrue harm or benefit by choosing one way or another, then fairness would likely prevail. Imagine a city council committee deciding where to spend \$1 million on street improvements. If all members of the committee acted in their own interest, they might spend the money in their own neighborhoods (and those would likely be the more affluent neighborhoods). On the other hand, if all members of the committee acted under a "veil of ignorance," not knowing where they lived or whether or not they were affluent, they would most likely spend the money to bring the poorer streets up to some standard level (and in doing so, they would likely spend more in less affluent neighborhoods). If all public decisions were rendered by acting out of concern for fairness rather than self-interest, Rawls argues, a far different moral order would prevail—one that was much more consistent with the basic principles of liberty and justice.

Moral Psychology Psychologist Lawrence Kohlberg devised a scheme outlining three levels of moral development through which people pass: the pre-conventional, conventional, and post-conventional stages (Kohlberg, 1971). According to Kohlberg, most people operate on one of the first two levels of moral development, and no one operates exclusively on the third level.

At the *pre-conventional level*, children begin to develop certain ideas about right and wrong. They interpret these ideas in terms of the consequences of their actions or the physical power of those around them. At an early stage, the ideas are associated with punishments; for example, if the child writes on the wall with a crayon, the child will be scolded. To avoid the negative consequences associated with writing on the wall, the child avoids that behavior. Later on, the child begins to behave in certain ways to receive rewards, such as parental praise.

Whether to avoid negative consequences or to receive praise, the child begins to behave in ways that we characterize as right rather than wrong. Of course, from the child's point of view, there is no moral code; the child is merely doing things to avoid punishments or to seek rewards. At this level of moral development, therefore, the consequences of our actions—the rewards or punishments we receive—determine whether we consider our actions right or wrong. The pre-conventional orientation is, of course, one that we all carry into adulthood.

At the *conventional level* of moral development, people behave morally in terms of conformity to various standards or conventions of the family, group, or nation. The individual seeks to conform to given moral standards and, indeed, to actively support and maintain those standards. This level involves two stages. Kohlberg calls the first the "Good Boy/Nice Girl" stage, at which we conform to expectations of parents, teachers, or peers and to the norms we learn at home, church, or school. We develop moral rules or codes, standards of right and wrong; however, what we think of as good behavior is really just that which meets the expectations of others.

A second stage in the conventional level of moral development is the "Law and Order" orientation. At this stage, we develop an orientation toward authority and the social order.

We learn what it means to be a “good citizen” and accept the importance of living by the conventional rules of society. Notions of duty and honor tend to dominate one’s moral perspective at this level. We recognize that certain behaviors are wrong—lying, cheating, stealing—but if asked why, we can only answer, “Because everyone knows they are wrong” (DeGeorge, 1982, p. 25). Most adults continue to operate, at least in part, at this level of moral development.

Few adults reach the final level, the *postconventional*, but some do. At this level, people accept moral principles and behave according to those principles, not merely because someone says they should, but because they know themselves what makes these principles right. The individual seeks to define moral principles and to understand how those values operate independently of any group or society. A first postconventional stage is called the “social-contract” or “legalistic” stage, which has a strong utilitarian bias. The individual recognizes the rights of other individuals, including the right to one’s own beliefs and values, and how societies are constituted to support those rights. The result is a legalistic viewpoint, though it recognizes the possibility of changing the legal order (rather than freezing it, as in the previous level). Changes of this sort are often supported based on the greatest good for the greatest number.

What Would You Do?

You were recently appointed city manager in a small community in Tennessee. Yesterday, the mayor gave you an envelope filled with receipts from a recent trip he took to an economic development conference. Included were receipts from a four-day vacation that the mayor and his wife took at a resort near the conference city. It was clear the mayor wanted the city to reimburse him for everything that was included in the envelope. What would you do?

The second stage of the postconventional level represents the highest stage of moral development. At this stage, the individual freely chooses to live by a particular set of abstract moral principles, such as justice, equality, and respect for individual dignity. One chooses to follow these precepts not for reward or punishment and not to meet others’ expectations, but because one understands why the principle should be supported and chooses to live by that standard. The actual standards may be the same in both the conventional and postconventional levels, but there is an important difference in the *reason* one holds an action to be right or wrong.

Although we have focused on Kohlberg’s work here, we should point out that there are several alternatives to his interpretation that have been voiced recently. One important alternative, for example, is that suggested by Carol Gilligan. Gilligan argues that, in contrast to the rational and impartial perspective of Rawls and Kohlberg, one may interpret moral theory in terms of care and relationships. According to Gilligan, a final and mature morality involves an interaction between the concerns of impartiality and those of personal relationship and care (Blum, 1988, pp. 472–491).

As you work in and with public organizations, you will come to recognize that many of the ethical decisions you make are based in a level of moral development. We do certain things because they will lead to rewards or punishments, and we do other things because we must adhere to laws or organizational standards of conduct. For example, you may obey an order from a superior so that you won’t be fired, or you may purchase a new piece of equipment through a bidding process rather than from a friend because that’s the law. But you will also encounter cases that will require you to think more carefully and personally about the standards you are willing to live by. For example, purchasing a piece of equipment might be complicated by the fact that your supervisor *ordered* you to purchase the equipment from a friend without other bids. In cases such as these, postconventional or principled reasoning may be essential. Certainly if you recognize that not all answers come from the power or expectations of others and that careful deliberation concerning moral principles is often quite appropriate, you will be better positioned to make the correct ethical decisions, time after time.

Moral Action Knowing the proper and correct course of action is not enough. You must act in a way that is consistent with what you consider to be right. (After all, we describe people as having “integrity” not merely on the basis of what they believe, but on the basis of how they act.) This concern is especially significant for a public manager (or, for that matter, any other professional) who wishes to act ethically. Questions of ethics in the public service are not abstract; they are real. And they have immediate and sometimes serious human consequences. It is thus important to consider how we can ensure moral actions in public organizations.

A long-standing philosophical tradition holds that putting principles (whether utilitarian, deontological, or otherwise) into action requires the development of “character” on the part of the individual. In other words, it is necessary to apply a complex set of general principles to specific cases—something that requires more than abstract knowledge. Aristotle spoke of the importance of gaining “practical wisdom” so as to make morally correct judgments in specific situations. This practical wisdom or “virtue” requires that the individual not simply know how to apply given principles, but rather why to do so. That is, to bring moral knowledge to bear in the “real world,” the individual needs a strong sense of what is ideal in human conduct. Terry Cooper, for example, argues that virtues are character traits acquired through reflection and conduct. They involve an integration of both thought and feeling by which potentially conflicting tendencies are brought under control (Cooper & Wright, 1992, p. 6).

This “ethics of virtue,” then, is not merely another philosophical approach but a way of developing the skills one brings to the problem of ethical decision making. Aristotle speaks of developing the skills of virtue in the same way we develop other skills—that is, by practice: “The virtues we get first by exercising them.... For the things we have to learn before we can do them, we learn by doing them.... We become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts” (McKeon, 1941, p. 952).

But what are the virtues that we must practice? Obviously, this question has challenged philosophers over the centuries. Answers range from honesty, courage, and trustworthiness to kindness, fairness, and dependability, but most seem to center

around concerns for benevolence and justice. If this is the case, then all persons should practice these virtues, whereas members of specific professions (such as public administrators) should practice applications of these virtues in their specific situations (Tong, 1986, pp. 91–92).

How then, does one sort out the various philosophical and psychological approaches one might employ to make ethical choices in the “real world”? First, if you set about solving difficult moral problems through the application of broad moral principles in specific situations, you need to understand the principles and moral reasoning that underlie them. Second, you must engage in careful and consistent ethical deliberation, through self-reflection and dialogue with others. Third, you must understand how virtues such as benevolence or justice are played out in public organizations; that is, you must recognize the political and ethical context that conditions the moral priorities of the public service.

James Svava has suggested an approach to ethics that takes various considerations into account. The first is the duty-based approach, which emphasizes the responsibilities of public administrators and the idea of public service (Svava, 2007, p. 28):

1. Put the public interest over personal interest.
2. Display a service orientation and commitment to serve.
3. Have a commitment to procedural fairness.
4. Exercise fiduciary responsibility.
5. Be bound by and uphold the law.
6. Support the democratic process.
7. Be responsive to the policy goals of political superiors while fairly examining all policy options and exercising leadership appropriate to position.

The duty-based approach is a useful tool for public administrators, but if used alone, it may impose unanticipated problems. It also may be used as a loose guide for administrators who often face complicated situations that cannot be easily resolved if virtue, principle, and consequences are not taken into account.

The virtue-based approach concentrates on what “a good person would do” and is highly intuitive. It reflects the values and norms widely accepted in society. But when used alone, this approach could put the administrator in a dilemma because what is good for one person is not always considered good for others.

The principle-based approach guides the administrator in what is right to do (unlike duty, which says what is obligatory). While this approach may be useful for the public administrator because it relies on a broader perception of what is good and what is bad (external source), it still should not be used alone for many reasons. Some principles are contradictory, such as the principle of doing no harm and the principle of honesty.

The consequential approach is the least used approach in public administration. Also called the utilitarian approach, the idea is that an ethical outcome produces “the greatest good for the greatest number.” On the surface, this seems right but is difficult to implement. What if the greatest good for the greatest number harms minorities in an unethical way? Can we justify that? Are the means used for the ends ethical?

