

Chapter One

Introduction

The Responsible Administrator is one attempt to respond to the need for a systematic treatment of public administrative ethics that is grounded in both the realities of practice and the requirements of sound scholarship. It is important to identify the particular contribution intended here. The conceptual focus of the book is the role of the public administrator in an organizational setting; the central integrating ethical concept used in dealing with that role is responsibility. The central ethical process adopted for addressing ethical problems associated with administrative responsibility is a comprehensive design approach.

What Is Ethics?

Ethics is defined in various ways, some more technical and precise than others. The usual brief textbook or dictionary definitions define *ethics* as “the attempt to state and evaluate principles by which ethical problems may be solved” (Jones, Sontag, Becker, and Fogelin, 1969, p. 1), “the normative standards of conduct derived from the philosophical and religious traditions of society” (Means, 1970, p. 52), or “the task of careful reflection several steps removed from the actual conduct of men” concerning “the assumptions and presuppositions of the moral life” (Gustafson, 1965, p. 113). Preston (1996) becomes a bit more specific by suggesting that “ethics is concerned about what is right, fair, just, or good; about what we ought to do, not just about what is the case or what is most acceptable or expedient” (p. 16). Martin (1995) defines ethics as moral philosophy and stipulates that it includes four main goals or interests: clarification of moral concepts; critical evaluation of moral

claims focused on “testing their truth, justification, and adequacy” (pp. 7–8); constructing an inclusive perspective by elucidating the interconnections among moral ideas and values; and providing moral guidance through improving practical judgment.

Gibson Winter (1966) defines ethics more comprehensively by describing the functions it serves in the social world. As an active enterprise, he says, “Ethics seeks to clarify the logic and adequacy of the values that shape the world; it assesses the moral possibilities which are projected and betrayed in the social give-and-take” (p. 218). Anyone engaged in ethical reflection takes on the task of analyzing and evaluating the principles embodied in various alternatives for conduct and social order. Ethics is, according to Winter, “a science of human intentionality” (p. 219).

For our purposes in this book, ethics may be understood as the study of moral conduct and moral status. *Ethics* and *morality* are often used interchangeably, but here I will distinguish them. Morality assumes some accepted modes of behavior that are given by a religious tradition, a culture (including an organizational culture), a social class, a community, or a family. It involves expected courses of conduct that are rooted in both formal rules and informal norms. Morality includes such things as “decent young people do not engage in premarital sex,” “family comes first,” “one should not conspicuously display one’s wealth,” “guests in one’s home must always be treated with respect,” “never drive under the influence,” “a day’s pay requires a day’s work,” “follow the orders of those above you in the organization,” and similar expectations. Sometimes these are written out in codes of conduct or rules, but at other times they are assumed and taken for granted. Typically they are asserted by a tradition, culture, religion, community, organization, or family as simply what is right.

Ethics, then, is one step removed from action. It involves the examination and analysis of the logic, values, beliefs, and principles that are used to justify morality in its various forms. It considers what is meant by principles such as justice, veracity, or the public interest; their implications for conduct in particular situations; and how one might argue for one principle over another as determinative in a particular decision. Ethics takes what is given or prescribed and asks what is meant and why. So ethics as related to conduct is critical reflection on morality toward grounding moral

conduct in systematic reflection and reasoning. It is not without an affective element since ethical reflection often evokes emotive responses of comfort or discomfort, resolution or quandary, and affirmation or antagonism.

Ethics also deals with the moral status of entities such as families, organizations, communities, and societies. Here ethical reasoning is focused on how the characteristics associated with the good family, or the good organization, or the good society are grounded in certain principles, values, beliefs, and logical argument. Ethics weighs the adequacy of these attributes and analyzes how they are justified.

Ethics may be dealt with descriptively or normatively. Descriptively, ethics attempts to reveal underlying assumptions and how they are connected to conduct. Normatively, ethics attempts to construct viable and defensible arguments for particular courses of conduct as being better than others in specific situations. This book engages mainly in a descriptive approach to the ethical situation of public administrators and provides some analytical tools for arriving at normative judgments. It does not describe a particular public service ethic, which I have addressed in another book, *An Ethic of Citizenship for Public Administration* (1991). However, my approach to the normative ethics of the public administrative role is just one among several options under discussion currently.

