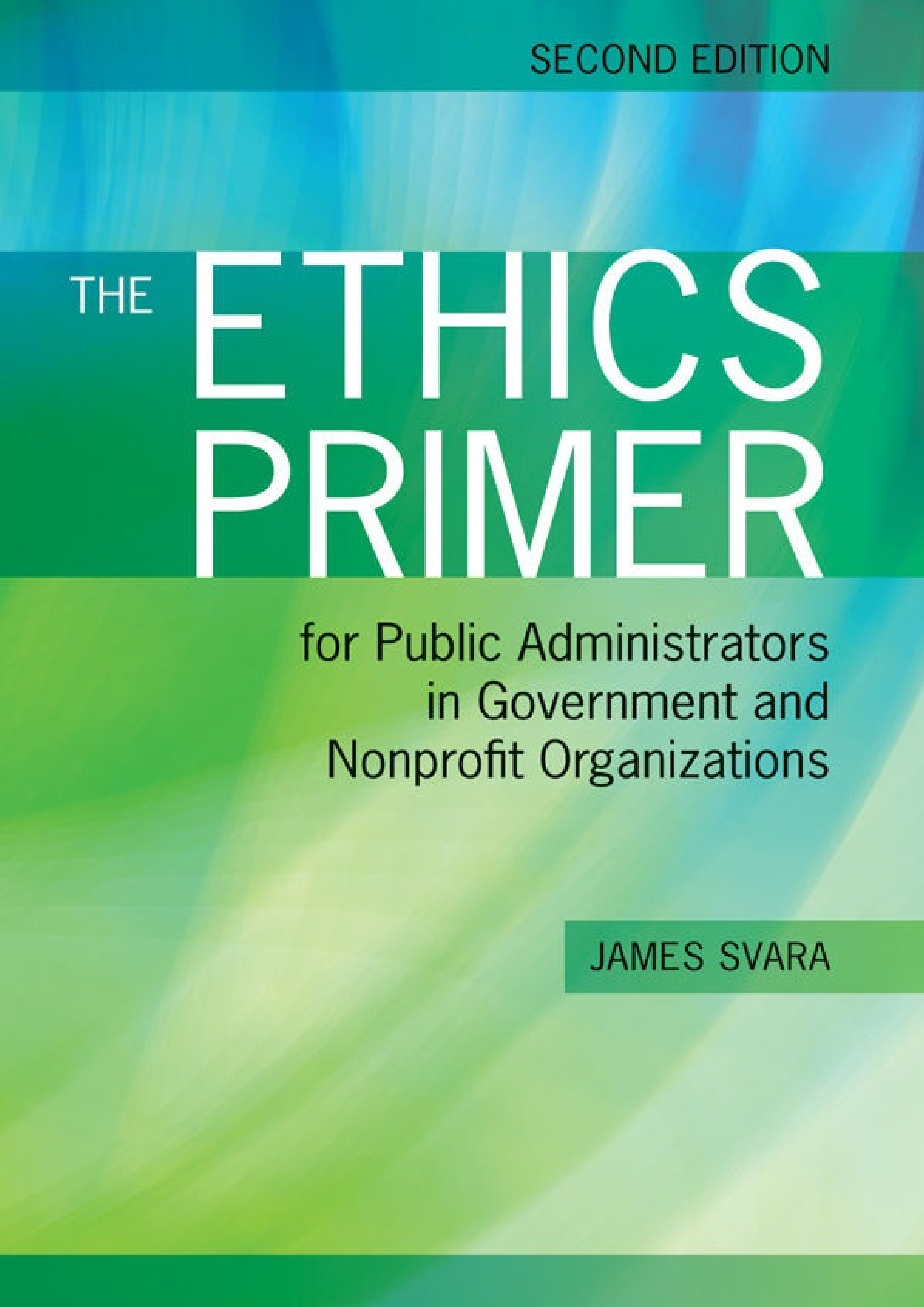

SECOND EDITION

THE ETHICS PRIMER

for Public Administrators in Government and Nonprofit Organizations

JAMES SVARA

The Ethics Primer for Public Administrators in Government and Nonprofit Organizations

Second Edition

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This book is dedicated to my students at the University of North Carolina at Greensboro, North Carolina State University, and Arizona State University, with whom I learned a lot about ethics.

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Preface

Ethics is an essential aspect of public service, but it is often left out of discussions on the development of the field and its major functions. Ethics is sometimes treated as a specialized topic studied for its own sake. For ethics to guide the attitudes and behavior of public administrators, it must be integrated into the way administrators think about their practice and incorporated into their everyday behavior.

I come to the exploration of ethics from a general scholarly interest in political-administrative relations. In my research and teaching, I seek to understand how public administration contributes to the political process, how politicians and administrators interact with each other, and how administrators relate to citizens. Examining these topics naturally brings up the issue of appropriate limits and goals, particularly regarding the behavior of public administrators. What is, and should be, the role of professional public administrators in governance? What are the characteristics of political-administrative relations? What do we expect administrators to do—and not to do? How do administrators relate to citizens? How should they balance their accountability to elected superiors and their professional standards with their responsibility to the public? The normative side of each of these questions involves "big" ethical issues, and these are the focus of this text.

John Gaus (1950) argued many years ago that a theory of public administration is also a theory of politics. I agree and hope to make the case for a further broadening of our understanding of the field. A theory of public administration in the political process is also a theory of ethics.

I believe that the same logic also applies to understanding the ethics of administrators in nonprofit organizations because of the basic similarity in the nature of administrative responsibilities in the governmental and nonprofit sectors. The city manager who works with the city council and serves the public, and the nonprofit executive director who works with a board of directors and serves clients, share many important characteristics in their work, in the ethical challenges that they face, and in their duty to serve. The text is also concerned with administrators who have little direct interaction with the public, whether in national or state government or in nonprofit organizations.

This text is a primer that introduces the reader to the fundamentals of administrative responsibility and ethics. It links these ideas to the nature of the administrative process and the work of professional administrators. It seeks to help the reader understand why ethics is important to people who choose to be administrators in governmental and nonprofit organizations and how to relate their own personal values with the norms of the public sector. Furthermore, the text offers assistance in working through the complexity and controversy surrounding ethical problems in public administration. It avoids prescription—thou shalt, thou shalt not—as much as possible and seeks instead to enable the reader to form his or her own judgments about ethical choices. It is an introduction to fundamental issues that equips readers to make informed choices about their own behavior. It also provides a foundation for exploring the topic in more depth in other courses or training opportunities.

I approach this text with 16 years of teaching ethics and professional practice—a core course in the master of public administration (MPA) degree—and more years teaching related topics. I hope to create in these words-on-pages some of the dynamic exchange that occurs in the classroom as students grapple with the important issues in administrative ethics. From this experience, I know quite well that this text does not "teach" ethics, in the sense of trying to fill in a blank slate. The reader already has a basic understanding of what it means to be an ethical person. Like my students, the reader comes to this text with a reservoir of ethical and moral values upon which he or she can draw.

In addition to my teaching, I bring perspectives from the experience of being an administrator, a program director, and department head. Some important generic issues in supervision, interpersonal relations, resource use, reporting, and planning are encountered even in the rather disorganized sphere of academic administration. I also benefited greatly from a year on leave working in Washington, DC, from 1976–1977 at the Department of Housing and Urban Development as a National Association of School of Public Affairs and Administration (NASPAA) Fellow. Furthermore, a lot of my research and training involves interacting with politicians and administrators, both in the United States and other countries. I think that I have come to appreciate the kinds of challenges that administrators face and how often there is an important ethical dimension to these challenges.

My research reflects a blending of my early focus on urban politics and political leadership and my deepening interest in administrative leadership and values. I explore professional administration in a political context. Although much of my writing has focused on local government, my teaching addresses issues at all levels of government and in nonprofits. I conduct empirical research on topics that have a normative dimension and examine the normative implications of my quantitative research. I have merged empirical research findings with analysis of the development of public administration to suggest a new (but I believe historically grounded) way to conceptualize political-administrative relations. This approach stresses the complementarity of politics and administration rather than a dichotomy or strict separation as the conceptual foundation of the field. This model informs my approach to administrative ethics.

The *Ethics Primer for Public Administrators in Government and Nonprofit Organizations, Second Edition* presents a simple theme that, of course, gets complicated in the telling. People enter the field of public administration, just as the reader enters this text, with an interest in public service and a set of values shaped in part by that interest. These values reflect most of the essential elements of ethical thinking, but they are not developed in a very sophisticated way. Like most adults, people who have not formally studied administrative ethics tend to have values that are grounded in respect for conventional norms. Also, they tend to have fairly substantial respect for people in positions of "authority." This condition creates tension between the sense of duty to serve and act responsibly, on the one hand, and the deference to the superiors and established rules, on the other. Most people who have not expanded their knowledge or thought systematically about ethics and the nature of public service are dependent on external sources of direction.

I hope this text will help the reader broaden and deepen his or her understanding of the nature of the public service duty and major approaches to thinking about ethics. I hope the reader will internalize this knowledge so he or she is able to form independent judgments about ethical options based on universal values. The reader will not necessarily reject the external influences he or she receives, but will be better able to weigh his or her own reasoned sense of what is right against what others say is right. Finally, I hope the reader will be able to use this knowledge to take actions that are ethically sound based on a careful consideration of all the relevant options. Because the reader is already or is preparing to become an administrator who is responsible for directing other persons and shaping his or her organization, I hope this text will also help the reader see ways that he or she can raise ethical awareness in others.