The questions that come from any approach used alone indicate that public administrators should use a comprehensive approach that would put duty in the center but also

would take into account virtues, principles, and consequences. For this reason, Svava proposes an ethical triangle model, which according to the author “conveys the idea that administrators should act on their duty to promote public interest by seeking a balance of virtue, principle, and good consequences” (Svava, 2007, p. 67). The use of an ethical triangle prevents under- and overutilization of any approach taken alone, and it also “helps to prevent the shortcomings of using any of the approaches alone” (Svava, 2007, p. 68). Rather, it allows one to benefit from the advantages of separate approaches while avoiding the worst disadvantages of the “pure” approaches. For example, if we have the intent to achieve the greatest good for the greatest number, the ethical triangle reminds us to look also at our duties (serve the public interest), principles (no harm for anyone), and virtues (being fair and just).

As you approach ethical questions, it may be helpful to consider first the utilitarian position: what are the costs and benefits, and which alternative will bring the greatest benefits? Next, you might ask whether the alternative you chose will infringe upon the rights of others and, if so, whether there are overwhelming factors that justify such an outcome. Then, you might ask whether the chosen alternative violates principles of equity and fairness and, if so, whether again there are overwhelming factors that would justify the outcome. Finally, you might ask whether the alternative is consistent with your ideals with respect to human conduct (especially the conduct of public affairs) and whether by choosing this alternative you will be acting in a way you consider virtuous. At any point, you may find that the alternative comes up short, and you must search for another. Remember that your ultimate goal is the development of virtue and the application of sound ethical reasoning to public problems.

Postmodern Ethics

The *conventional* or *modernist* approach to administrative ethics has been recently challenged by public administration theorists Michael Harmon and O. C. McSwite. In their book, *Whenever Two or More Are Gathered* (2011), they argue that modernist administrative ethics carries two basic assumptions that are increasingly being called into question. The first assumption is that human beings are consciously rational creatures, an assumption that underlies not only administrative ethics but also much of Western philosophical thinking. This assumption is being challenged by contemporary psychoanalysis and psychology, both of which see human behavior as driven by largely unconscious motivations. This position is being reinforced by recent brain research that emphasizes the importance of affective or nonrational processes. Indeed, human intention often appears to be constructed retrospectively, more as a rationalization of actions chosen through the unconscious working of the brain. The second assumption of modernist administrative ethics is that language carries stable meanings. An increasingly vibrant challenge to this position holds that language is much more contingent, very much dependent on context.

An alternative to conventional administrative ethics is *postmodernism*, put forward by Harmon and McSwite (2011) in what they term “relationship-based ethics.” Recognizing that human circumstances are inherently “messy” means that social situations and social

institutions are at best incomplete and therefore open to development and transformation (p. 217). Developing ways in which ethical questions can be dealt with in a contingent but stable and creative way is the task of relationship-based ethics. While many theorists have proposed approaches to this issue, Harmon and McSwite especially note the work of Carl Jung, the Swiss psychoanalyst, and his development of a “dialectical ethics,” bringing together ego and shadow to create a synthesis of both (p. 220). This mode of ethical decision making does not simply fall on the continuum between principle or duty versus situational or relativist schools of thought. Indeed, a relationship-based ethics would propose a way of bringing people together to deliberate in such a way as to arrive at shared meaning and just outcomes.

Similarly, Zygmunt Bauman, who takes an explicitly postmodernist stance, argues that in contemporary society, morality has come to be defined largely through the philosophical search for absolutes, universals, and foundations. The search for absolutes is seen as problematic because of the fragmentation of today’s world and the resulting difficulty that any one person or group or culture has establishing truth or reality. In such a fractured society, one in which the language of any group or culture reflects its own circumstances and cannot be generalized to others, there is no basis for privileging one version of the truth over another. “The choice is not between following the rules and breaking them, as there is no one set of rules to be obeyed or breached. The choice is, rather, between different sets of rules and different authorities preaching them” (Bauman, 1993, p. 20).

The plurality of views means that there are different and competing criteria for evaluating various positions. For example, something might be evaluated either as aesthetically pleasing or economically advantageous. But neither can be given priority over the other. Thus, we are left with the dilemma that “actions may be right in one sense, wrong in another” (Bauman, 1993, p. 5). We are left to wonder which action ought to be measured by what criteria. There is no basis for choice because there is no absolute code or set of rules that can be demonstrated to be binding in all circumstances. “Rules would tell me what to do and when; rules would tell me where my duty starts and where it ends” (Bauman, 1993, p. 60). But no universal rules are possible.

In proposing an alternative to traditional approaches, Margaret Urban Walker distinguishes two models of morality. The first, which she calls the *theoretical-juridical* model, includes utilitarian, contract, Neo-Kantian, or rights-based theories, all of which see “morality as a compact, propositionally codifiable, impersonally action-guiding code with an agent, or as a compact set of law-like propositions that ‘explain’ the moral behavior of a well-formed moral agent” (Walker, 1998, pp. 7–8). Presumably all such codes would be universal. (This is the approach found in most studies of administrative ethics.)

The alternative she calls the *expressive-collaborative* model, a model that she argues is increasingly necessary today because it is extremely difficult to find a specific moral code that applies in all, or even most, situations. People have different ideas about what constitutes ethical behavior depending on their position in society, their cultural background, or the accepted practices of their groups, their organizations, their “tribes,” or their communities. People find that their interactions make sense within one frame of reference

but make no sense to those outside that frame. “An expressive-collaborative model looks at moral life as a continuing negotiation *among* people, a practice of mutually allotting, assuming, or deflecting responsibilities of important kinds, and understanding the implications of doing so” (Walker, 1998, p. 60). The resolution of a moral problem then may not be an appeal to authority or even precedent but rather the interactive process of constructing a narrative, one that is not at all set at the beginning and only takes shape as the negotiation continues. The answer is not set in stone waiting to be discovered. Consequently, in Walker’s words, “the resolution of a moral problem may be less like the solution to a puzzle or the answer to a question than like the outcome of a negotiation” (Walker, 1998, p. 70).

Issues of Administrative Responsibility

People who work in or with public organizations face literally dozens of ethical dilemmas. Some—like lying, cheating, or stealing—are the same problems that many others face. But some, like the public manager’s commitment to democratic standards or feelings about the political involvement of public employees, are peculiar to public organizations.

One of the most troublesome “broad-range” issues in the field of public administration is that of administrative responsibility. (In the section that follows, we focus much more specifically on issues where personal values, such as honesty, equity, and justice, become deeply intermingled with the broader values of public service.) As a public manager, you may often confront the potentially conflicting demands of operating as efficiently as possible while, at the same time, being fully responsive to administrative superiors, to the legislature, to the citizenry, and to the principles of democratic governance generally. This tension between *efficiency* and *responsiveness* characterizes many of the problems public managers face.

As we have seen, the tension between efficiency and responsiveness grows from two other issues that are deeply rooted in the history of public administration: those of politics and administration, and of bureaucracy versus democracy. Early writers in the field sought a clear distinction between *politics* and *administration*, arguing that, wherever possible, administrative activities should be insulated from the potentially corrupting influence of politics. Obviously, this idea was based on the assumption that policy making could be distinguished from policy implementing. Making such an assumption allows easy resolution of questions of democratic responsibility: the legislature, charged with making policy, should be responsive to the people; the administrative agencies, charged with implementing policy, should be responsive to the legislature. The requirements of democracy will be met by a neutral and competent public bureaucracy that follows the mandates of the legislative body. This is called the doctrine of *neutral competence*. Most writers and practitioners clearly preferred this somewhat narrow view of administrative responsibility. Indeed, the doctrine of neutral competence, and the politics-administration dichotomy on which it is based, continue to influence the field. But there were and are many who recognize the difficulty of maintaining a neutral public bureaucracy. Some even argue that the more active role that administrative agencies play in the policy process is not only inevitable but also proper.

Networking

For general discussions of ethics in government, see the Center for Public Integrity at <http://www.iwatchnews.org/>; the Institute for Philosophy and Public Policy at <http://policy.gmu.edu/Home/ResearchPublications/ResearchCenters/InstituteforPhilosophyandPublicPolicy/tabid/464/Default.aspx>; and the Josephson Institute of Ethics at www.josephsoninstitute.org.

The Limits of Administrative Discretion

We have noted that administrators take their primary cues from the actions of legislatures that initiate programs and from executives who are charged with carrying out the programs. If you are hired to manage a new agency, one of your first priorities will be to familiarize yourself with the legislation that created the agency and with any executive orders or directives outlining the agency's responsibilities. But if your situation is typical, you will find that neither the legislation nor the directions you receive from the executive are sufficiently detailed to answer all the questions your work raises. There will be a need to develop policies regarding these issues—policies that are, in effect, merely more detailed pieces of "legislation." In addition, as you get into the work, you may find it necessary to ask the legislature or the chief executive to make certain changes in the rules and regulations under which you operate.