Ethics may be viewed from either or both of two major orientations: deontological and teleological. Deontological approaches to ethics focus on one's duty to certain ethical principles such as justice, freedom, or veracity without regard for the consequences of one's actions. Teleological ethics, in contrast, involves a concern for the ends or consequences of one's conduct. This is the position most notably associated with utilitarianism and its calculus of the greatest good for the greatest number. This book assumes that most of us undertake decisions using both of these perspectives most of the time. That is, we consider principles that are important to us in a concrete situation and then ask ourselves what the consequences of acting on those principles are likely to be. The decision-making model presented in the next chapter combines deontological and teleological orientations.

Doing ethics, then, involves thinking more systematically about the values and principles that are embedded in the choices we

otherwise would make on practical or political grounds alone. As we reflect on these implicit values, we ask ourselves how they are consistent with our duties and toward what ends and consequences they lead. Keeping in mind the obligations and goals of the roles we occupy, we seek to rank-order them for a particular ethical decision we confront in the course of carrying out a specific role.

The relationship between law and ethics often comes up in the discussion of specific cases. My answer is that law is the moral minimum. It is the minimum level of conduct that we as a society can agree to impose on all of us through the threat of force and sanctions. Ethical considerations are often involved in deliberations about proposed legislation, but once crystallized into law, the conduct prescribed is assumed to be backed up by the coercive power of government. However, from an ethicist's point of view, law must always stand under the judgment of ethics. Sometimes laws may be deemed unjust and therefore unethical. Those who believe so may challenge those laws in the courts as inconsistent with the human rights guaranteed by the U.S. Constitution, or they may engage in civil disobedience even to the point of being arrested and going to jail.

Both kinds of challenges occurred during the civil rights movement of the 1960s and 1970s. The NAACP engaged in litigation against unjust segregation laws in the American South. Martin Luther King Jr. and many others employed civil disobedience by sitting in at segregated facilities, refusing to sit in the back seats on buses, and demonstrating against segregated schools even when ordered by legal authorities not to do so. Sometimes laws need to be challenged on ethical grounds. In the long tradition of civil disobedience exemplified by Gandhi and King, the key proviso is that one must be willing to accept the consequences of one's actions in order to demonstrate commitment to ethical principles over what are considered unjust laws. That is, one must be willing to suffer fines and imprisonment in order to evoke a response from the larger society to bring about change in the laws in question.

Responsibility and Role

The terms *role* and *responsibility* are peculiarly modern in connotation. Both suggest a worldview in which the power of tradition is broken and human beings are left to construct a world of their

own making. Roles must be devised and responsibility defined as ways of reestablishing obligations in our modern, pluralistic, technological society. Technology is applied not only to production but also to society itself.

Gibson Winter (1966, pp. 254–255) observed: “Responsibility is a relatively new term in the ethical vocabulary, appearing in the nineteenth century with a somewhat ambiguous meaning. The term evaluates action and attributes it to an agent; it does so in lieu of cosmic or natural structures of obligation. The historical awareness of the nineteenth century, the scientific and technological revolutions, and the collapse of metaphysical systems had undermined fixed notions of obligations. The term ‘responsibility’ was a way of filling this gap by defining the scope of accountability and obligation in contexts of law and common culture.”

Similarly, Richard McKeon’s study of the emergence of the term in Western thought reveals that *responsibility* first appeared in English and French in 1787. It was used initially in reference to the political institutions arising out of the American and French revolutions, but its use continued through the nineteenth century. When “constitutional government was vastly extended, in scope of operation and in spread among nations, as a result of contacts of cultures and peoples” (1957, p. 23), the concept of responsibility became increasingly significant as a way of defining a common set of values among people of divergent cultures and traditions.