Acknowledgments

I have been a member of the faculty in the School of Public Affairs at Arizona State University and want to thank my colleagues and students there for their support of my research on ethics. I also want to express my gratitude to a number of colleagues and students at North Carolina State University who helped, both directly and indirectly, with the original text. Debra Stewart helped me understand the importance of the development of ethical reasoning and how it changes over time. Jim Brunet offered comments, suggested sources, and made a test drive in a class he taught with an earlier version of the manuscript. Former doctoral students Dr. Jack Kem and Dr. Julie Raines wrote dissertations on ethics topics and added to my knowledge of the issues and the literature in administrative ethics, and current doctoral students Ljubinka Andonoska and Chin-Chang Tsai at Arizona State University conducted research that contributed to the new edition of the text.

I have had unique opportunity to work on the American Society for Public Administration (ASPA) Code of Ethics review process for the past two years. I am grateful to the 31 members of the working group who diligently examined the current Code of Ethics and thoughtfully proposed revisions that build on ASPA's prior codes. It was a pleasure working with Jim Nordin, member of the ASPA National Council and retired federal government administrator, who co-chaired the working group with me. My understanding of professional ethics has been deepened by this experience.

My wife, Claudia, has been both patient and supportive over the extended period of this writing project. She is also a model of the ethical professional who exemplifies the duty to service at the highest level in her practice of medicine.

CHAPTER 1

Introduction—and a Pop Quiz

This text is a primer on *administrative ethics*, a term that refers to the ethics of persons who occupy career leadership and staff positions in government and nonprofit organizations. It brings to mind oxymorons, which are a form of satiric humor. “Military intelligence,” “jumbo shrimp,” and “airline food” are popular examples. To be honest, “administrative ethics” is probably pretty high on the list of commonly used oxymorons, but more to the point at the start of this text is the possibility that “ethics primer” itself connects two elements that are incompatible. To cover a complex topic such as ethics in the public service in a small, introductory book may seem to be an impossible task. Is it sufficient to briefly introduce and provide initial instruction—the dictionary meaning of a primer—for a subject as weighty as administrative ethics?

Based on my experience in teaching administrative ethics in a short-course format and as a component in a broader course for many years, there is an important precondition. What makes it possible to introduce this vast topic in a meaningful way is the fact that the reader already knows a great deal about ethics. I am assuming that the reader is an adult—young or otherwise—who is either interested in entering the public service or already works for a government or nonprofit organization. As we shall see, both relative maturity and self-selection for a public service position are important to one’s knowledge of and attitudes about administrative ethics.

Ethics is fundamental to one’s work in public service. This does not mean that it is simple or should be treated in a simplistic way. Still, if the topic cannot be discussed in a concise and straightforward way, ethics will be irrelevant to many of the people who work in public service. There are challenging standards and values that should be upheld, and these may be understood in broad terms as well as being the subject for specialized study. This text does not start the process of finding ethics, but it does provide an introduction to examining the nature of standards to which public administrators should adhere in order to meet their far-reaching responsibilities and challenges. Stated differently, this primer is not intended to give the reader a little bit of ethics that might be expanded by additional study. The intention is to provide a lot of ethics with an introduction to their origins and meaning that can be expanded with additional study as well as with reflection based on growing experience.

The tone of this text is personal, the style is a dialogue, and the purpose is exhortatory. The first and second person will be used extensively. “I” will direct comments to “you.” It is not possible to create the interaction of the classroom, but an effort will be made to encourage an exchange in which your response in the form of answers to questions that I pose will help to carry forward the dialogue. Finally, I believe that knowledge provides the basis for understanding and action, and the discussion in this text will provide extensive information. The underlying intent, however, is not pedagogical; that is to say, to teach you the subject of administrative ethics. The purpose is to exhort you to engage yourself in ethics, to be more aware of the ethical dimension of public service, to be ethical in a more thoughtful and thoroughgoing way than before, and to do more to encourage others to be ethical.

Implicit in this intent is an approach to ethics that stresses both reducing unethical behavior and promoting the exercise of positive ethical responsibilities. Too often discussions of ethics in the public sector focus on unethical practices and ways to avoid or prevent bad behavior. These important topics are addressed, but more attention is given in this discussion to actions that administrators should take. Harm comes from inaction—the failure to do what is right to meet the highest standards—as well as from engaging in clearly unethical actions. It is important to recognize that doing what is right can raise complex issues and require courage.

Thus, the purpose of the text is to promote ethical behavior by public administrators on both individual and organizational levels. Specifically, the text enables the reader to do the following:

1. Appreciate that ethics is integral to the nature of democratic public administration
2. Understand the responsibilities of public administrators and the bases of administrative ethics
3. Understand the tenets of the codes of ethics for various professional organizations in the public sector and how they are applied
4. Be aware of and avoid the pressures and forces in public administration that can contribute to unethical behavior
5. Develop the knowledge and skills needed to deal with ethical problems that arise in public service
6. Strengthen the ethical climate in organizations

All of these serve to support ethical action.

It is obvious that this text will cover a great deal of intellectual territory. The discussion of topics is limited to the presentation of the material that is relevant to the line of argument that I am developing. Necessarily, this approach leaves the reader without the full exposition of a topic that it would receive if it were being considered on its own. Readers may pursue topics in more depth by following the guide to the literature provided in the endnotes. I seek to offer a serious but accessible conversation about ethics in the text, and a more scholarly examination of ethics in the endnotes.

POP QUIZ: DO YOU HAVE A CODE OF ETHICS?

I do not expect that you will already have a well-formed, explicit code of ethics that you follow in your administrative work. Before examining the subject matter of this text in more depth, however, it is useful to establish a baseline. Here are some questions you can answer for yourself before proceeding further in the text:

> What is or should be your code of ethics for work in government or nonprofit organizations?
> What are the standards of right and wrong that should guide your work—the "do's and don'ts" of public service?

If you will take the time now to record your thoughts, we will refer back to what you have written and compare your responses to other professional students in public administration.

UNDERSTANDING THE SETTING FOR ADMINISTRATIVE ETHICS

The discussion of "administrative" ethics applies both to those who work in government and in nonprofit organizations. Our appreciation of "new governance" includes the recognition that public needs are addressed by organizations in both the public and nonprofit sectors (Kettl 2002). Why is ethics a special concern in these particular organizations? It is important that administrators operate within legal and organizational controls. They serve the public, but not as private professionals who operate on a fee-for-service basis. Although there are important differences between the two sectors, the similarities are even greater and staff members in each can benefit from knowing more about the ethical challenges of the other.

To simplify the discussion throughout the text, four terms will be used generically to describe both the governmental and nonprofit setting: organizations, administrators, political superiors, and citizens or clients.

Organizations refer to governmental entities such as a city government as well as to nonprofit organizations. Depending on the context and the nature of the organization, the term will encompass the specific unit to which one is assigned; for instance, a section, the whole department, or the entire organization. For example, a municipal police officer will deal with some ethical issues in his or her area of assignment, such as the patrol division, with some in the department as a whole and with others as an employee of city government. For a staff member in a small nonprofit agency, the distinctions may not be useful or necessary, but larger nonprofits will have similar divisions.

Administrators refer to the civil service or career staff in government and the professional staff in nonprofit organizations. These positions range from the top executives (city managers in municipal government or executive directors in nonprofit organizations) to the staff members who handle a variety of specialized tasks. Some will have supervisory responsibilities and, therefore, are the administrative superiors of the staff they supervise. Others work without subordinates; for example, analysts and many frontline service providers including teachers, counselors, eligibility specialists, or police officers.

Political superiors, on the other hand, refer to persons who set the official goals and policies for the organization and oversee the administrators. In government organizations, this category includes both elected executives and members of legislative bodies as well as the politically appointed and politically oriented top layer of officials chosen by political executives such as the president, governor, or "strong" mayor. In local governments and special purpose agencies such as school districts, the political superiors hold positions such as council member, board member, or commissioner. In nonprofit organizations, these persons sit on the board of directors.

Finally, the words *citizens* and *clients* refer to persons served by governmental and nonprofit organizations. In some respects, this is the least satisfactory of the generic terms. When stressing the recipients of a service, the word *client* is generally a suitable term for both government and nonprofit organizations, but it works less well for persons who are audited by an IRS agent or given a speeding ticket by a police officer. Those who do not choose their treatment may not feel that they are a "client" or are being "served," but we will still include them in this category. *Citizen* implies not just the person who is impacted by organizational action, but also the person who provides the support and legitimacy for government (Denhardt and Denhardt 2011). Citizenship has come to be intermixed with the discussion of immigrant status, and to some it is a legal term reserved for those who are native-born or naturalized in the United States (Lucio 2009). We will consider citizens to include all residents who are members of the community that interact with government. How officials in governmental and nonprofit organizations interact with residents who are not documented is an important ethical issue.

The term *citizen* does not have the same meaning for the nonprofit organizations whose leaders are not chosen by or directly accountable to the public. Still, nonprofit organizations also have broad responsibilities to persons beyond those who receive services or provide contributions. If a nonprofit organization is perceived by the public to be wasteful and ineffective, it will probably not be able to survive just because it keeps a small group of clients happy. Furthermore, nonprofits operate within a legal framework that is sanctioned by government and the people. Thus, the basic idea of a service and fiduciary relationship between the organization and the people or some segment of it is common to the public and the nonprofit sectors.

These terms suggest the four responsibilities that are shared by government and nonprofit administrators. These responsibilities are the foundation for identifying the nature of the duty of public administrators: their responsibility to serve individuals, their responsibility to be accountable to the "people" and promote the public interest, their responsibility to their organization, and their responsibility to political superiors and to uphold the law and established policy. Some administrators in governmental and certain nonprofit organizations have the authority to exercise coercive power to support the discharge of their assigned responsibilities.[1] Others in government and nonprofit organizations invite persons in need to accept services or assistance; they don't coerce them to do anything. Frequently, it is citizens who initiate the contact to request or demand actions, remedies, or attention. In any of these circumstances, public administrators relate with citizens in a distinctive way. This is not a market-exchange relationship in which a service or commodity is offered, and customers can decide whether the price and quality are acceptable. In some interactions between citizens and officials, citizens are dependent and vulnerable and have no other source for the service. In other interactions, citizens are the "bosses" of officials. The citizens or clients who interact with public administrators have reason to expect that they will be treated fairly and with respect, that they will be informed and listened to, and that they will receive the service or benefit that they deserve.