The problem, of course, is to make sure that your policies or recommendations for change are consistent with the wishes of the citizenry (see the box "Exploring Concepts: Today's Leadership Challenge"). In most jurisdictions, of course, the legislature and the chief executive are popularly elected, and their reelection depends on their response to the public's perceived needs and interests. For them, the electoral process ensures responsiveness, at least in theory. As long as you are acting in a way that is clearly consistent with legislative intent, you are likely to be considered appropriately responsive. But because most situations aren't that clear, the question becomes "How can we ensure that the administrator is exercising discretion in a way consistent with the will of the people, whether expressed in the Constitution, the laws of the land, or the preferences of citizens?" Historically, two answers to this question have been offered. In an important debate in the pages of the *Public Administration Review* and other journals some forty years ago, Herman Finer argued that, to maintain responsiveness to the public, managers in public organizations should be subjected to strict and rigid controls by the legislature. His question was straightforward (though perhaps overdrawn): "Are the servants of the public to decide their own course, or is their course of action to be decided by a body outside themselves?" (Finer, 1972, p. 8). His answer was equally direct: only through specific and detailed legislation carefully limiting the work of public managers could responsiveness to the legislature be maintained. This interpretation of how to ensure responsiveness is often called *objective responsibility*, depending as it does on objective external controls.

Exploring Concepts

TODAY'S LEADERSHIP CHALLENGE

Citizen engagement is part of a family of democratic reform ideas—an aspect of our political culture—that includes public participation, public involvement, participatory democracy, deliberative democracy, and collaborative governance. These terms make distinctions about the purpose, scope, and techniques of participation, but they all recognize and build upon a belief that citizens have the right to participate in decisions that affect their lives. Citizen participation policies and programs thus reflect a basic commitment to this principle and invite citizens to engage in policy development and decision-making activities. Citizen participation activities revolve around six general aims:

- Inform and educate the public on important policy issues.
- Improve government decisions by supplying better information upward from citizens to decision makers.
- Create opportunities for citizens to shape and, in some cases, determine public policy.
- Legitimize government decisions by ensuring that the voices of those impacted by government policy have been heard, considered, and addressed.
- Involve citizens in monitoring the outcomes of policy for evaluation.
- Improve the quality of public life by restoring trust and engagement of citizens in public life.

Since the modern era of citizen participation in federal policy decision making was entered . . . government is being asked to adopt a more active stance toward involving citizens in service-delivery; democratic activists are saying this is not enough.

As a result of these influences, citizen participation is being recast as an instrument to improve the quality and legitimacy of government action. "One of the powerful things about citizen engagement," a senior manager told us, "is that it takes government out of the middle role—as a broker for all information in techniques where people don't get to hear each other's point of view." We see this shift as the establishment of a new role for government in the twenty-first century: convener of the public. To fulfill and sustain this role, public agencies need to adapt existing policy and administrative processes and support the development of new national mechanisms to share knowledge, promote practice, and evaluate results of citizen engagement in ways that improve outcomes over time. Another participant in our June conference observed, "The public voice should not be echoing alone in one out of several silos of variables in a project; it should be the overarching sound that integrates all the silos." As convener, government's role is to help create that "overarching sound."

SOURCE: Carolyn J. Lukensmeyer and Lars Hasselblad Torres, "Today's Leadership Challenge—Engaging Citizens," *Public Manager* 35, no. 3 (Fall 2006): pp. 26–31.

CourseReader Assignment

Log in to www.cengage.com and open CourseReader to access the reading:

Read "Creating a Decision Architecture," by Raymond Cox. Earlier we discussed administrative discretion from a legal standpoint. We saw how the courts interpret discretion. Here we examine the ethical and managerial dimensions of discretion.



How does the author define discretion? Are there other aspects of discretion that you would add to his definition? To what extent is discretion capable of being delineated in advance through decision rules? To what extent must administrators rely on an analysis of particular cases as they arise? Is discretion an ethical issue or a managerial issue? Both? Neither?

Others, following Friedrich's lead, noted the growing number of governmental officials in schools of public affairs and public administration. These schools take quite seriously the need to expose students to the ethical issues they may encounter in public organizations and to ways these issues might be resolved. This way of ensuring responsiveness is often called *subjective responsibility*, depending as it does on the subjective nature of the individual. Recently, Terry Cooper has argued that citizenship involves both rights and responsibilities and that the citizen must assume a positive role in the betterment of society as a whole. In doing so, he or she acts in pursuit of the common good and in accord with values such as political participation, political equality, and justice. When a citizen becomes a public administrator, he or she assumes the role of "citizen-administrator, both a citizen and someone working for the citizenry." In this case, the administrator's ultimate obligation is to deliver public goods and services "in ways that enhance the common good of community life through which character and civic virtue are formed" (Cooper, 1991, p. 161).

One approach to ensuring responsiveness that cuts across the objective/subjective distinction is *representative bureaucracy*—the idea that public agencies whose employees reflect certain demographic characteristics of the population as a whole are likely to operate more in line with the policy preferences of the general citizenry. According to this view, an agency with a substantial number of women or minority employees is more likely to take into account the views of women and minorities in the population than would an agency of white males. Experience with representative bureaucracy has produced mixed results. Whereas we might indeed expect greater responsiveness with respect to race and gender, there is no reason to think that such an agency would be more or less representative on other types of issues. Moreover, there is no real assurance that a person from

Carl Friedrich, on the other hand, argued that the increasing complexity of modern society made such detailed legislation difficult, if not impossible. Consequently, Friedrich felt that the administrator's own concern for the public interest was often the only real assurance that his or her actions would be responsive to the electorate. Fortunately, wrote Friedrich, the growing number of professionals in government increases the likelihood that a sense of democratic responsibility will be part of the administrator's makeup (Friedrich, 1972).

one particular group would necessarily or always reflect that group's policy preferences. Those preferences might well be displaced by the professional or bureaucratic norms that person adopts.

Avenues for Public Participation

Another way to ensure that public managers and employees act in a way consistent with the desires of the public is to involve citizens directly in the decision-making process through membership on advisory boards, open hearings, or direct polling. Such techniques, which have now become widespread, took their initial impetus from passage of the Economic Opportunity Act of 1964, legislation that required the "maximum feasible participation" of the poor in the design and conduct of antipoverty programs. In this case, the question of involvement itself became quite an issue, especially as the representatives of the poor came into direct confrontation with those holding established positions of power. The movement toward widespread citizen participation was soon well established, however, and spread quickly to local school boards, universities, and other government agencies. Today, for example, the practice of holding hearings prior to administrative decisions is commonplace at all levels of government.

There are questions, of course, as to whether real power is transferred to the citizens or whether citizen involvement is merely a device for defusing protests. Some use the term *co-optation* to describe situations in which citizens are given the feeling of involvement but little real power. On balance, it is probably accurate to say that there are some cases in which citizens have been co-opted through involvement in advisory boards or even public hearings, but in most cases, administrators are truly interested in receiving input from the public that will help them make difficult decisions.

The complexities of public involvement in administrative decision making are illustrated in the following "classic" case, actually a continuation of one we encountered in Chapter 2. The Clean Air Act required the EPA to set national emissions standards for hazardous air pollutants to protect the public health. But no definition was given as to what would be considered "an ample margin of safety."

The issue received national attention in 1983 when EPA was trying to decide what, if anything, should be done about inorganic arsenic, a cancer-causing pollutant produced when arsenic-content ore is smelted into copper. The problem was particularly serious in the area around Tacoma, Washington, where the American Smelting and Refining Company (ASARCO) operated a copper smelter. The EPA had concluded that, in the absence of any controls on ASARCO's arsenic emissions, approximately four new cases of lung cancer would be contracted each year in the Tacoma area.

Even after installation of the "best available" pollution-control equipment, there would still be one new case of cancer per year. But there was an important consideration on the other side of the issue as well. If the EPA were to impose any more onerous conditions on ASARCO—for example, that it use ore containing less arsenic or install a new and far more expensive electric smelter—the company could not afford to continue to operate the plant. ASARCO employed 570 workers, with an

annual payroll of approximately \$23 million; the company bought an additional \$12 million worth of goods from local suppliers. Closing the plant therefore would pose serious economic problems for the local economy.

William Ruckelshaus, then administrator of the EPA, decided that the citizens of the Tacoma area ought to wrestle with the problem. Accordingly, Ruckelshaus flew to Tacoma to announce a series of three public workshops to be held during the summer of 1983. The purpose was to acquaint residents with the details of the pollution problem, help them prepare for subsequent formal hearings, and enable them to deliberate about what should be done.

Some questions concerned technical matters, like the reliability of the proposed control equipment and the risk figures and epidemiological studies on which the EPA had based its estimates. Other questions revealed the inadequacy of the EPA's explanation of the relative health risk posed by the smelter: One resident asked whether that risk was greater than the risk posed by auto emissions.

Residents were not solely concerned, however, with the factual basis for the agency's claims. Several residents wanted to discuss the effects of the arsenic emissions on their gardens, their animals, and on the overall quality of life. Several residents expressed hostility toward the EPA for involving them in this difficult decision making in the first place. These issues are very complex, and the public is not sophisticated enough to make these decisions. This is not to say that the EPA doesn't have an obligation to inform the public, but information is one thing—defaulting its legal mandate is another.