The concept of role then becomes a convenient way to package expectations and obligations associated with the modern world. As we cease to view social functions as received intact from the past and instead to be manipulated and created anew, we take upon ourselves bounded obligation in the form of various roles. People exercise responsibility and are held responsible in society by accepting and carrying out an array of more or less well-defined roles: employee, parent, citizen, group member. The most problematic roles are those not clearly defined, usually because there is little agreement about the boundaries of responsibility associated with them. What does it mean to be a responsible parent in the first decade of the twenty-first century? Or a responsible spouse, responsible citizen, responsible politician, or responsible public administrator?

The problem is that although public administrators are responsible for certain duties (those that constitute the professional role),

they sometimes believe they are obligated to act otherwise. This is because administrators, along with everyone else in modern society, maintain an array of roles related to family, community, and society, each carrying a set of obligations and vested with certain personal interest. The quite common result is conflict among roles as these competing forces push and pull in opposite directions. The effects of these conflicts are compounded by the range of discretion administrators must exercise. Legislation frequently provides only broad language about its intent, leaving the specifics to administrators. Consequently, ethical standards and sensitivity are crucial to the responsible use of this discretion.

The Responsible Administrator

The responsible administrator is one who is responsible in the two senses discussed briefly above; the subject is treated more thoroughly in Chapter Four. Responsible administrators must be able to account for their conduct to relevant others such as supervisors, elected officials, the courts, and the citizenry, which means being able to explain and justify why specific actions they took resulted in particular consequences. They must also be able to act in ways that are consistent with their inner convictions as professional guardians of the public good. That is, being a responsible administrator includes both objective accountability for conduct and subjective congruence with one's professional values. Ethics is the most fundamental way in which one satisfies both kinds of responsibility. Responsible administrators must be ethically sophisticated enough to reason with others about how their conduct serves the public interest and have sufficient clarity about their own professional ethical commitments to maintain integrity and a sense of self-esteem.

What, then, is the difference between an ethical administrator and a responsible administrator? A public administrator who has been properly socialized may be able to act in accordance with the common good some or even most of the time, thus being an ethical administrator some or most of the time, but not be able to account for his or her conduct with reasons when questioned or challenged, and perhaps not even be able to understand in a self-conscious way why he or she acted in a particular way. Understanding one's motivations and being able to explain and justify

the actions that flow from them are the essential qualities of the responsible administrator. This book seeks to provide the concepts, theories, and techniques for responsible administration.

A Design Approach

All too many treatments of professional ethics stop with a conceptual and theoretical philosophical analysis of typical ethical problems. Some lead to a desired solution or a prescribed set of ethical norms, whereas others elucidate the problem, offer some analysis of various alternatives, and leave the reader with the implication that all are of equal value. Here a design approach is adopted as the central organizing ethical process. This orientation assumes that there is no single best solution to a significant ethical problem, but rather numerous possible solutions, some of equal value but others of greater or lesser worth. The task is to design a response to a problem at hand that addresses the immediate short-term situation but looks to the wider organizational, legal, and social contexts for the longer-term answers.

Practicing administrators cannot live exclusively in the realm of philosophical reflection, but must connect such considerations to action and organizations. As Caroline Whitbeck suggests, “People confronted with ethical problems must do more than simply make judgments. They must figure out what to do” (1996, p. 9). Far from simply assuming that ethics is a matter of looking for an ideal rational solution to an immediate problem, Whitbeck argues that a person confronting an ethical problem should be thinking like a designer. “Design problems,” she points out, “are problems of making (or repairing) things and processes to satisfy wants and needs” (p. 10). And this “making” and “repairing” always involves constraints—in time, money, power, ability to persuade, and the strength to absorb consequences. For public administrators, the design of a viable and acceptable solution to an ethical quandary always takes place in the context of organizations that will support some kinds of conduct and impede others. A workable resolution of an ethical problem cannot ignore that organizational context.