The responsibility to the people—to serve the public interest—means that administrators should also go beyond one-on-one encounters with individuals to consider general concerns of groups of people or society as a whole. Promoting the public interest requires attention not only to current citizens but to future generations as well (Frederickson 1997). Public administrators' awareness of social needs and changing conditions provides the basis for identifying possible changes in procedure or policy that they may initiate or propose to administrative or political superiors. They also have a broad responsibility to make good use of the resources that have been entrusted to them whether they come from taxes or contributions.

Public administrators should also be responsible to the organization of which they are a part. This does not mean that the administrator is totally bound by the organization or loses his or her own voice in discussions of ends and means. Still, public administrators are not sole practitioners like physicians or accountants who can set up their own practice. They operate within an authority structure, they work with others to advance organizational mission, and they have a responsibility to make the organization as strong, effective, and ethical as possible.

Administrators also have a responsibility to their political superiors. This relationship involves a complex mixture of control and freedom, accountability and independence. Political-administrative relations based on shared responsibilities are essential to the duty of the public servant.

THE SETTING CONTINUED: DIFFERENCES BETWEEN GOVERNMENT AND NONPROFIT ORGANIZATIONS

There are basic similarities in the positions of administrators who work in government and in nonprofit organizations. Still, it is important to recognize some significant differences between these types of organizations as well.[2] Nonprofit service organizations arise from a concern about an unmet need. Ott and Dicke (2012, 3) describe their origins in this way:

> Throughout the history of the United States, individual citizens repeatedly have recognized a need or a problem, attracted others who share their concern, and built a voluntary constituency that was committed to ameliorating, solving, or eliminating it, even if the issue

> and the people associated with it were socially undesirable at the time. In instance after instance over the decades and centuries, this voluntary process has been used to influence changes in public policy and government support—or tolerance—for what was originally an unacceptable cause, case or issue, whether it be unacceptable politically, socially, or religiously.

Nonprofits have freedom and flexibility not available to governmental organizations. This freedom applies to generating resources, but nonprofits lack the relatively certain revenues of government and the coercive power to enforce the collection of taxes. Nonprofits have a basic mission that is central to the work of the organization, and it is usually much narrower in scope than the typical general-purpose government. Nonprofits are sometimes referred to as *mission-driven organizations*. In a sense, the mission has an overriding impact on all those who work for a nonprofit, and this condition differentiates it from government. Consider this comparison. City council members are elected to determine the mission and goals of their city government; the choices the members make may be hotly debated within the council and in the larger community, and the specific goals may change dramatically over time. On the other hand, the persons who work in a nonprofit as board members or as staff members typically begin with a commitment to the organization's mission. They are expected to allow the mission to "drive" them, although they make the detailed decisions about how to translate the mission into reality at a given time. If some persons want to pursue the mission differently or pursue a different version of the mission, they may choose to leave and even to start their own organization.

This option points to another basic characteristic that makes nonprofits distinctive: nonprofit organizations are competitive service organizations. They do not have a monopoly on the provision of a service, as is sometimes the case of government agencies. In addition, they do not provide a product through the market, as is the case of businesses. Still, they offer a purpose, a service, or a product that benefits society (like government) in a competitive setting (like business). To succeed, they must attract clients, volunteers, supporters, and contributors in the face of other organizations that are trying to have the same success. Thus, the staff members in nonprofit organizations are public servants who operate in a more open, flexible, and competitive environment. The underlying presumption of this text is that the shared commitment to serve (as well as the absence of profit motive) makes the staff in nonprofit and governmental organizations more alike than different.

OVERVIEW

What can this text do—and not do? It most certainly cannot "teach ethics" by specifying what is the "correct" way to behave. Furthermore, it does not "teach ethics" in the sense of introducing the reader to a previously unknown subject or by treating the reader as an ethical blank slate. You come to this text and an interest in administrative ethics with a reservoir of ethical and moral values on which you can draw. Hopefully you recorded some of those values earlier when you completed the pop quiz about your code of ethics. Rather, I write this text with the intention of helping you to understand the integral role of ethics in public administration, organize your thinking about ethics, understand the sources of ethical thinking and linkages between your personal values and the ethical values of public service, and heighten your awareness of the ethical content of work in the public sector.

If the grasp of basic ethical concepts and standards is widespread, awareness of the full range of ethical standards that apply to public administrators is less well developed. Furthermore, sophisticated and reflective ethical reasoning and the knowledge, commitment, and determination to be an autonomous ethical actor are often lacking. The text seeks to encourage you to attain this level of ethical reasoning and to enable you to do so. It seeks to arm you with the resources to recognize ethical problems that require your attention and to assert your ethical values even if others may pressure you to act unethically by commission or omission, that is, the failure to act. Finally, the text encourages you to not only steer clear of unethical behavior and helps you to avoid ethical pitfalls but also to embrace the importance of discharging positive ethical responsibilities—doing good as well as not doing bad.

The effort starts in the next chapter where we consider the nature of ethical ideas and from where they come. We also examine more fully the various levels of ethical reasoning and help you understand where you are compared with a range of possibilities. Throughout the text, a touchstone of administrative ethics is public duty. In the chapter on refining a sense of duty, we seek to show duty as more active rather than reactive. One view of duty defines serving the public in terms of observing the law and obeying superiors. A refined sense of duty is based on careful reflection about the nature of responsibilities to the public, political superiors, and the organization. It also requires that you develop a reasoned view about your obligations and the constraints under which you operate as an individual engaged in public service. This refined sense of obligation supports postconventional ethical reasoning. The chapter on reinforcing and enlarging duty will broaden the discussion to examine the philosophical perspectives on virtues, principles, and consequences that contribute to universal standards of ethical behavior. This chapter also presents a complete model that incorporates the expanded sense of duty and philosophical perspectives, complementing the examination of the basic elements of a model of administrative ethics presented in the chapter on the ideas, sources, and development of administrative ethics. The "ethics triangle" provides guidance based on the ethical ideals of public interest, justice, character, and the greatest good. The model will be used as a framework for examining codes of ethics for professionals in government and nonprofits in the chapter on codifying duty and ethics.

Later chapters will consider ethical challenges and actions. The chapter on undermining duty identifies the extensive factors that can undermine ethics. The chapter on deciding how to meet obligations explores complex ethical problems and presents a guide to problem solving in these situations. The special considerations and complexities of a particular kind of ethical problem—whistleblowing—are presented in the chapter on acting on duty in the face of uncertainty. The distinction between internal complaints and going outside is examined along with the choice between public and anonymous whistleblowing. The chapters on elevating ethical and mandating duty explore ways to promote ethics through the actions of managers and supervisors within organizations and through external mandates, particularly ethics laws. The concluding chapter, on the duties of public administrators, summarizes the obligations and responsibilities of public administrators who are committed to a principled, virtuous, and utilitarian sense of public duty.

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[1] For example, a nonprofit organization that provides training in a welfare-to-work program will determine whether a client meets prescribed criteria that permit the person to continue receiving benefits.

[2] The scope of nonprofit organizations is large and they vary considerably in their degree of formality. This text is written for administrators in nonprofits as opposed to board members, and I assume that they work for tax exempt 501(c)(3) organizations as defined by the Internal Revenue Service. The purposes for which these organizations are created are "charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals." The meaning of *charitable* includes the following activities: "relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency" (Internal Revenue Service 2012).

CHAPTER 2

Administrative Ethics: Ideas, Sources, and Development

Filling in the content of administrative ethics will proceed in two stages. In the first stage, we will define ethics in general and administrative ethics in particular and examine the prevailing or conventional model of ethical thinking among public administrators. This is called the *basic ethics model*. Subsequently, the major approaches to ethics will be examined in more depth, and an advanced ethical model will be developed.

The first questions pursued in this chapter are big ones. What is ethics, and how does administrative ethics differ from other standards of behavior? Where do ethical standards come from? An important source of standards is philosophy and its major theories of ethics. However, our discussion of the sources of ideas for administrative ethics will focus initially on the ethics derived from the nature of the administrative position itself; in other words, the standards and expectations that are based on a duty to serve the public. It will then be possible to consider how this duty-based ethics is linked to other approaches that draw on philosophical arguments. Finally, it is important to consider how ethical thinking develops and the alternative levels of ethical reasoning. Not all persons think about ethics in the same way or have the same depth of ethical reasoning.

The responses from other students who completed the pop quiz about what is or should be their code of ethics are linked to the sources and levels of their ethical reasoning. There is some direct evidence from the student responses as well as results from other research to justify the conclusion that the characteristics of the basic ethics model are widely held. If you have not completed the pop quiz, backtrack to the introductory chapter before going further. This chapter concludes with an examination of other key concepts and considers what ethics shares with morality and legality, and how it is different from these concepts.

DEFINITION AND THE SOURCES OF ETHICAL IDEAS

A general definition of ethics follows:

> Ethics refers to well-based standards of right and wrong that prescribe what humans ought to do, usually in terms of duties, principles, specific virtues, or benefits to society.[1]

This definition identifies four dimensions or sources of ethics, one based on the nature of public service and three based on the philosophical perspectives to ethics:

1. Duties: The behaviors expected of persons who occupy certain roles; that is, the obligations taken on when assuming a role or profession
2. Virtues: Qualities that define what a good person is; moral excellence
3. Principles: Fundamental truths that form the basis for behavior; "kinds of action that are right or obligatory" (Frankena 1963, 49)
4. Benefits to society: Actions that produce the greatest good for the greatest number[2]

For persons who work in government and nonprofit organizations, duty has a special importance. They must serve the public, fulfill the expectations of public office, and be trustees of public resources. These are the actions required by their occupation or role independent of—but reinforced by—other ethical considerations.