These numerous workshops, together with the national attention that Ruckelshaus had deliberately drawn by traveling to Tacoma, created considerable and often unfavorable press coverage. In an editorial on July 16, 1983, entitled "Mr. Ruckelshaus a Caesar," the *New York Times* argued that "Mr. Ruckelshaus has it all upside down....What is inexcusable is for him to impose such an impossible choice on Tacomans." An article in the *Los Angeles Times* pointed out the difficulties "in taking a community's pulse....[Should one] poll the community...[or] count the pros and cons at the massive hearing?" Ruckelshaus was not surprised by the controversy. He said, "Listen, I know people don't like these kinds of decisions....Welcome to the world of regulation. People have demanded to be involved and now I have involved them, and they say, 'Don't ask that question.' What's the alternative? Don't involve them? Then you are accused of doing something nefarious" (Reich, 1985).*

The outcome of the case is anticlimactic: before the EPA promulgated its regulations, declining copper prices led to the closing of the ASARCO smelter anyway. The case does, however, point out some of the difficulties in designing adequate programs for public participation. Certainly there is every reason to think that Ruckelshaus really wanted to test the pulse of the citizens before making regulations. But his attempt was met not only with ambivalence, as is often the case, but with outright hostility. Moreover, despite his efforts,

*EXTRACT SOURCE: Reprinted by permission of the Yale Law Journal Company and William S. Hein Company. From *The Yale Law Journal*, Vol. 94, pp. 1617–1641.

there were few clear signals to the agency about what to do. The ethical issues posed by the requirements of administrative responsibility are indeed complex.

Transparency in Government

Recently there have been calls for nations around the world, including the United States, to become more attentive to the issues of transparency and accountability in government. To be transparent, something must be capable of being seen through. In government, transparency means that we are able to see clearly the workings of government, how public processes are carried out, and how successful these policies are in meeting their objectives. Government that is not transparent lacks public oversight and is more likely to be corrupt and yield to undue influences.

Openness and transparency are significant democratic values—they are the right thing to do and essential to accountability—but they also aid in the efficiency and responsiveness of public actions. Transparency, for example, supports informed decision making and gives all parties access to information important to their interests and concerns, thereby leveling the playing field. Disclosure promotes full participation in the governance process. In contrast, corruption, which by its nature is private and concealed, limits public engagement in the governance process, decreases public confidence in the institutions of governance, and increases the cost of public services, something that is especially troubling in a time of scarce resources. Transparency, on the other hand, can lead to many positive public outcomes. Certainly the notion of the public interest and that of citizenship and civic engagement require openness and transparency to be successful.

On his first full day in office, President Obama issued a memorandum for heads of executive departments and agencies related to transparency in government (see the box "Exploring Concepts: Obama's Elements of Open Government"). The memo read in part: "My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government" (Obama, 2009).

Exploring Concepts

OBAMA'S ELEMENTS OF OPEN GOVERNMENT

1. Transparency
2. Public participation
3. Collaboration

Over the next several months, the Office of Management and Budget conducted a series of forums involving federal employees and the public in discussing ways to improve government transparency as well as greater public participation and collaboration.

In December 2009, the administration released another memorandum, an Open Government Directive that included more detailed instructions as to how agencies should proceed in pursuit of the president's policy. Among other things, the directive required a high-level official in each agency to be accountable for information made public about the agency's spending, material often published through such government websites as USAspending.gov or Recovery.gov (Ginsberg, 2011). Other uses of technology to provide results-oriented information to the public were also pursued.

While the president's initial memo focused on participation and collaboration as well as transparency, the effort to improve transparency has clearly been the most important in the years immediately following the directive. The most significant actions have been oriented to releasing information previously inaccessible to the public. "By the beginning of 2011, agencies had released more than 300,000 data sets for public consumption through Data.gov" (Lukensmeyer, Goldman, & Stern, 2011, p. 11). As time goes by, we would expect that there would be increasing attention given to matters of participation and collaboration as well. As is apparent, all three elements—transparency, public participation, and collaboration—reinforce one another in pursuit of open government.

The Ethics of Privatization

We noted in Chapter 3 the increasing involvement of for-profit and nonprofit organizations in the delivery of public programs. Especially as governments have contracted for or otherwise sought to "privatize" services, private and nonprofit organizations have become major providers of public services. But, as we also saw, transfer of responsibility may raise significant ethical questions regarding equity and accountability. The government might find it necessary or expedient to contract out for garbage collection, for example, but neither necessity nor cost savings would justify allowing contractors to engage in discrimination or other unethical practices.

The issue is particularly critical for private-sector providers, who could have a tendency to maximize profits even at the sacrifice of some other public value. A private organization might be tempted to provide either more services than necessary for clients (to increase payments and therefore revenues) or fewer services than necessary (to cut costs). Actions such as these, clearly motivated by concern for profit, are less likely to occur in service delivery by nonprofit organizations, simply by virtue of their service ethos, but even they require mechanisms to ensure equity and accountability (Rubin, 1990).

In any privatization arrangement, the government's responsibility is not only to ensure quality and cost consistent with stewardship of public resources, but also to promote democratic ideals and ensure constitutional protections. There are at least two different types of delegation to consider: those that involve no transfer of discretionary authority and those that do. Obviously, many contracts involve no transfer of authority. Public works contracts, for example, can usually be standardized and highly specified so as to grant virtually no discretionary public authority to contractors (though there are exceptions). The government retains responsibility for exercising public authority (such as determining eligibility for and frequency of garbage collection or street repair) and for holding contractors accountable for quality, quantity, and cost of work.

Other arrangements may involve transfer of discretionary authority—for example, the authority to determine details of eligibility requirements for student loans or the authority to decide what services to provide to inmates of a privately operated prison. In situations such as these, appropriate accountability structures must be in place to ensure responsiveness to the government agency that administers the contract as well as to the public generally. Developing contractual arrangements that fully incorporate appropriate concerns for the public interest presents one of the most significant challenges in privatizing public services.

Ethical Problems for the Individual

Even the most straightforward ethical problems may be problematic, especially in the context of work in public organizations. Think for a moment about telling the truth. At first glance, nothing could seem more obvious than to tell "the truth, the whole truth, and nothing but the truth." But is that really the proper ethical position (outside a courtroom)? Should you be prepared to lie to protect matters vital to the national defense? Should you tell the whole truth in response to questions from the press about confidential matters affecting your clients? Is it proper to "stretch" research findings so they better support a policy position you feel is in the public interest? These are just a few of the most pressing and difficult questions you may face that will test not only your principles but also your willingness to act in accord with those principles.

Interacting with Elected Officials

The relationship between public managers and elected officials, either chief executives (such as mayors or governors) or members of a legislative body, presents a unique but nearly pervasive set of issues for the public manager. Whether as a department head working with a legislative committee, a city manager working with a city council, or an executive director working with the board of a nonprofit organization, the relationship between manager and the legislative body presents special problems.

We have examined some of the implications of this relationship for the development of public policy, but we should also be aware of possible ethical implications. On the one hand, an administrator should be accountable to the legislative body, but on the other hand, responding blindly to legislative decree may not always be in the public interest.

The latter situation might arise in several ways. Certainly, differing strongly with members of the legislature on policy questions presents great difficulties. As an administrator, to what extent should you seek to persuade the legislature to your position? Is it proper for a manager to try to build a power base in the legislature to enable special consideration of legislation favorable to the agency? If the legislature acts contrary to your strong beliefs, should you continue in your position or should you resign? If you continue, is it proper to try later to shape implementation of the legislation to fall more closely in line with your beliefs?

Similarly, difficult questions might arise if the manager is asked to do something improper. For instance, what would you do if a legislator asked you to do something illegal, such as permitting health-care payments to an ineligible client? How would your

decision change if the legislator only asked you to “bend the rules” a little bit? How would your decision change if the legislator chaired the committee that passed on your agency’s appropriation?

These issues may arise in any public organization; however, they are especially well illustrated at the local level with the council-manager form of government, which is built around the distinction between policy and administration. Theoretically, the council is responsible for determining policy and the manager is responsible for carrying it out. In practice, however, the line between policy and administration is never so clear; inevitably, the manager becomes involved in policy matters and the council in administrative matters.

Because of this overlap, the Code of Ethics of the International City Management Association contains several statements that influence the council-manager relationship. The code’s first item emphasizes the manager’s dedication to “effective and democratic local government by *responsible elected officials*” and recognizes the contribution professional management can make in this regard. More specifically, on the manager’s policy role, the code suggests that the manager “submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals, and uphold and implement municipal policies adopted by elected officials.” Similarly, the manager is advised to “recognize that elected representatives of the people are entitled to the credit for the establishment of municipal policies; (while) responsibility for public execution rests with the members” (Code of Ethics, 2004).

Despite these helpful guidelines, city managers often face difficulties in relationships with city councils. One city manager disagreed strongly with a council move to limit widening a particular city street, an improvement the manager felt was essential to local economic development, another felt that a council member was acting irresponsibly in proposing legislation that would help his contracting business, and still another was asked to process travel vouchers that included payment for personal vacation expenses. Simply figuring out how to respond effectively to these situations is hard enough, but the problem is even greater when you remember that the city manager who forces an issue of policy or ethics may be seen as “attacking” the boss—and may, at any time, be summarily fired. It’s no wonder that the average tenure of city managers in this country is four to five years!