Following Whitbeck, the approach developed throughout this book is one of considering the facts of a situation—its social and organizational context, its constraints, opportunities, and

implications for all concerned—and then advocating the design of courses of action that may include changes in organizational structure, culture, rules, policies, and procedures. It is assumed that there are several conceivable alternative courses to consider before selecting, not the ideal or perfect solution, but the best among an array of possibilities, some of which may be equally acceptable. This design approach assumes that it is always possible to improve on any solution given moral imagination, ingenuity, and creativity and that one must always bring these qualities to bear on important ethical quandaries. But administrators have limited time to exercise their inventiveness and finally must act in the short run while planning for the future.

Thus, as the chapters unfold, responsibility for the public administrative role will be developed by leading the reader through considerations of the elements involved in designing what to do in the face of ethical uncertainty and challenge. Some of the moral lessons Whitbeck has advanced for design problems include:

- *Begin with a consideration of the uncertainties involved in any ethical problem.* For example, no one should ever assume that appearances are always true. Conduct that may seem to be unethical may not be when it is fully explored and understood. Also, human behavior is not always predictable. A person may decide on a course of action and find out that the key actors respond very differently from what had been expected. As the process of addressing a problem unfolds, the nature of the problem may change. Other problems and conflicts heretofore unknown may be discovered to be involved in the problem.

- *The generation of alternative solutions to an ethical problem is separate from defining the problem and may necessitate gathering additional information.* This is related to the first lesson. Often, in order to reduce uncertainty, it is necessary to find out more about who is involved in the problem, how long it has existed, the characters of the key actors, the implications of various options for action for the larger organization and people within it, and how key actors outside the organization may respond to the proposed courses of action.

- *One is always acting under time pressure.* Busy public administrators do not have the luxury of contemplating an ethical problem

until they are fully satisfied that all options and contingencies have been exhaustively considered. Decisions have to be made and things have to get done, always under constraints of schedules and deadlines. Sometimes that means pursuing several alternatives simultaneously or developing a contingency approach with a decision tree indicating what will be done if various things do not happen as initially planned. Not taking this approach may mean that the opportunity to intervene and correct misconduct may be lost. Postponing action may result in a *fait accompli*. The damage may be done, and irreversibly so.

- *Ethical problems are dynamic.* They change as we begin trying to address them. What one may at first engage as an ethical problem may become also a legal problem. Or, while one is beginning to work through a planned course of action to address an ethical problem, someone else may intervene and resolve it in another way, which may in turn create an entirely new problem.

These lessons are rather abstract at this point, but readers should try to keep them in mind as the chapters unfold. Chapter Nine develops this design approach in summary fashion by applying it to a case.

Overview of the Contents

The first and most basic task of this book is to illuminate the ethical decision-making process. Chapter Two begins with some basic concepts for understanding the levels of deliberation at which ethical problems are addressed. This is followed by a model for analyzing and resolving these problems. The model is partly linear, involving a sequence of steps, and partly nonlinear, requiring a search for integration of several key elements, including moral rules, ethical principles, self-image, and the norms of the political community. It also combines reasoning, emotion, and beliefs. The model presented here is not simply a rationalist approach that focuses on principles, but includes as essential the affective dimensions of ethical decision making and conduct. The logic espoused is not a linear syllogistic calculus, but something more like the logic of aesthetics or the logic of rhetoric. Some readers seem to have missed this essential thrust in earlier editions of the book (Bruce,

1992; Cooper, 1992a; Harmon, 1995; Cooper, 1996). This chapter concludes with a summary of the design approach that is developed through the remaining chapters.

Chapter Three develops the social context within which the public administrator must work and discusses the problem of defining and maintaining the administrator's role in the diverse and relativistic environment of modern society. Without the guidance of a coherent tradition, the administrative role in modern societies is just one more set of obligations and interests that must be managed amid an array of other competing roles. One significant implication of this social context is the inescapably political nature of public administration.

Chapter Four addresses the dual nature of administrative responsibility in modern society: objective responsibility (in which one is held accountable by superiors, the public, and legislation) and subjective responsibility (in which one feels and believes oneself to be responsible). Conflict between these two forms of responsibility seems to be the most common form in which ethical dilemmas emerge.