The ethics of public administrators begins with and is grounded in duty. Duty is an old-fashioned term that at first glance may seem too narrow to be more than the starting point for developing administrative ethics. In a narrow view, duty implies the restricted range of actions one is required to take without question, as in the phrase "It is my duty to…". *Ethics* implies a broader range of expected behaviors and reflection about what should be done, and definitions of duty can encompass such views. *Duty* means the "action required by one's business, occupation, or function" but also "the action or behavior due by moral or legal obligation."[3] Thus, duty implies obligations, responsibilities, and meeting expectations that are imposed on the individual from outside sources. This is the tradition of external control that was promoted by Finer (1941), who argued that elected officials should exercise minute control over administrators. In this view, the most important duty is to obey authoritative orders.

Duty, however, also entails choice on the part of the officials who accept the norms established by others and augment them with their own commitment. Cooper (1982, 112) notes the following observation of Fritz Morstein Marx:

> Judicial redress, official liability, and the whole gamut of disciplinary measures are poor substitutes for a sense of duty. No formal device for accountability can give us a clue as to the components of answerable conduct. One cannot commandeer responsibility. One can only cultivate it, safeguard its roots, stimulate its growth, and provide it with favorable climatic conditions.

Thus, duty as an internalized set of values is the foundation for accountability.

Others have also recognized the centrality of duty and seen it as an orientation that draws out a broad range of responsibilities. For example, Mark Moore (1981, 5) distinguishes the narrow requirements from the broader possibilities in this statement:

> The duties of public officials are not simply to be passive instruments in policy-making but to work actively in establishing goals for public policy in their area, and in advocating those goals among the people who share their responsibility. In short, they have the opportunity and duty to conceive of and pursue the public interest.

Thus, duty entails not only internalized standards but also the responsibility to take actions, such as making proposals or investigating problems, to advance the public good.

Public administration ethics is rooted in duty in the sense that persons who seek positions in government or nonprofit organizations (or who pursue educational programs to prepare themselves for such positions) are commonly motivated by a sense of duty to serve, sometimes called the *public service motivation* (Perry and Wise 1990). They wish to help others, to benefit society, or to serve the public interest. The public service motivation is indicated by an "attraction to policy making" and the political process; "commitment to the public interest/civic duty," for example, doing "what is best for the whole community"; "compassion" or being "moved by the plight of the poor"; and "self-sacrifice" that is indicated by a commitment to work "for a cause bigger than myself" or being "prepared to make enormous sacrifices for the good of society" (Perry 1997, 187). The indicators are not ethical commitments in themselves, but they provide the basis for ethical values rooted in duty.

With a bit more thought, one could identify ways that administrators should handle key relationships guided by duty. The relationships are the interactions with the public, with the organization of which one is a part, and with political superiors—either elected officials (or their appointees) in government or boards of nonprofit organizations. Public administrators should not lie, withhold information, or put their own interests above serving the public. They should be accountable to their superiors and to the public. The point of these examples is simple: without even considering ethical theories or philosophy, it is possible to elaborate an extensive list of standards of right and wrong that prescribe what humans ought to do based on a sense of duty as a public servant. Thus, it is useful to start with duty-based ethics because it is obviously related to many important aspects of public service work. Furthermore, this is the kind of ethical reasoning that students in public administration and persons entering public service start with.

It is possible to expand duty-based ethics by thinking about the qualities that a person should manifest and the actions that he or she should take because that person occupies a position as a public servant. Public administrators should be honest, independent, competent, and committed to doing their best, and they should demonstrate integrity. These are *virtues*. They should treat all persons fairly and equally, observe the law, and follow the direction set by their leaders and their organizations. These are *principles*. Public administrators should try to achieve the greatest good for the most people. This is a *beneficial consequence*. Thus, the other dimensions of administrative ethics based on the philosophical traditions of virtue, principle, and consequences are integrally linked to conceptions of duty. These reflect common patterns of ethical thinking. In the following section, we will examine how well-established these types of thinking are in adults, particularly those attracted to public service.

Each of these dimensions can be expressed in a basic question:

- What are the expectations of persons holding public offices? (duty)
- What are the qualities of a good person? (virtue)
- What is the right thing to do? (principle)
- What is the most beneficial action to take? (consequences)

The framework for ethics developed in this primer is not a contest between perspectives but rather a blend of perspectives. One approach is not superior or first in the sense that it is the beginning of ethical thinking from which the rest follow. As we shall see, young adults have developed most of these aspects of ethical thinking to some extent and can use them without difficulty. Still, duty has a special salience and relevance for persons who are attracted to public service positions. The service orientation seems the proximate reason for pursuing the position or career whereas the other approaches help to shape how one serves others and handles the challenges that are encountered in a public service position and career. Thus, duty is central to administrative ethics.

YOUR CODE COMPARED TO OTHERS

For many years in my course on ethics and professional practice in public administration, I have been asking students in the first class session to answer the question, "What is or should be your code of ethics for work in government or nonprofit organizations?"[4] As a method of examining ethical attitudes, there are some important disadvantages to using this exercise. It is done without warning and opportunity for preparation or much reflection. There is no way of knowing the level of commitment to the items that are listed, much less whether students' actions will match their ethical intentions. Still, I feel that the exercise can be illuminating for several reasons. First, the lack of preparation contributes to spontaneity. There is no time to develop an elaborate set of statements that may not reflect the values students actually hold. Second, the responses give some indication about the nature of ethical reasoning that public administration students use. Once written, the ethical statements (or tenets) become explicit, but before the exercise, they have been implicit. These ethical standards are present without necessarily being consciously organized. Students often comment that they have never considered their code of ethics before doing the exercise, but they clearly have ethical ideas in their minds.

Students provide varying but usually extensive responses. Each distinct idea with clear ethical content is counted as a tenet. There are several features of the codes that are worth noting. Less than 1 in 5 students list only 3 or fewer tenets, and 2 in 5 provide 4 to 6 tenets. The remaining students—over 40%—list 7 or more tenets, and 15% list 10 or more. For those who could list only 3 or fewer distinct tenets, one would have to feel some concern about the limited scope of their ethical commitment (or how seriously they took the exercise). Still, a short code can be thoughtful and encompass several important concerns even though the code is not comprehensive. In the following example, a student in my spring 2002 class identified 3 of the types of ethical reasoning:

1. The first tenet of a code of ethics would be honesty. (virtue)
2. The second tenet would be to the follow the law. (principle)
3. The third tenet would be to be a just public employee. Meaning: a public employee should always evaluate how his or her behavior affects the public, and the employee should always remember that he or she was hired to work for the public. (duty)

A student in 2009 provided several examples of each type of ethical reasoning:

1. Never harm individuals. (principle)
2. Never deceive others, be honest. (principle/virtue)
3. Never favor individuals, remain unbiased and equal. (principle)
4. Develop policy that is fair and equal. (duty)
5. Listen to others, value people's opinions. (duty)
6. Be responsible for one's actions, even if you make mistakes; own up. (duty)
7. Don't steal. (principle)
8. Weigh all options when making decisions, don't be in rush. (sound practice)

From examining these statements, it is clear that most students carry around in their heads something approximating a code of ethics *before they have taken a course on professional ethics*. Still, the scope of values and expectations incorporated in that code varies considerably. How does your code compare in terms of its length and scope?

Each statement was examined to determine what approach to ethical thinking is reflected: duty/public service, virtue, principle, consequences, or some other source. Obviously, this is a subjective judgment. The following guidelines, which were used in making the classification, are based on the characteristics of each approach to ethics. Tenets that stressed public service or behaviors that are expected because one is a public employee were classified as duty based. Tenets that included general statements about what one should do were classified as principle based. For example, saying "An official should not deceive the public" was considered a duty, whereas the statement “A person should never lie” was considered a principle. Tenets that stressed qualities (how a person should *be* as opposed to what he or she should *do*) were considered virtue based. For example, in contrast to the principle about not lying, “One should be honest” is considered virtue based. A tenet that stressed doing what helped the most people or produced good outcomes was considered consequentialist, whereas a general statement about promoting the public interest was considered duty based. To give examples, the classification for the tenets in the examples just given was indicated in brackets at the end of each tenet. The summary classification of the reasoning contained in the student statements suggests the characteristics of a basic model of ethics. It is presented in Table 2–1.

Table 2–1. Type of Ethical Reasoning Reflected in Statements

	Percentage	Number
Based on duty/public service	37.4%	325
Virtue	20.9%	182
Principle	28.9%	251
Consequences	0.8%	7
Professional standards	10.5%	91
Other	1.5%	13
	100.0%	869

Note: A total of 131 students listed 869 separate tenets.

Based on this analysis of all statements, duty-based reasoning is the most common, representing over one-third of all tenets that could be classified. Principle-based and virtue-based reasoning are also very common. The following is a list of examples of each type of statement ordered from most to least common within each category.

Statements based on duty or public service:

- Serve the public.
- Avoid conflict of interest or personal gain.
- Promote the public interest.
- Act as a steward of public resources.
- Take responsibility for actions; be accountable.
- Share or disclose information to the public.
- Blow the whistle (report) on wrongdoing.

Statements based on virtue:

- Display honesty.
- Show integrity.
- Be respectful.
- Be consistent.
- Avoid impropriety.

Statements based on principle:

- Follow the laws, policies, or regulations.
- Act with fairness.
- Treat all equally.
- Protect confidential information.
- Follow the Golden Rule.
- Do not lie.

In addition, a modest number of statements are based on standards of professional practice rather than other forms of ethical reasoning. Examples are maintaining a professional demeanor, sharing credit with coworkers, or taking time to make decisions.