Following Orders

Another problem has to do with limits to organizational authority. What would you do if your boss asked you to do something you felt was morally wrong? Suppose you are asked to “bury” a report on toxic wastes you consider potentially dangerous to the public or that, under pressures of time, you are asked to give quick approval to a piece of equipment that might be unsafe. Imagine that you are asked to approve an expense reimbursement for your boss, when you know the amount has been “padded.”

In such cases, you face difficult choices—choices made even more difficult by the very logic that causes us to employ bureaucratic means of organizing. Bureaucratic organizations are attractive because they enable people to accomplish large-scale tasks they would not otherwise be able to undertake, but bureaucracy as a social form also demands a certain amount of obedience to authority. Presumably, if orders are not obeyed, the whole

system falls apart—so there are strong pressures for individuals to follow orders rather than their consciences.

The most dramatic example of unquestioning obedience to authority comes from Hitler’s attempt to exterminate the European Jews during World War II. Although the killings were ordered by political leaders, they were carried out through German bureaucracy. The problem faced not only those at the top of the organization but also those throughout. Raul Hilberg, author of a classic study of the Holocaust, wrote the following:

Most bureaucrats composed memoranda, drew up blueprints, signed correspondence, talked on the telephone, and participated in conferences....However, these men were not stupid; they realized the connection between their paperwork and the heaps of corpses in the East. And they realized, also, the shortcomings of those rationalizations which placed all evil on the Jew and all good on the German. That was why they were compelled to justify their individual activities. The first rationalization was the oldest, the simplest, and therefore the most effective: the doctrine of superior orders. First and foremost there was duty. No matter what objections there might be, orders were given to be obeyed. A clear order was like an absolution; armed with such an order, a perpetrator felt that he could pass his responsibility and his conscience upward. (Hilberg, 1961, p. 649)

This manner of justifying one’s actions became central to the defense of those accused at the Nuremberg trials. Many defendants argued, as did General Alfred Jodl, that it is “not the task of a soldier to act as a judge over his superior commander” (Arendt, 1963, p. 133). But despite the rationale of “superior orders” for the German bureaucrats and their more contemporary counterparts, the moral dilemma posed by such orders remains.

One might argue, of course, that the German example is overdrawn—that such a thing could never happen in a democratic society such as ours. But perhaps it could. Indeed, a remarkable series of studies conducted by Yale psychologist Stanley Milgram many years ago suggests that Americans are often quite willing to obey, even when doing so causes them extreme moral discomfort.

What Would You Do?

The dean at the university where you are a department chair forwards an e-mail to you that is clearly an advertisement for a consulting firm’s seminar on grant writing and asks you to send the note on to your faculty. You are concerned about using the university’s e-mail for commercial purposes. What would you do?

In an elaborate series of experiments, Milgram asked subjects to administer shocks to a person supposedly involved in a memory experiment. Even though the person receiving the shocks writhed in pain (he was actually an actor and an accomplice), the subjects continued to follow Milgram’s orders to administer the painful shocks—simply because

they were told to do so! Milgram concluded that “a substantial proportion of people do what they are told, irrespective of the content of the act and without limitations of conscience as long as they perceive that the command comes from a legitimate authority” (Milgram, 1974, p. 189).

Contemporary examples of problems with orders from above are perhaps less dramatic than the German illustration, but they present equally difficult choices for the individual. You may, of course, protest the action, either directly to your superiors or more indirectly, although in doing so, you may place yourself in jeopardy. Or you may leave the organization, resigning in protest, even though the available alternatives—such as unemployment—may not be attractive. Or you may simply keep quiet and do what you are told. The latter alternative is certainly the easiest in most cases. By obeying orders, you feel you have someone else (your superior) to blame if something goes wrong. In any case, many feel that if people in large organizations fail to follow orders, things won’t get done. Unfortunately, rationalizations such as these don’t allow you to escape the moral consequences of your actions.

Conflicts of Interest

Another area of potential ethical difficulties for public officials involves conflicts of interest. Finding ways to avoid conflicts of interest, especially financial, has been central to federal, state, and local ethics legislation for the past twenty-five to thirty years. At the federal level, legislation detailing the ethical behavior expected of public officials has deep historical roots; however, the tone of modern ethics legislation was set by Executive Order 11222 issued by President Johnson in 1965. In part, the policy reads as follows:

Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or advisor of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

The executive order then provides a set of “standards of conduct” that covers such topics as accepting gifts, financial conflicts of interest, misuse of federal property, and limitations on outside employment. The policy also bars use of public office for personal gain or for the gain of those with whom the individual has family, business, or financial ties.

The Johnson policy also initiated public disclosure of financial statements, something that was given greater prominence in the Ethics and Government Act of 1978. This act codified many of the previously established standards and created the Office of Government Ethics to establish more detailed regulations to monitor the behavior of public servants and provide ethics training for managers and other officials.

Under existing legislation, officers of the executive branch of the federal government are required to refrain from participating “personally and financially” in deciding, approving, recommending, or advising with respect to matters in which they, family members, or close associates have a financial interest. An official facing a possible conflict of interest has a number of avenues available. First, the official can simply withdraw from participating

in the particular case. Second, the official may seek a waiver, especially when his or her interest is not considered substantial or the relationship is too remote to affect the integrity of the action. Third, the official may choose to place his or her assets in a “blind trust.” Finally, the official can sell, give away, or otherwise divest himself or herself of the financial interest in question.

What Would You Do?

Your wife’s brother has applied for a job in the state-level department that you head. What would you do?

Other parts of the federal ethics legislation restrict outside income and the acceptance of gifts or favors. For example, as a federal employee, you are prohibited from accepting any salary or contribution from any source other than the federal government. The law also limits the acceptance of meals, entertainment, and gifts. For example, meals can usually be accepted if offered during the course of a working meeting, but there are prohibitions on “one-on-one” meals in which you are being treated.

There are also prohibitions on what a federal employee can do after leaving a government position. Sections of the Ethics and Government Act prohibit former officials from representing outside parties before the federal government with respect to matters in which they had some personal involvement or official responsibility for a period of two years. There is also a one-year “cooling-off period,” during which you cannot represent parties before your agency even on matters that were not your responsibility while working for the government. A commission created by President George H. W. Bush recommended strengthening provisions dealing with activities of former federal officials by requiring a prohibition not only against personally representing outside interests before government agencies but also against “aiding or advising any other person.” The proposal would eliminate not only direct representation, but “behind the scenes” advice and counsel as well.

Legislation such as this is obviously intended to prevent “influence peddling” by those who have recently left government and to limit the “revolving door” phenomenon, wherein people move in and out of government to acquire knowledge and information valuable to external groups. This issue became particularly prominent during the Reagan administration, when several officials, including Michael Deaver and Lynn Nofziger, were accused of using their previous contacts to unduly influence the governmental decision process.

Finally, the potential for conflicts of interest is decreased by requirements for financial disclosure on the part of executive officials. The Bush commission, for example, wrote that “financial disclosure has been variously described as the linchpin of the ethical enforcement system, as the disinfectant sunlight which makes possible the cleaning up of abusive practices” (President’s Commission, 1989, p. 5). Though financial reporting requirements have sometimes been criticized as excessively detailed and intrusive, they have been, in the view of most ethics experts, highly valuable in maintaining public confidence in the integrity of government. If nothing else, the reports have meant that individuals are forced to carefully

review potential conflicts of interests that they may bring to government, and thus be more aware of those interests should conflicts arise.

The recommendations of the Bush commission led, in February 1993, to new standards creating greater uniformity across all agencies of the federal government. The rules cover seven areas: (1) gifts from outside sources, (2) gifts between federal employees, (3) conflicts of financial interests, (4) impartiality in performing official duties, (5) other employment, (6) misuse of position, and (7) outside activities. In many respects, these standards reflected the new president's pledge for a return to values-based leadership. As a candidate, President Clinton had voiced sharp criticism against the ethical shortcomings of preceding administrations. Then, on Inauguration Day, he used his first executive order to require new ethics commitments of executive branch appointees, restricting an appointee's lobbying or attempts to influence an agency where he or she worked.

However, despite the efforts of the Clinton administration to set a high moral tone, it is unlikely that the Clinton presidency will be remembered for its stance on ethics. As mentioned in Chapter 2, President Clinton was impeached by Congress for lying under oath to a federal grand jury, and even though the Senate later acquitted the president, the fact that President Clinton lied to the grand jury (and to the public) to protect his political career was never disputed. President George W. Bush's administration was not immune from ethical conflicts. His actions against terrorism, while supported in general, opened the administration to harsh criticism. Specific actions, such as the USA PATRIOT Act (adopted 2001), which gives permission for "warrantless searches of phone and Internet records," raised concerns about protecting the basic civil liberties. Questions were also raised about the honesty of the president's justifications for the war in Iraq and the political motivations for firing federal attorneys.

The Obama administration has placed its greatest emphasis on openness and transparency in government, a topic we reviewed previously. One particular noteworthy element of the Obama approach is the unveiling in March 2012 of a new website, Ethics.gov. The website allows users "to cross-check several federal databases for information about lobbyists and their activities, contribution and spending records for candidates for federal office and political action committees, [and] travel by administration officials and visitors to the White House" (<http://thecaucus.blogs.nytimes.com/2012/03/08/white-house-ethics-hub-goes-live-online/>). The new website provides searchable and downloadable information related to issues that frequently cause ethical concerns in government in order to move such concerns out of the shadow into public light.