Chapter Five further develops the conflict between subjective and objective responsibility. Conflicts of authority, role, and interest are reviewed. It is not that these three forms of conflicting responsibility require distinctly different forms of analysis to be resolved. Rather, understanding the different ways we experience conflicts helps us clarify the key actors and relationships that must be examined and dealt with if we are to achieve resolution.

Chapter Six presents two general approaches to maintaining, from a management perspective, responsible conduct in public organizations—internal and external controls. External controls include instruments imposed from outside the individual, such as codes of ethics and ethics legislation; internal controls involve the professional values and standards that public servants have internalized through the socialization process, both personal and professional.

Continuing the management perspective from Chapter Six, Chapter Seven focuses on the importance of establishing congruence among the various internal and external controls. Two examples illustrate what happens when this is not done. Four components of responsible conduct are then discussed: individual

attributes, organizational structure, organizational culture, and societal expectations.

Chapter Eight shifts the perspective to an individual who is attempting to act ethically in the face of management that has become corrupt or lost sight of its mandated mission in the public interest. The problem is one of conflicting loyalties—to superiors on the one hand and to the public on the other. Whistle-blowing is recognized as one response to this kind of conflict. Sources of organizational pressure on individual employees are outlined, organizational remedies are discussed, and the ultimate necessity for individual responsibility is asserted. The chapter closes with a treatment of the components required for individual ethical autonomy.

It is important to note that ethical autonomy is not tantamount to ethical individualism but must be seen in the context of the previous chapters and the concluding model. Individual autonomy is necessary to some degree to provide for the exercise of conscience in resistance to corrupt authority, but that always occurs for public administrators in organizational, institutional, and societal contexts. The administrator is not in his or her job simply for self-fulfillment, but to serve the citizenry by enhancing the public good. The public administrator is a fiduciary of the citizens, holding their common good in trust. Thus it is assumed here that women and men entering public service must be prepared to find fulfillment in this pursuit.

In Chapter Nine, I elaborate the design approach and its relevance to significant ethical problems. I restate the approach in terms appropriate for the public administrative role using cases as examples of how the approach would be applied. I conclude the chapter by applying the design approach to a concrete case about contracting for government services.

The final chapter summarizes the argument developed through the previous chapters and presents a model of responsible administration that brings together the components of responsible conduct from Chapter Seven and the components of individual ethical autonomy from Chapter Eight. Illustrative material has been added to Chapter Ten to clarify the practical implications of the model.

The cases in the book are based on reality and fictionalized only slightly to protect the privacy of those who wrote them. In a

few instances they are composites of several actual cases. They are intended primarily as illustration, but also to stimulate thinking about the ethical problems they portray. For both reasons, the situations are left unresolved. To indicate an outcome would diminish the experience of dilemma they are calculated to evoke; it would also short-circuit the reader's own reflections. For the same reason, the case narratives are a bit longer and more detailed than usual. Again, the ultimate purpose of *The Responsible Administrator* is to illuminate the ethical situation of the public administrator and cultivate imaginative reflection about it—not to prescribe a particular set of public service values. This is not to suggest that all alternatives are of equal value, but that the focus of this book is not on prescribing particular courses of action.

This book is largely descriptive and analytical; it is only secondarily prescriptive, and even then only in a particular sense. It prescribes a design approach to public administrative ethics that includes techniques that individual administrators can use in analyzing ethical dilemmas they confront, and a combination of organizational and management components for fostering responsible administration.

I do not attempt to develop a substantive ethic for public administrators in this book. That is a necessary and important undertaking, but it is dealt with in another of my books, *An Ethic of Citizenship for Public Administration* (1991). There I develop the argument that normative ethics for public administration is to be found in the ethical tradition of citizenship as it has evolved throughout U.S. history. This tradition has at its core a notion of the common good, the importance of democratic participation by the citizenry, and the ultimate sovereignty of the people. The public administrator is viewed there as taking his or her ethical norms from those of citizenship in a democratic society. The administrator is a fiduciary professional citizen in some sense. For the purposes of this book, some such public service ethic is assumed.