It is interesting to note that students do not use consequences as the basis for ethical tenets. It seems likely that making choices to produce good outcomes is common behavior, but it appears that students do not necessarily see such behaviors as ethical in nature. In fact, the argument that the "ends justifies the means" is likely to be seen as a rationalization for a questionable action rather than an ethical justification. One may choose to take the action justified in this way, but it is not considered to be ethical. It appears that consequentialist thinking is not an important aspect of a basic approach to administrative ethics.

It is also possible to focus on the overall code of each student (as opposed to analyzing the breakdown of the separate tenets). Almost every student in this exercise includes in their code at least one tenet that is based on duty or commitment to public service. Almost as many—approximately three out of four—use principle and virtue as the basis for tenets. As noted, very few use consequentialist reasoning.

Thus, all the approaches except consequentialism are present in the thinking of most public administration students. Still, from the samples that are offered, it is apparent that none of these ways of thinking about ethics in public administration is fully developed. This suggests that the underlying concepts are not fully understood before students have undertaken formal study of administrative ethics. With study and reflection, it is possible to deepen ethical thinking by more fully understanding the ethical approaches that are being used informally and by more clearly linking these approaches to the issues and challenges of public service.

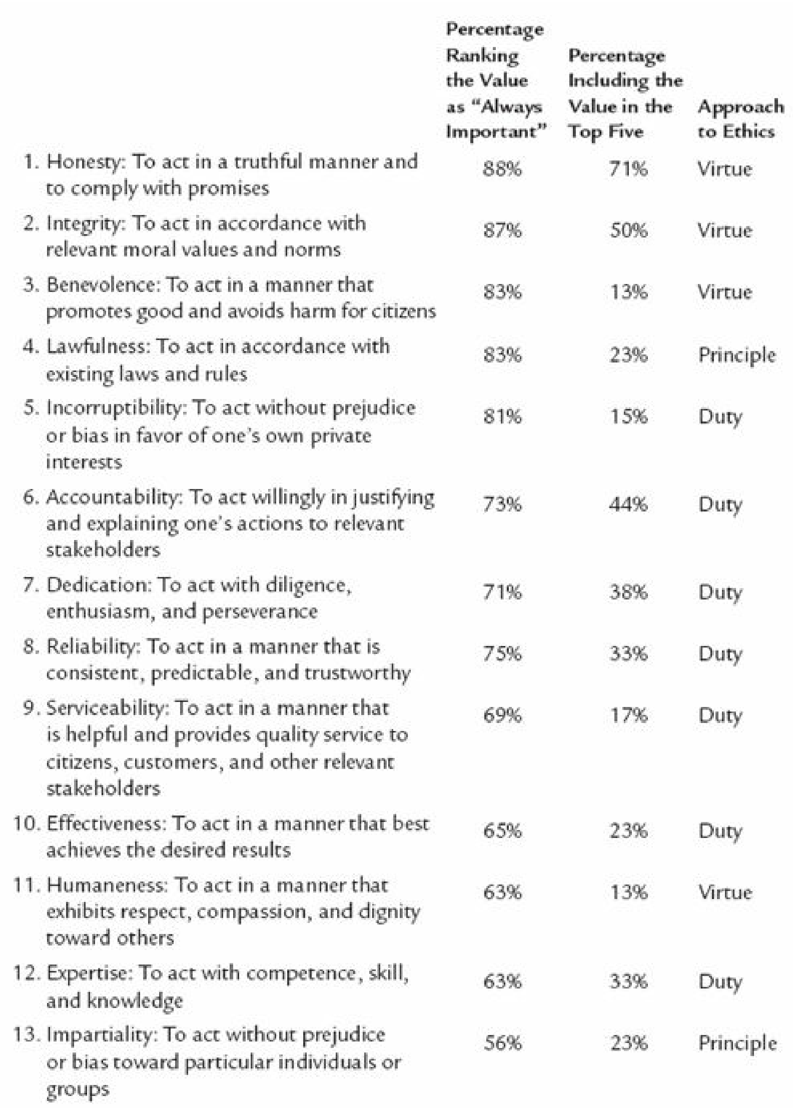
What about the code that you wrote? How many tenets did you include, recognizing that you may have combined more than one in a single statement? What kinds of reasoning were reflected in your tenets?

Another vantage point on the nature of ethical standards comes from a study of practitioners in state and local government. In survey of 52 administrators in state and local government in midwestern states, Molina and McKeown (2012) examine the importance assigned to 30 value statements drawn from the public administration literature. Thirteen of these statements were in the upper portion of the rankings based on two measures. The average importance based on a 4-point rating was greater than 3.5; that is, their overall assessment tended to be that the value is "always important." In addition, these values were most likely to be included in a separate list provided by the respondents of the top five values that they found important in their work as an administrator. The values with the definitions offered by Molina and McKeown are included in Table 2–2 along with the percentage of respondents who consider the value to be always important and who include it in the top five list.

The two approaches to assessing importance indicate some differences. If the inclusion of a value in the top five list suggests that these are the core values that are given precedence or relied on in the toughest decisions, then the values of benevolence, incorruptibility, serviceability, and humaneness may be left out. Even lawfulness, effectiveness, and impartiality are included in the top five by less than one in four of these practitioners.

As in the students' codes of ethics, the most importance is assigned to values grounded in virtue and the duties that promote public service. Principles are underrepresented in the choices of practitioners, although the list from which they chose did not include the simple values of treating all persons with fairness and treating all persons equally. Two of the values in the top 13 may be considered ethical in the sense of being a standard of rightness, or they might be viewed as indicators of professionalism. Administrators with high professional competence are committed to achieving effective results and to acting based on expertise. Viewed from an ethical perspective, a good administrator does not tolerate a lack of commitment to results or acting in ways that are not consistent with competence, skill, and knowledge.

Table 2–2. Most Important Values to Practitioners



	Percentage Ranking the Value as "Always Important"	Percentage Including the Value in the Top Five	Approach to Ethics
1. Honesty: To act in a truthful manner and to comply with promises	88%	71%	Virtue
2. Integrity: To act in accordance with relevant moral values and norms	87%	50%	Virtue
3. Benevolence: To act in a manner that promotes good and avoids harm for citizens	83%	13%	Virtue
4. Lawfulness: To act in accordance with existing laws and rules	83%	23%	Principle
5. Incorruptibility: To act without prejudice or bias in favor of one's own private interests	81%	15%	Duty
6. Accountability: To act willingly in justifying and explaining one's actions to relevant stakeholders	73%	44%	Duty
7. Dedication: To act with diligence, enthusiasm, and perseverance	71%	38%	Duty
8. Reliability: To act in a manner that is consistent, predictable, and trustworthy	75%	33%	Duty
9. Serviceability: To act in a manner that is helpful and provides quality service to citizens, customers, and other relevant stakeholders	69%	17%	Duty
10. Effectiveness: To act in a manner that best achieves the desired results	65%	23%	Duty
11. Humaneness: To act in a manner that exhibits respect, compassion, and dignity toward others	63%	13%	Virtue
12. Expertise: To act with competence, skill, and knowledge	63%	33%	Duty
13. Impartiality: To act without prejudice or bias toward particular individuals or groups	56%	23%	Principle

Data from Molina, Anthony DeForest, and Cassandra McKeown. 2012. "The Heart of the Profession: Understanding Public Service Values." *Journal of Public Affairs Education* 18: 375–396, Tables 2, 3, and 4. "Approach to Ethics" category added by author.

The values that are rated lower than those included in Table 2–2 or are less likely to be included on the most important list offer insights into the ethical views of practitioners. The more demanding virtue of courage was ranked lower (considered always important by 48%). Values with a greater social dimension are ranked lower. These are promoting the public interest (42%), promoting social justice (38%), and advancing sustainability (19%). Values that deal with the administrator's orientation to citizens and encouraging their participation were less likely to be viewed as always important.[5] These values are the following:

- Transparency: To act in a manner that is open and visible to citizens, customers, and other relevant stakeholders (46%)
- Inclusiveness: To act in a manner that includes citizens, customers, and other relevant stakeholders in the decision-making process (37%)
- Responsiveness: To act in a manner that is in accordance with the preferences of citizens, customers, and other relevant stakeholders (27%)
- Representative: To act in a manner that is consistent with the values of citizens (23%)
- Pluralism: To act in a manner that seeks to accommodate the interests of a diverse citizenry (21%)
- Participative: To act in a manner that promotes active citizen participation in administrative decision making (15%)

These practitioners evidence a strong commitment to serve the public, but assign less importance to incorporating them in the process of governance.

Over half (54%) feel it is always important to act in a manner that promotes the organization's interest—an orientation that can lead to slighting other values. Many assigned high importance to obeying superiors (40%) but relatively few view collegiality (i.e., acting loyally toward their colleagues) in this way (23%). There is little inclination to assign high important to practical accomplishments with little ethical content, for example, being innovative (38%) and being efficient (33%). Furthermore, these practitioners are unlikely to assign great importance to promoting one's own interest (21%) or seeking to advance the financial gains for the organization (12%).

We see that students studying public administration and practitioners of public administration at the state and local level have a substantial array of ethical standards that they can identify or to which they assign importance. They draw on three of four approaches to understanding ethics. Still, each of these approaches could be developed in greater depth and expanded in scope. The duty-based approach involves the nature of the public service position and the handling of critical relationships. In other words, what are my duties as a public servant and what kind of behavior is expected of me as I interact with political superiors, the public, and my organization? The other ethical perspectives can be studied on their own and as sources of questions that broaden and deepen duty-based ethics: What kind of person should I be, what is the right thing to do, and how much emphasis should be placed on achieving good results as I do my duty? By organizing and integrating these approaches, I hope that the reader will have a stronger and richer sense of what it means to do one's duty in public service and will be better equipped to accomplish it.