Networking

The primary federal agency dealing with ethics issues is the Office of Government Ethics at www.usoge.gov.

Many of the same provisions for preventing conflict of interest in federal ethics legislation have been paralleled at the state level. Many states have passed detailed

ethics legislation, often using financial disclosure as a chief mechanism for preventing abuse. Indeed, almost all states have some form of financial disclosure provision for some state employees. In addition, more states have adopted ethics codes and ethics commissions. Similarly, given the influence of money in politics, other states have sought to establish controls on political money. Florida, for example, reduced the limits on campaign contributions and created a fully funded public campaign finance system. Many states have adopted similar versions of the federal conflict of interest legislation passed during the Bush administration, and many have also pursued the open government policies of the Obama administration.

Whistle-Blowing

There has been a marked increase over the last twenty years in employee disclosure of problems in public organizations. Public employees have exposed defense contract overruns; spoken out against corruption in local police departments; and revealed abuses of the merit system, improper enforcement of toxic waste legislation, and other matters. Alan Campbell, director of the Office of Personnel Management during the Carter administration, described these public disclosures, or whistle-blowing, in this way: "Quite simply, I view whistle-blowing as a popular short-hand label for any disclosure of a legal violation, mismanagement, a gross waste of funds, an abuse of authority, or a danger to public health or safety, whether the disclosure is made within or outside the chain of command" (Bowman, 1983, p. 91). In other words, the *whistle-blower* reveals information about fraud, waste, or abuse in government, including actions that might endanger the safety or liberty of other government employees or citizens at large.

Generally, employees who decide to blow the whistle move through several stages. First, the employees become aware of an organizational practice that is unethical or dangerous. Second, they express concern to their immediate supervisor or those further up in the hierarchy; and third, unsatisfied that anyone in the organization will take appropriate action, they take the issue outside, either through leaks to the press or to external public interest groups. (The press, of course, may independently play an important role in revealing instances of wrongdoing.)

Unfortunately, whistle-blowers in both government and industry have often been subjected to abuse and retaliation by superiors. One study of whistle-blowers shows a large number who were fired or forced to resign or retire, as well as others who were refused promotions or given less desirable work assignments. Others felt excluded from communication within the organization and were avoided by both supervisors and coworkers (Truelson, 1986, p. 9). Studies show that, as a result, many public employees who have knowledge of corruption don't bother to report it (Bowman, 1983, p. 91).

If you discover improper actions on the part of persons in your organization, you have a strong obligation to report those actions; however, you should be careful that your allegations are based on fact and are properly reported. James Bowman suggests that an act of whistle-blowing can be justified if the following conditions are met:

1. If it is done with an appropriate moral motive
2. If all internal channels of dissent have been exhausted

3. If it is based on evidence that would persuade a reasonable person
4. If analysis has been made of the seriousness, immediacy, and specificity of the problem
5. If it is commensurate with one's responsibility
6. If it has some chance of success (Bowman, 1983, p. 91)

At the federal level, codes of conduct have encouraged public servants to expose corruption wherever it is discovered, and protection for whistle-blowers has been provided through the Civil Service Reform Act. Moreover, some agencies have established formal *dissent channels*, confidential patterns of communications outside the normal chain of command that allow a potential whistle-blower or someone who merely disagrees with a proposed policy to express a dissenting opinion without fear of reprisal. Consequently, whistle-blowing has become somewhat more common at the federal level. But wherever you work, if you decide to blow the whistle, you should be fully aware not only of potential dangers, but also of the protection available to you based on rights of free speech and on prohibitions against discriminatory actions. Encouraging greater communication by providing freer and more open channels of dissent is one way to ensure more ethical behavior in public organizations (see the box "Take Action: Ten Tips for Potential Whistle-Blowers").

Take Action

TEN TIPS FOR POTENTIAL WHISTLE-BLOWERS

1. Consult your loved ones. Blowing the whistle is a family decision. Before taking any irreversible steps, talk to your spouse, your family, or close friends—the support group you will need to depend upon in the coming days—about your decision to blow the whistle. If they are not with you, you may want to rethink your path.
2. Check for skeletons in your closet. Any personal vulnerability or peccadillo you possess can, and most likely will, be used by the agency against you. One practical step is to make a copy of the complete contents of your personnel file as insurance that new but backdated "dirt" cannot be later slipped in.
3. Document, document, document. Keep copious records and a daily diary of relevant information, memorialize conversations with letters to the file, and maintain a separate set of documents outside of work in a safe place. Your chances of success will likely depend on how powerful a paper trail you produce. After you blow the whistle, your access to agency records may be immediately cut off.
4. Do not use government resources. Do not engage in whistle-blowing activity on agency time, even to defend yourself in a retaliation case unless you have specific approval, such as through a union collective bargaining agreement.

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5. Check to see who, if anyone, will support your account. Gauge the level of concern among your coworkers for the concerns you might raise. If you can't count on others to later testify as supporting witnesses, you may be well advised to wait before challenging misconduct. Try to stay on good terms with administrative staff members who may be in a position to know of impending agency actions.
6. Consult an attorney early. Do not wait until you are in the "career emergency room" before seeking professional help.
7. Choose your battles. Pick favorable terrain for highlighting your issue. Don't sweat the small stuff. In any personnel action, the advantage is with the employer, not the lone employee.
8. Identify allies. There is strength in numbers. Do not wait to be isolated by the agency. If possible, line up the assistance of sympathetic interest groups, elected officials, or journalists. The strength of your support coalition may determine the outcome of the battle ahead.
9. Have a well-thought-out plan. Be clearheaded about precisely what you expect to accomplish and how. Try to prepare for agency countermoves by anticipating agency responses to your charges and mapping out the counter argument to those charges.
10. Get yourself a little career counseling. Map out where your actions will leave you a year from now, two years from now, five years, and so on. Plan out the route you want to take and how you reasonably expect your professional path to proceed. There is no doubt that you are about to embark upon a professional journey.

SOURCE: POGO/GAP/PEER 2002, 4–7, in Svava, James. (2007). *The Ethics Primer for Public Administrators in Government and Nonprofit Organizations*. Sudbury, MA: Jones and Bartlett Publishers, p. 127.

Prohibitions on Political Activities

Political neutrality has traditionally been considered important to effective democratic governance. President Jefferson, for example, issued an order against federal government employee partisanship, an order whose essence was repeated by Presidents Grant and Hayes. Legislative action occurred with the adoption of the Pendleton Act in 1883, which "prohibited political assessment, solicitations, subscriptions, or contributions from or by any employee of the United States." The most sweeping ban on political activity, however, occurred during Theodore Roosevelt's administration. He declared that classified civil service employees "shall take no active part in political management or in political campaigns" (Masters & Bierman, 1985, p. 519). Later, Congress passed the Hatch Political Activities Act in 1939, stating that "no officer or employee of the executive branch of the federal government, or any agency or department thereof, shall take any active part in political management or in political campaigns." (A set of amendments passed in 1940 extended the ban on political management and

campaigning to state and local employees whose programs were financed fully or in part by federal funds.)

Under the Hatch Act, public employees can register to vote, contribute money to campaigns, assist in voter registration drives, and express opinions about candidates and issues; however, for activities not allowed, see the box “Exploring Concepts: Activities Prohibited under the Hatch Act.”

Exploring Concepts

ACTIVITIES PROHIBITED UNDER THE HATCH ACT

1. Endorsing partisan candidates
2. Listing or raising money for political action committees
3. Participating in partisan voter registration and get-out-the-vote drives
4. Distributing campaign material on behalf of candidates
5. Serving as a delegate to a political convention
6. Making campaign speeches
7. Seeking public office in partisan elections

SOURCE: Masters & Bierman, 1985, pp. 519–520.

Although the Hatch Act seeks to protect public employees from political harassment and the political process from special influence, it has been subject to various interpretations and has proven confusing in its application. Moreover, many have claimed that it unduly restricts public employees’ political freedoms by disenfranchising them from important political activities during the time they are employed by the government. Others have pointed out that the Hatch Act’s restrictions on U.S. government employees are more stringent than those placed on employees in Great Britain, Canada, and Australia. For this reason, there have been recent efforts in Congress to change the Hatch Act so as to permit a greater range of political activities by employees in government. Many support the proposed legislation, especially those in public employee unions, who feel that public employees should be able to run for office and solicit campaign funds on their own time. Others, however, have argued that the Hatch Act is still necessary to prevent coercion of political officials. Reform of the Hatch Act was considered for a number of years, with Congress passing major reform legislation in 1991 (though it was vetoed by President Bush).

In 1993, Congress changed the Hatch Act, generally strengthening those sections dealing with activities while on duty and expanding the off-duty activities of federal employees. Basically, with the exception of running for office, which is still prohibited, the new act permits federal workers to participate in a full range of political activities on their own time, not while on the job (*Congressional Quarterly Weekly*, 1993, p. 511).

Managing Ethics

How does a manager promote more ethical practices in an organization? First, of course, there are a variety of formal controls, including legal, on the behavior of those in public organizations—the courts may direct public officials to undertake specific actions or to “cease and desist” from certain courses of action. They may also be required, on behalf of their agencies, to provide individuals with damages or other compensation. And, of course, any public employee may be prosecuted for breaking the law. But what if you are sued as an individual for actions you have undertaken in the course of your official duties?