In short, duty—the core of the public service ethic—is reinforced and expanded by balancing attention to virtue, principle, and good consequences. Thus, we may revise the earlier definition to create this definition of administrative ethics:

> Administrative ethics refers to well-based standards of right and wrong that prescribe what public administrators ought to do in terms of duty to public service, principles, virtues, and benefits to society.

Students in public administration programs and persons in public service very likely have a working version of this definition in their heads and carry around tenets that are based on duty, virtue, and principle. The challenge is to bring this definition forward in the consciousness of public administrators and to deepen and broaden the understanding of what it means. You may also think about whether considering consequences can make a contribution to ethical reasoning. In other words, you are challenged to further develop your ethical judgment. Before thinking about doing that, however, it is important to consider in general how ethical reasoning develops and better understand the levels of ethical reasoning.

ETHICAL DEVELOPMENT

How people acquire attitudes about ethics and morality is a large topic, but it is important to examine the question briefly here as part of the introduction to the subject of administrative ethics. As noted, adults, obviously including those who work or wish to work in government or nonprofits, are likely to have a reservoir of ethical ideas and moral commitments. In the process of growing up, getting an education, and absorbing values from people around them, they are undergoing moral development that takes them through different stages of reasoning about why they should act in a moral or ethical way and what it means to be a moral person. Family interactions influence development. Membership in a church or an organization such as the Boy Scouts, Girl Scouts, or Boys and Girls Club expose children to experiences that are intentionally designed to promote social and moral development.

Lawrence Kohlberg (1981) offers a model of moral judgment to help understand how the capacity for ethical reasoning develops and explains the motives for acting at different stages of development. Kohlberg is concerned with morality broadly, but we can assume that the level of moral reasoning will be transferred to the way that individuals make ethical judgments about their role and behavior in an organization or profession. Stated differently, we expect that individuals will work through choices about behavior at the same level whether they are making a moral choice in their personal life or an ethical choice in their work as a public administrator.

Kohlberg identified six stages that children go through in the maturation process as they are influenced by a variety of socializing forces. The levels are preconventional levels, where the child is starting to respond to rules but has values that are self-centered; conventional levels, where the older child and adult internalizes the values of doing the right thing in order to meet the expectations of others or to comply with prevailing standards; and postconventional or principled levels, where moral values are grounded in universal principles (Stewart and Sprinthall 1994; Kohlberg 1981).[6] The levels and Kohlberg's (1981, 17–19) Stages of Moral

Development are the following:

LEVEL	STAGE	SOCIAL ORIENTATION
Preconventional	1	Punishment and obedience
	2	Instrumental relativist
Conventional	3	"Good boy; nice girl"
	4	Society maintaining/law and order
Postconventional	5	Social contract
	6	Universal ethical principle

Kohlberg believes that the stages always occur in this order, and that people always incorporate the values of one stage before moving to the next. Although others argue that reasoning may draw from more that one stage, it is presumed that each stage reflects a dominant mode of thinking about moral choices at any given time. Most adults have moved to Stage 4, but most do not move beyond that stage. Stage 4 reflects reasoning that emphasizes what is legal and supports social institutions. Sophisticated moral or ethical reasoning, on the other hand, reflects postconventional thinking, but it appears that this level of reasoning is somewhat uncommon. Thus, an important implication of this work is that all persons go through a progression of thinking about morality in which they broaden their views to think about what is good for society, not just for themselves. At Stage 4, they have developed "a conception of the social system as a consistent set of codes and procedures that apply impartially to all members" based on law or religious canon, and "the pursuit of individual interests is considered legitimate only when it is consistent with maintenance of the socio-moral system as a whole" (Colby and Kohlberg 1987, 28–29). There is a connection between these characteristics and the ethical reasoning we have observed in students and practitioners that emphasizes duty to serve others, virtue, and basic principles.

Kohlberg's model is also useful for identifying why people behave the way they do at each of the differing levels of morality. Each stage is associated with a different motive for following rules or taking moral action. Kohlberg (1981, 19, 411–412) offers these "word pictures" of the reasons for behavior in each stage:

1. Punishment and obedience: Stimulus/response
   Obey rules to avoid punishment
2. Instrumental relativist: Self-serving good behavior
   Conform to obtain rewards, have favors returned, and generate others' goodwill
3. "Good boy; nice girl": Meeting the expectations of others with whom one interacts
   Conform to avoid disapproval and dislike by others
4. Society maintaining/law and order: Meeting standards imposed by society through law and convention
   Conform to avoid censure by legitimate authorities and resulting guilt
5. Social contract: Seeking to promote rights of all as agreed to by society
   Conform to maintain respect of the impartial observer judging in terms of community welfare
6. Universal ethical principle: Seeking to act in ethically principled way
   Conform to avoid self-condemnation for failing to live up to the values to which one is committed

These motives are ones to which we can easily relate in our everyday or organizational lives. At Stage 1, a person does whatever he or she can get away with and avoid getting caught and punished. Some cynics portray this orientation as common among self-serving public administrators. It would represent a base level of moral reasoning and is likely to be rare, although instances of such behavior certainly occur in government and nonprofit organizations. Stage 2 reflects a narrow cost–benefit calculation: "I will follow the rules because I benefit more from doing so than from breaking the rules." There is no respect for the value of the rules themselves. Ethical standards are low and likely to stress what one should not do. Stages 3 and 4 differ in the breadth and source of expectations. When we act at Stage 3, we do the right thing because it is expected by those with whom we interact. We do not want to disappoint them or let them down, and we do not want to incur their displeasure. It is a highly personalized approach to deciding what is right and wrong, and the standards are influenced by our perceptions of the expectations of others and a feeling of loyalty to them.

Persons acting at the Stage 4 level accept the legitimacy of laws and other rules of behavior, including codes of ethics. They feel obligated to act in terms of these laws, policies, and rules based on the narrow or reactive sense of duty described earlier. In the view of Rest and his colleagues (1999, 38), conventional morality "is duty oriented and authoritarian (in the sense of affording unchallenged powers to authorities and in deferring to authorities).” Persons at this stage may not understand the reasons for the rules or feel a sense of commitment to the principles or purposes on which they are based, but they feel an obligation to follow the rules. They feel a sense of guilt when they do not.

The postconventional stages are somewhat difficult to distinguish and now are usually combined by scholars. For example, Stewart and Sprinthall (1994) refer to the *P stage* or *principled stage*.[7] The P stage reflects a deeper understanding and broader commitment than Stage 4. At this level, there would be much more likelihood of critically examining the reasons for acting and seeking to alter unfair laws, policies, and rules than at the lower levels. For example, Kohlberg had great respect for Martin Luther King, Jr., who for principled reasons resisted and acted to change unjust laws. Rest and his colleagues provide this description of postconventional ethical reasoning:

> The positive and constructive aspect of postconventional thinking is to provide some idealized way that humans can interrelate, some ideals for organizing society. Examples of ideals for society that have been proposed include creating the greatest good for all, guaranteeing minimal rights and protection for everyone, engendering caring and intimacy among people, mandating fair treatment, providing for the needy, furthering the common good, actualizing personhood, and so on. (Rest et al. 1999, 42)

In their view, the ideals of postconventional thinking are “sharable”—not supported by dogma and the preferences of a selected group—and thus open to rational critique and subject to the test of logical consistency (Rest et al. 1999, 42). It is noteworthy that the examples offered by Rest and his colleagues include the consequentialist approach (“creating the greatest good for all”), the principle-based approach (“guaranteeing minimal rights and protection for everyone”), and the duty-based approach (“furthering the common good”).

Why do you act the way you do when you decide what is right and wrong in your professional work? Presumably your reasons go beyond Stage 1 (simply avoiding punishment for doing something that violates policy or rules), but there are widely supported explanations of motivation that approximate Stage 2. One may be good for self-serving reasons. Public-choice theory in general, and principal-agent models in particular, assume that pursuit of self-interest is the key factor that drives behavior (Peters 1999). One may do what is right and expected in order to obtain rewards or cooperate with others to reduce *transaction costs* (being trustworthy so that favors will be returned), but the underlying concern is self-interest. Unfortunately, this motivation is a limited and narrow foundation for ethical action.

Reasons for acting ethically that extend farther beyond one’s self are found at the conventional stage. The good-boy/nice-girl orientation involves meeting the expectations of others, especially coworkers. Presumably, the expectations of the “organization” also have weight in defining behavior, although the expectations may be shaped more by the response of immediate superiors and coworkers than by the broad purposes and values of the organization. At this stage, you conform to avoid disapproval and dislike by others or the sense that you are out-of-step with prevailing values in the work group. In contrast, at Stage 4, one’s behavior is guided by standards that are embedded in law and convention. In other words, the standards have been codified, and you are motivated to follow the standards to maintain order in society. An important aspect of these types of ethical reasoning is that there is limited internal control—or internalized reasons, if you prefer—for ethical action. One is guided by the reaction of others or external standards that are accepted with little reflection.

At the postconventional stages, one has socially beneficial reasons for acting ethically. There may be concern for expanding shared benefits or promoting the public interest. There may be a commitment to act in an ethically principled way, which entails having a grasp of guiding principles and the ability to apply them appropriately to a given situation. One does not operate “above the law” in the sense that one is free to decide whether to follow the law. Still one is “beyond the law” in the sense that one understands the reason for the law, is able to relate it to broader reasons for ethical action, and is capable of questioning whether change in the law—or in policy or program goals—should be considered.

It is not clear from research on moral development what proportion of adults attains this level of moral reasoning. Kohlberg found that most middle-class Americans were at Stage 4 and that Stages 5 and 6 reasoning was relatively uncommon. Most college students operate at Stages 3 and 4 (Gardiner 1998). Stewart, Sprinthall, and Kem (2002) in their inventory of ethical reasoning in resolving hypothetical dilemmas in government found that public administrators in the United States and Poland are most likely to use Stage 4 reasoning, somewhat less likely to use principled stage reasoning, and least likely to use Stages 1–3. Using the DIT, Rest and his colleagues found that the reliance on the P stage thinking advances with higher education and can be the dominant mode of reasoning for a specialized group such as graduate students in political theory and moral philosophy (Rest et al. 1999, 67–68). Furthermore, educational intervention to broaden ethical thinking can increase the use of P stage reasoning (Rest et al. 1999, 74–75). Most useful in raising the level of moral reasoning are techniques that include the active involvement of students in learning (Gardiner 1998, 73). Considering cases that present moral dilemmas and relating the levels of moral development to resolving these dilemmas help students recognize how one reasons at a higher level. We will use these strategies throughout the text. As you explore a topic or examine a case study, it is useful to consider why you think about alternatives in the way you do when confronted with an ethical choice and whether there are alternative ways to think about the situation. Educational approaches with active learning of this kind in courses that concentrate on ethics taught by capable instructors can elevate students' Kohlberg stage scores (Jurkiewicz 2002).

BASIC COMPONENTS OF ADMINISTRATIVE ETHICS

We have examined the meaning of administrative ethics and briefly introduced philosophical approaches to ethics, the content of ethical thinking typically expressed by persons interested in public service but without formal education in ethics, and the major stages in the development of ethical reasoning. Together they represent the basic elements—a basic model—of administrative ethics. We introduce the components at this point in the discussion for two reasons. First, it closely reflects the attitudes that are commonly held by those who enter public service or have been working for government and nonprofit organizations. Second, the elements will be developed further at a later point in the discussion. Some time ago, I suggested that a person can think of ethics as a triangle with the points defined by the three philosophical approaches: virtue, principle, and consequences (Svara 1997). It has been a useful approach is the classroom and in training activities with practitioners, and it is the advanced model to which we shall return—but how do we get to this model of ethics, both conceptually and developmentally? The foundation on which we build is the simpler and not-quite-complete version composed of the basic components presented here. The basic components reflect Stage 4 ethical reasoning, whereas the advanced model to be developed later will reflect a principled level of ethical reasoning.

In the basic components, there is a strong emphasis on basic duties, principles of fairness and legality, and the virtues of honesty and integrity. It seems appropriate to place duty at the center, in particular the commitment to serve the public and the obligation to put the interest of the public above one's personal self-interest. It is striking that many students in their implicit codes of ethics mentioned some aspect of selflessness: not seeking inappropriate personal gain from holding office and steering clear of situations that create a conflict of interest. Similarly, practitioners surveyed by Molina and McKeown (2012) assigned great importance to being incorruptible in the sense of not acting to advance one's own private interests. In addition, they gave the highest rankings to honest, integrity, and obeying the law along with promoting what is good for citizens. Despite the importance of consequentialism as a major conceptual approach to thinking about ethics, it does not seem to be an important part of the basic way that public servants think about their ethical standards. The basic components that involve the interplay of duty, virtue, and principle are presented in Figure 2–1.

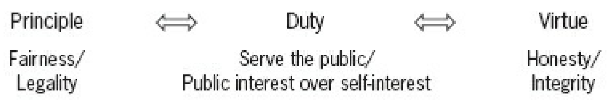


FIGURE 2–1 Basic Components of Administrative Ethics with Stage 4 Reasoning

The basic model is, however, somewhat narrow in scope. The values considered most important by officials include doing good but not supporting the public interest as a broad concept that includes advancing the long-term interests of the public as a whole. The preferred values give relatively less emphasis to supporting citizen participation and incorporating the public in the work of governance. Thus, the basic model is focused more on doing good for individuals than promoting democratic practices.

An important example of the emphasis on duty as the core element in a basic approach to administrative ethics is the U.S. government's Standards of Ethical Conduct for Employees of the Executive Branch. The basic obligation of public service consists of 14 statements that are labeled "principles." Eleven elaborate on the basic theme that public service is a public trust, especially the emphasis on serving the public and not allowing private gain, self-interest, or conflict of interest to interfere with the responsibilities of office. The other points deal with fairness and legality: Point 1 stresses legality and loyalty to the Constitution, Point 8 deals with impartiality, and Point 13 stresses equal opportunity. This statement does not include any reference to the personal qualities of honesty and integrity that are commonly mentioned in the implicit codes of ethics by persons in or preparing to occupy positions in public administration. Still, the statement illustrates how a set of ethical standards can be developed that reflects the basic components of administrative ethics grounded in a narrow definition of duty.

The basic components correspond to conventional or Stage 4 ethical thinking. This is not surprising given the prevalence of Stage 4 reasoning among adults along with the special characteristics and expectations of public service. The importance of law and an authoritative system of governance, fair process, personal virtues, and putting service to the public above self-interest are all consistent with a style of ethical reasoning that stresses maintaining law, order, and social norms. Stage 4 and the basic components meet the minimum standards for administrative ethics in a democratic society, but they do not meet the highest standards. At the end of the chapter on reinforcing and enlarging duty, we will revisit and develop the full model—the ethics triangle—after further examination of each of the basic components along with the addition of a consequentialist component.

OTHER DEFINITIONAL ISSUES: DISTINCTIONS BETWEEN ETHICS, MORALITY, AND LAW

When discussing ethics, it is common to use the terms *morality* and *law*, which also convey standards of behavior. It is important to distinguish what it means to be moral, ethical, and legal and to establish the basic meaning for these terms that will be used throughout the remainder of the discussion:

- Moral: "Of or pertaining to human character or behaviour considered as good or bad; of or pertaining to the distinction between right and wrong, or good and evil" (Brown 1993, 1827). The basis for making these moral distinctions may reflect the values of a society, religion, ethnic or social group, or an individual's conscience.
- Ethical: "In accordance with the accepted principles of right and wrong governing the conduct of a group/organization, or the rules or standards governing the conduct of the members of a profession" (Brown 1993, 856). These standards are accepted by persons who seek entry into the group/organization or profession and apply to all persons encompassed by the organization.
- Legal: "Falling within the province of law.…Founded on or deriving authority from law; permitted or not forbidden by law" (Brown 1993, 1561).

In the definition of *legal*, one can see the basis for the defense sometimes given by public officials that their actions are acceptable because they are not prohibited by law. This definition links *legal* to the law or "the body of rules…which a particular state or community recognizes as governing the actions of its subjects or members" (Brown 1993, 1544). There is no reference to right and wrong as in the definitions of *moral* and *ethical*. The law certainly embodies moral principles and values that are based on the highest values of a society (Kennedy and Schultz 2011, 97). The Constitution and Bill of Rights is an important source of ethical principles (Rosenbloom 1992), Still, laws may be regulatory without being inherently ethical, for example, driving on the right side of the street, conveying special advantage to one person over another (e.g., taxing investments at a different rate than wages), and even discriminating against a racial group, such as Jim Crow laws in the United States or apartheid laws in South Africa.

In this text, the term *morality* will be used to refer to the sense of right and wrong that an individual has based on personal upbringing and commitment to the values of a variety of groups. *Ethics* refers to the standards of right and wrong behavior that are voluntarily accepted by persons who choose to be part of a professional group, including the profession of public administration. When one accepts membership in a profession or accepts a public service position, the ethical standards become binding. The distinction between ethics and morality can be illustrated by the potential conflict between my sense of morality—what I personally believe is right and wrong—and the standards I am expected to follow as a professional or a public official. One may personally find it morally offensive to harm another person, but it is not unethical to use deadly force as a police officer or soldier engaged in authoritatively sanctioned activities. Indeed, it would be unethical not to carry out one's duty.

The relationship among morality, ethics, and law is somewhat problematic. Phillip Cooper (1998, 76–79) points out that they can be at odds with each other. He offers these points:

- What is immoral is not necessarily illegal; e.g., dishonesty is not illegal except in particular instances.
- Some laws regulate behaviors that are not inherently immoral; e.g., driving 5 mph above the speed limit.
- Some laws violate ethical principles; e.g., legislating special benefits for particular groups can violate the

principle of fairness.

- Finding ways in veterans affairs hospitals to treat veterans for Agent Orange disorders as service-connected disabilities was not immoral although for an extended period it violated regulations.
- Relying on law to promote ethics does not necessarily promote ethical behavior. Not breaking the rules does not mean that one is necessarily ethical.

Public administration ethics apply to those who enter public service. The ethical obligation to uphold the law requires that one subjugate one's personal beliefs (i.e., one's sense of morality) to discharge the duties of the office. Furthermore, it is a violation of administrative ethics to substitute one's own view of morality for law and policy. The administrator can seek to change the policy through appropriate channels and methods within his or her organization, but if these efforts are not successful he or she must accept the established policy. If one cannot subjugate their personal morals to the law, however, he or she should change positions or leave administrative office to seek to change the policy as a citizen through the political process. He or she should not ignore the law nor try to covertly undermine it.

Ethics and legality are not synonymous but public administrators have an ethical obligation to observe and uphold the law as well as to seek to improve on the law through the governmental process; for example, by conducting research on needs and by policy recommendations. Thus, legality has a special importance to public administrators, but what is legal is not necessarily moral or ethical. In the next chapter, we seek to refine the sense of duty and identify aspects of duty that are active rather than reactive.

The distinction between legality and morality is related to the stages of moral reasoning. Stage 4 law-and-order thinking reflects a limited view of duty, one that defines serving the public in terms of observing the law and obeying superiors. A refined sense of duty is based on careful reflection about the nature of responsibilities to the public, political superiors, and the organization. It also requires that one develop a reasoned view about his or her obligations and constraints when acting as an individual engaged in public service. This refined sense of obligation supports postconventional ethical reasoning. In addition, philosophical perspectives on virtue, principle, and consequences contribute to universal standards of ethical behavior.