Actually, this question has been the subject of considerable legal debate throughout our country’s history. Early interpretations of the law generally protected public officials against suits, claiming they violated an individual’s rights in the course of one’s duties. Recent interpretations have severely limited the immunity granted to public officials. Speaking broadly, there are two types of immunity: absolute immunity and qualified (or “good faith”) immunity. Absolute immunity, which means that an official is not liable for damages under any circumstances, has been granted to certain legislative and judicial officers and, in limited cases, to members of the executive branch. (The president has been granted absolute immunity, but state governors have not.)

Most other officials have only qualified immunity; they may be sued, but they can defend themselves by showing they were acting in good faith. They must show that they were unaware of impropriety at the time and that any reasonable person might have acted similarly. Although the current legal position allows most officials to be sued, relatively few suits have been successful; most public managers have been found to have acted in good faith. In any case, knowing something about public officials’ liability for their actions will better enable you and those in your organization to avoid problems in the first place or to respond to them when they arise.

Besides legal proceedings, other formal devices are available to protect against waste or fraud by public officials or the private individuals or groups with which they interact. For example, most major federal agencies have an Office of the Inspector General to investigate cases of fraud, waste, and abuse in government. The inspectors general are charged with looking into situations in which federal employees or funds are used improperly. Targets of investigations may be either public employees or private individuals, such as contractors, who might attempt to defraud the government.

Through their internal investigations of federal agencies, the inspectors general have occasionally revealed major problems. For example, the Office of the Inspector General of the Department of Health and Human Services initiated several studies related to excessive billings for Medicaid payments. Selling samples, billing Medicaid at higher prices than charged the public, and billing for brand-name drugs while dispensing generic drugs are among the suspected abuses. Similarly, the inspector general’s office in the Department of Defense announced plans to probe the military fastener industry—makers of bolts, screws, and other hardware—to see if substandard parts contributed to military accidents. In a related case, two Maryland defense contractors pleaded guilty to a decade-long scheme to sell cheap, low-grade fasteners for military equipment. The contractors admitted to substituting commercial-grade bolts, screws, and other fasteners for more expensive

military-grade hardware ordered by defense contractors for radar and sonar systems, satellites, Trident submarines, and armored earthmovers like those used in the Persian Gulf War (*Washington Post*, 1992).

Establishing an Ethical Climate

In addition to using formal controls, you can help promote ethical behavior by providing strong ethical leadership, creating a climate in which ethical behavior is valued, and encouraging free and open communications throughout the organization. “Managing ethics involves more than making public statements espousing a particular set of values and more than selecting employees with good moral character. Managing ethics also involves careful analysis of the organizational culture, working to develop a cultural environment that places high value on ethical integrity and developing policies and procedures and systems that enable organization members to act with ethical integrity” (Denhardt, 1989, p. 1). See the box “Take Action: Intervention Techniques for Integrating Ethics into Agency Operations.”

Take Action

INTERVENTION TECHNIQUES FOR INTEGRATING ETHICS INTO AGENCY OPERATIONS

- Do both compliance and integrity training and counseling.
- Give briefings on common ethical problems on the job for new hires.
- Give termination briefings on potential postemployment problems.
- Designate senior manager(s) for integrity issues, separate from compliance/investigative unit.
- Require annual sign-off on prospective commitment and compliance.
- Consider ethical values and character in recruitment.
- Integrate ethical performance into promotional exams and annual reviews; link ethical behavior to incentives.
- Publicize positive, noteworthy role models.
- Raise ethical concerns at meetings and through regular communication channels.
- Train middle managers to recognize and commend subordinates' statements about ethical concerns.
- Review management practices and administrative routines at every level and in every type of unit in the organization.
- Get the whole team—all employees, all levels, all units to participate; ethics is not a spectator sport.
- Give earnest attention to ethical treatment of subordinates, clients, and others.

SOURCE: Carol W. Lewis, *The Ethics Challenge in Public Service*. © 1991 by Jossey-Bass. This material is used by permission of John Wiley & Sons, Inc.

Many organizational members feel that, in the absence of an ethics program, the requirements of large bureaucracies tend to promote unethical, dishonest, and inhumane behavior. “Managers perceive that the bureaucratic environment is less ethical than their own values and beliefs, that they are under pressure to compromise personal standards to achieve organizational goals, and that their supervisors are interested only in results, not how they were obtained” (Bowman, 1983, p. 74).

A first step in promoting more ethical practices in your organization is to analyze the basic ideas, beliefs, and attitudes that guide the behavior of the organization's members. One device for assessing the prevailing beliefs of your organization is an *ethics audit*, an assessment of the value premises that guide action in the organization. The audit provides a methodical review of the organization's activities and the implicit values that underlie the activities. Importantly, these values may not turn out to be those contained in public pronouncements. One student of organizational behavior concluded that “the key to learning the ethics of individuals or organizations is simple: *Do not listen to what they say about ethics; observe what they do*” (Pastin, 1988, p. 92). By clearly establishing the values that guide behavior in the organization, you and other members can more consciously and clearly begin to alter those values that seem inappropriate.

As an example, after numerous incidents of defense contract violations, the General Dynamics Corporation brought in an outside consultant to help establish an ethics program. The consultant conducted an ethics audit, which helped members of the organization recognize that they shared a basic, though unstated, assumption that the government was their adversary and that taking advantage of an adversary was quite acceptable. Once this assumption was understood, it could be addressed openly and replaced with more appropriate assumptions about the relationships between government and its contractors. An example of an ethics audit conducted by a public agency is contained in Carol Lewis's book, *The Ethics Challenge in Public Service* (1991, pp. 199–202).

Following an ethics audit, your organization may wish to develop a clearer statement of values to guide individual behavior. The statement should include general moral guidelines but also articulate a vision of the organization's mission—what it stands for, what it seeks to achieve, and how it plans to go about its business. Developing such a statement should involve many members of the organization and have the full support of top management.

Besides developing a statement of management philosophy for your organization, you may also wish to employ more general codes of ethics developed by other organizations. The federal government, for example, has promulgated a Code of Ethics for Federal Service, and many state and local government organizations have developed similar codes. Professional organizations such as the International City Management Association (ICMA) also have codes of ethics related to members of their profession. Perhaps the most comprehensive code of ethics for public-sector managers is that of the American Society for Public Administration (ASPA). The ASPA Code of Ethics and accompanying guidelines illustrate the variety of ethical concerns public managers face and provide guidance for resolving ethical issues (see Appendix at the end of this chapter).

After assessing values and adopting statements to express the desired values, you might wish to develop training programs or other devices for communicating these ideals within the organization. The Office of Government Ethics, for example, conducts frequent seminars for federal managers on ethics in the public service. Similarly, organizations such as ASPA and ICMA have developed training programs that are available nationally or can be adapted to local circumstances. Training programs are also available for executives in nonprofit organizations.

As a manager, however, you should not neglect the fact that your own actions will be taken as a model of appropriate behavior. The example you set will be one of the most important training devices to members of your organization. If you wish them to take the moral "high road," you must demonstrate by example that ethics is a substantial concern and that unethical conduct will not be tolerated.

Summary and Action Implications

As we move from the context of public administration to the ethics of public service, we also move from areas where abstract knowledge is helpful to areas where the ability to act is important. In dealing with the many ethical dilemmas that confront public officials, you must not only know what the correct action is but also be able to act in a way consistent with that judgment. Understanding how ethical choices are made is helpful, as is recognizing the importance of deliberation in making ethical decisions. But what will ultimately make the difference will be your willingness to act on the basis of moral principles.

The particular ethical issues you may face range from matters of individual integrity to those that derive from the special value commitments associated with working in the public interest. Most of the latter are associated with the tension between efficiency and responsiveness that seems to pervade public organizations. That tension, as well as issues of accountability and responsiveness to public demands, is especially intense in the relationship between administrators and the legislative branch.

Many of the concerns you may encounter as a public manager are similar to those other managers face, but some are especially conditioned by the fact that you are operating "in the public interest." In either case, you must exhibit the virtues of benevolence and justice (including honesty, trustworthiness, and fairness) in your behavior. As you face some of the difficulties that arise, careful self-reflection and dialogue with others about ethical concerns will be especially helpful.

It is within your power as an administrator to undertake programs to encourage and facilitate a more ethical climate within your organization. Conducting an ethics audit, developing a statement of organizational philosophy or a code of ethics, and establishing training programs to deal with ethical issues will help improve your organization's ethics.

As a manager, however, perhaps the most important message you can send is that communicated by your own actions. If you seem to attach great importance to ethical concerns, others in the organization will attach similar importance. The model you provide can make an important difference in the ethics of your organization.

STUDY QUESTIONS

1. Although *ethics* and *morality* are similar, what is the distinction between the terms?
2. Discuss the steps in ethical deliberation.
3. Compare the two approaches commonly used in moral philosophy.
4. Discuss the three levels of moral development devised by psychologist Lawrence Kohlberg.
5. What is meant by an "ethics of virtue"?
6. Discuss the conflict between efficiency and responsiveness.
7. Explain the limitations on administrators' discretion with regard to responsiveness and efficiency.
8. Discuss some of the ethical problems individuals who work in public organizations encounter and how they can deal with them properly.
9. The Hatch Act defines prohibited activities of public employees. Explain the significance of these prohibitions with regard to an individual's political actions.
10. Explain ways to improve the ethical behavior of those in a public organization and provide examples of managing ethics.

CASES AND EXERCISES

1. To illustrate various aspects of ethical deliberation, read and discuss the following case.

There is a raging river that can be crossed only by boat. The only boat is owned and operated by a person we shall call A (in order to protect the innocent as well as the guilty). On the tame side of the river, X is deeply and sincerely in love with a person, C, on the other side of the river. X goes to A and asks to be taken across the river, offering to pay for the service. A declines any money, but agrees to take X across the river if X will sleep with A. Person X refuses, of course (!), but argues and then pleads with A to name some other price. A, however, remains firm.

Person X leaves, but returns a second day to seek a way across the river. A remains as adamant as before. In frustration, X seeks out a third person, B, who hears the situation sympathetically, agreeing that A is certainly a rogue. But B says, "I have other matters to deal with just now and cannot help you."

In desperation, X goes to A a third time, only to be met with the same deal for the trip across the river. X finally agrees to the price and sleeps with A, who then delivers X across the river as promised.

X and C are joyously reunited, until C asks how X got across the river. X truthfully replies, "I had to sleep with A to earn the trip across the river." C replies indignantly, "Out of my life! I will have nothing to do with one who holds honor and principle so lightly!"

X, of course, is frustrated and desperate again, and appeals to another person, D, who replies, "I understand and am deeply sympathetic. I'd do anything I can to help you." (The curtain falls.) (ASPA, n.d.)

Following your discussion of the case itself, consider to what extent the discussion reflected moral relativism, utilitarianism, or deontology. Then, reconsider the case, following the steps of ethical deliberation presented in this chapter. Clarify the facts, find basic principles, and analyze the arguments. How could you establish a moral action?

2. A random check of long-distance telephone calls at the Department of Housing and Urban Development, conducted by the agency's inspector general, indicated that some 30 percent were personal calls (though charged to the government). The cost of the calls was estimated at \$73,000 for the sample and, by extrapolation, \$290,000 for the agency as a whole. Many calls were placed to the homes of employees or their relatives; others were calls to prerecorded messages, such as time and temperature, horoscopes, and financial information. Penalties for unauthorized use of federal telephone lines include fines, suspension, and dismissal.

Why do you think employees at HUD, and presumably elsewhere, misuse official telephone lines? What, if anything, should be done to limit such excesses? How do you respond to employees who argue that using agency telephone lines for personal business is necessary from time to time? What about those who argue that telephone use is an essential benefit the organization should provide? If you crack down on unauthorized calls, what will happen to morale in the agency?

To put the case in a more intense, real-world setting, imagine that you are secretary of Housing and Urban Development. You have just finished testifying at a congressional hearing. On your way out the door, a senator corners you and waves a copy of the inspector general's report in your face, saying, "This is an outrage! These people are stealing from the public, and you've been letting it happen! I want some action on this right away!" Next, a reporter, who has seen the report and heard the exchange with the senator, shoves a microphone in your face and asks, "Well, what are you going to do?" What is your response, both immediately and over the next several days?

3. Consider the following case: Sidney Franklin knew that one of his most valued employees, Anderson Hayes, was stealing from the organization—not much, and in a way that no one but Sidney would ever know—but he *was* stealing. Sidney also knew that without Anderson, his unit could never complete a newly assigned task on

time. He decided to do nothing about the stealing incident and secretly hoped that success in the new assignment would bring about a long-desired promotion and get him out of this awkward situation.

Analyze and discuss this case in terms of the moral position that the individual involved should have taken. Then consider the nature of your own ethical reasoning. What types of moral philosophy, moral psychology, or moral action have you been using?

4. As a class, conduct an ethics audit (or survey) of your college or university and recommend ways the institution might begin to develop higher standards of ethical conduct.

Begin by considering in detail what might be expected from such an audit (or survey) in any organization and what is practical and ethical to expect from such a project conducted by students within the institution. Recognize your available resources, but also the limitations on your work. (You might even want to discuss your project with several university officers before proceeding.)

As a practical matter, consider basing your work primarily on interviews with important decision makers throughout the institution, including administrators, deans and department chairs, members of the faculty (especially members of the faculty council or faculty senate), representatives of the school's athletic programs, and staff support in areas such as budget and accounting and personnel or human resources. Also consider interviews with members of the school's governing board. You might also want to collect material based on public record: newspaper reports, magazine articles, editorials, and so forth. *The Chronicle of Higher Education* and other materials dealing with higher education show what kinds of efforts other schools have undertaken.

Throughout your interviews and other research, you should first seek to determine the major ethical concerns facing institutions of higher education. Topics you will likely encounter are plagiarism and other forms of academic dishonesty (on the part of both faculty and students), the integrity of the research process, matters of institutional governance, questions of equal opportunity and affirmative action, institutional policies toward drugs and alcohol, the school's position on certain political issues, and athletic recruiting policies—just to name a few. You may find that your institution has taken strong moral positions in some areas (perhaps many areas). You may even find parts of the institution that have undertaken serious and detailed appraisals of their ethical positions. You may also find, however, that many of these issues simply haven't been considered, at least in terms of ethical implications.

If you can simply develop an inventory of ethical issues that should receive greater attention from members of the institution, you will have done a great service. But you may also identify cases where actual behavior seems to imply an ethical position different from the position espoused by those with whom you talk. If you discover such cases, be prepared not only to document your findings, but also to present your report in such a way that will be helpful and constructive. Remember that you are seeking to provide a service to the institution, not an exposé.

Based on your research and analysis, prepare a written report for the school's president or chancellor and offer to have a delegation meet with him or her (or a representative) to discuss your findings. Again, your approach should be to provide preliminary findings that will be useful in terms of institutional ethics. It may be helpful to think of yourself as a member of the president's or chancellor's staff, developing a report upon which constructive action can be taken. As in any such situation, you should be prepared to suggest specific action steps that will enable the school to give serious and sustained attention to its ethical posture.

After you finish, spend some time considering as a class what you have learned from this exercise—about institutional ethics and the administrative process, and what will make you a more effective and responsible administrator in the future. Try to develop specific action-oriented statements to guide your actions. Finally, consider whether there were any ethical questions you faced in the course of this project. How did you resolve them? Or did you?

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APPENDIX

Code of Ethics of the American Society for Public Administration (ASPA)

I. Serve the Public Interest

Serve the public, beyond serving oneself. ASPA members are committed to

1. Exercise discretionary authority to promote the public interest.
2. Oppose all forms of discrimination and harassment, and promote affirmative action.
3. Recognize and support the public's right to know the public's business.
4. Involve citizens in policy decision-making.

5. Exercise compassion, benevolence, fairness, and optimism.
6. Respond to the public in ways that are complete, clear, and easy to understand.
7. Assist citizens in their dealings with government.
8. Be prepared to make decisions that may not be popular.

II. Respect the Constitution and the Law

Respect, support, and study government constitutions and laws that define responsibilities of public agencies, employees, and all citizens. ASPA members are committed to

1. Understand and apply legislation and regulations relevant to their professional role.
2. Work to improve and change laws and policies that are counterproductive or obsolete.
3. Eliminate unlawful discrimination.
4. Prevent all forms of mismanagement of public funds by establishing and maintaining strong fiscal and management controls, and by supporting audits and investigative activities.
5. Respect and protect privileged information.
6. Encourage and facilitate legitimate dissent activities in government and protect the whistle-blowing rights of public employees.
7. Promote constitutional principles of equality, fairness, representativeness, responsiveness, and due process in protecting citizens' rights.

III. Demonstrate Personal Integrity

Demonstrate the highest standards in all activities to inspire public confidence and trust in public service. ASPA members are committed to

1. Maintain truthfulness and honesty and to not compromise them for advancement, honor, or personal gain.
2. Ensure that others receive credit for their work and contributions.
3. Zealously guard against conflict of interest or its appearance: e.g., nepotism, improper outside employment, misuse of public resources, or the acceptance of gifts.
4. Respect superiors, subordinates, colleagues, and the public.

5. Take responsibility for their own errors.
6. Conduct official acts without partisanship.

IV. Promote Ethical Organizations

Strengthen organizational capabilities to apply ethics, efficiency, and effectiveness in serving the public. ASPA members are committed to

1. Enhance organizational capacity for open communication, creativity, and dedication.
2. Subordinate institutional loyalties to the public good.
3. Establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.
4. Provide organization members with an administrative means for dissent, assurance of due process, and safeguards against reprisal.
5. Promote merit principles that protect against arbitrary and capricious actions.
6. Promote organizational accountability through appropriate controls and procedures.
7. Encourage organizations to adopt, distribute, and periodically review a code of ethics as a living document.

V. Strive for Professional Excellence

Strengthen individual capabilities and encourage the professional development of others. ASPA members are committed to

1. Provide support and encouragement to upgrade competence.
2. Accept as a personal duty the responsibility to keep up to date on emerging issues and potential problems.
3. Encourage others, throughout their careers, to participate in professional activities and associations.
4. Allocate time to meet with students and provide a bridge between classroom studies and the realities of public service.

SOURCE: www.aspanet.org.