In conclusion, it is a plausible assumption that you and most public servants have, at a minimum, a grasp of the basic components of administrative ethics. It is likely that you consider the ethical choices you must make and that you are guided by a sense of duty to serve as well as basic virtues and principles. These standards reflect a reliance on ethical judgment that stresses maintaining law and norms that promote order in society. In the next two chapters, we will examine how these components can be broadened to reflect postconventional ethical reasoning based on universal values.

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[1] Definition adapted from Andre and Velasquez (1987). They referred to "rights, obligations, benefits to society, fairness or specific virtues."

[2] For further explanation of approaches, see Cooper (2004).

[3] Definitions are from the *New Shorter Oxford English Dictionary*.

[4] Students write their answer to this question before we talk about the course content (except to review the overall purpose and required readings). Students have 15–20 minutes to complete the assignment, but virtually all stopped writing before the end of the time period. At the end of the time period, I take a break to permit additional time to any who have not finished. Students do not put their name on the paper. I analyzed the codes written by 131 students from 10 classes between 1999 and 2009. Commentary about a tenet (for example, an explanation of why it is important) is not counted as a separate tenet nor are statements without ethical content (for example, "Public officials face many challenges"). The responses are categorized in terms of the nature of ethical reasoning used: analysis of whether the statement is based on duty/public service, virtue, principle, consequences, or some other source.

[5] Molina and McKeown (2012) divide the values into the categories of ethical, democratic, professional, and human. For the current discussion, any of these values could have implications for ethical standards.

[6] Rest et al. (1999), who developed the DIT (Defining Issues Test) inventory to measure moral judgment, classify the three major divisions or "schemas" as personal interest or preconventional, maintaining norms or conventional, and postconventional. They disagree that the stages are "hard," as in a staircase with one stage replacing the preceding one. Their "soft-stage" approach is based on a shifting distribution that draws on more than one stage. Still, there is a progression from conventionality to postconventionality. The two are "developmentally ordered—the Postconventional schema is more advanced … than the Maintaining Norms schema" (Navaez 2002).

[7] Rest et al. (1999, 48) also refer to the P score, based on Stages 5 and 6.

CHAPTER 3

Refining the Sense of Duty: Responsibilities of Public Administrators and the Issue of Agency

The duty-based approach to ethics derives the responsibilities of public administrators from the nature of the position they occupy. In accepting office, officials make a "promise to live up to the obligations of office… and to frame their judgments by standards embedded in the office's responsibilities" (Dobel 1999, xi). Admittedly, it is somewhat artificial to separate the duty-based approach from other approaches to ethics. When public administrators think about the obligations of a public servant, they are also likely to be thinking about the qualities, that is, virtues they should have and the principles they should uphold. In an early call for identifying the ethical standards of public administrators, William Mosher (1938, 339) advocated a commitment to "personal integrity," and Dobel (1999) sees official responsibilities and the virtue of integrity as essentially linked. In York Willbern's (1984) six types of public morality, the first three types conform exactly to elements in the basic components of administrative ethics. According to Willbern, public administrators should manifest the key virtue of honesty, should act on the duty to serve the public and avoid conflicts of interest, and observe the principles of legality and procedural fairness.

Still, it is useful to focus initially on the expectations of persons occupying a public service position and to explore the full scope of their duties before turning to a fuller examination of the philosophical bases for ethics. Public administrators are expected to serve individual citizens and to be accountable to the "people." These responsibilities can be extended to include promotion of the democratic process itself (Burke 1986; Cooper 1991). They must be "devoted" to serving "the *whole* public, performing their tasks impartially and without fear or favor" (Mosher 1938, 339). Administration that favors one party or group over another is unacceptable. They are responsible to their organization and to political superiors, but they also have responsibilities to uphold their professional standards as well as promote the broader public interest. Thus administrators face the challenge of being both dependent and independent.

When considering their professional identity, their role, and their relationships, administrators must grapple intellectually and in practice with a complex issue: What does it mean to be an "agent" of the various parties that administrators serve—the public, political superiors, and the organization? An *agent* is one who acts for another, but how much of his or her own independence is given up when assuming this role? In this chapter, we start with the expectations linked to the public service role and then turn to the issue of agency. The chapter concludes with suggestions about balancing the potentially conflicting norms and pressures that administrators encounter. From this discussion, we will refine the sense of duty and elaborate what duty entails for public administrators.

THE RESPONSIBILITIES OF DEMOCRATIC PUBLIC ADMINISTRATORS

Many of the basic responsibilities of administrators in a democratic society can be derived from the expectations that surround their public offices and the purposes of their organizations. What do we expect of public officials? What standards should they meet as the intermediaries interacting in both directions between authoritative policy makers, on the one hand, and the people they serve, on the other? These responsibilities, which will be discussed further and illustrated with cases later in the chapter, can be summarized as follows:[1]

1. Put the public interest over personal or organizational interest.
2. Display a service orientation and a commitment to serve.
3. Have a commitment to procedural fairness.
4. Be bound by and uphold the law.
5. Exercise fiduciary responsibility.
6. Support the democratic process.
7. Honestly communicate with superiors and the public.
8. Be responsive to the policy decisions of political superiors while fully examining all policy options and exercising leadership appropriate to one's position.

Why are these points important to establishing an ethical foundation based on duty? If administrators are to serve the public, it must be clear that they are *putting the public interest over self-interest*. This is the core of the Standards of Ethical Conduct for Employees of the Executive Branch. Furthermore, to ensure that they are making a full and balanced assessment of a problem that fairly assesses all those potentially impacted by a decision, administrators should seek to be certain that any potential personal factors that impact them will not limit and impair their judgment. This is the fundamental requirement to avoid conflict of interest.

The standard for public administrators is often expressed in even more demanding terms: there should not even be an appearance of conflict of interest. This may seem like an unnecessary and unfair expectation. It gives rise to the complaint that administrators are held to a higher standard than persons who work in the private sector. The importance of the standard, however, is that it helps to protect the integrity of the organizational process. In view of the high level of cynicism that the public feels about government and the high level of trust that is required for nonprofits to secure support from contributors and volunteers, public administrators should feel a special obligation to act in such a way as to strengthen the integrity of the process. They should disclose any interests that may affect or be perceived to affect objectivity in making decisions. Furthermore, promoting the integrity of the process requires that public administrators not use public office for personal gain or to advance personal or private interests.

Case 3–1 Weekend Outing

The board of directors of the chamber of commerce has an annual weekend outing at a resort some miles from your city. During the weekend there is golf, tennis, swimming, card games, dinner dances with entertainment, and numerous cocktail parties. During the day, there are sessions at which the chamber board reviews progress for the past year and discusses plans for the upcoming year. For several years, the city has contributed $100,000 annually for the support of the chamber. You, the city manager, are invited to the chamber's weekend outing with all expenses paid by the chamber. Do you accept the invitation and go for the weekend?

Richter, Burke, and Doing, 1990. *Combating Corruption, Encouraging Ethics: A Practical Guide to Management Ethic,* 275–277.

Consider **Case 3–1**.[2] At first glance, it may seem to be completely appropriate to attend with expenses paid by the chamber. The chamber is an important actor in the affairs of the community, and the top administrator in city government should have active communication with it. The free ticket is a small part of the money paid by the city to the chamber each year. From the perspective of responsibilities of the office, however, this situation creates the possibility of inappropriate personal gain and potential conflict of interest. Attendance at the outing is appropriate, and it is useful for the city manager to be present and interact with other participants. The cost, however, should be covered by the city if the trip is considered to be worthwhile city business. The city manager should not accept the weekend as a gift from the chamber. Being a guest of the chamber feeds the impression cultivated by incidents such as the Fiesta Bowl scandal in Arizona, where public officials used their position to solicit free tickets and trips (Ingley 2013). At the very least, there is an appearance of conflict of interest.

Beyond these problems, the manager should be conscientious about maintaining detachment from the chamber in order to objectively assess what the city is getting for its large annual payment. Typically, this kind of funding is intended to support economic development activities for the city. In some cases, the accomplishments of chambers are limited and the value of the allocation is questionable. The manager must be in a position to assess the program without being influenced by social ties to the organization or its leaders or favors he has received from the chamber.

Public administrators are *dedicated to service*; they should not behave in ways that are convenient for themselves or their agencies with little regard for the citizens or clients with whom they interact. The service orientation also implies a commitment to serve, that is, to persist and persevere in order to carry out all of the tasks one is supposed to complete. A sentiment such as that contained in caption on a New York post office "neither rain nor snow nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds"[3] captures the essence of what it means to do one's duty in meeting the responsibilities of office and epitomizes the service orientation. Public administrators should be primarily motivated by a desire to contribute to society (Denhardt and Denhardt 2011).

Case 3–2 Cutting Hours of Service

You are the county library director. Due to budget reductions, you must cut 2 hours per day from the schedule of all the branch libraries—either 8:00 to 10:00 A.M. or 7:00 to 9:00 P.M. Staff members strongly prefer to work the morning hours. Do you cut the evening hours from the schedule?

Consider **Case 3–2**. The reality of budget limitations makes it necessary at times to reduce the level of services. In this situation, the user patterns and preferences of clients should be a major consideration and do not appear to have been taken into account. If the greater use of library is in the evening hours, the closing time should remain at 9:00 p.m. even though the staff members prefer to work during the day. In the period of increased unemployment following the recession of 2008, public libraries became a major source of information and access to technology for many people looking for work. A 2011–2012 Public Library Funding and Technology Access Study (Bertot et al. 2012, 1) found the following:

- 77.5% of libraries help people create résumés
- 84.1% of libraries report that providing employment services is important to their communities
- 92.2% of libraries help people access online job resources
- 76.0% of libraries help people apply for jobs online

Thus, despite absorbing cuts in their budgets, libraries expanded their assistance to persons in need.

A consideration of service naturally leads into matters of principle. Service is to be provided with diligence and also with attention to how people are treated. *Procedural fairness* is a basic value of responsible administrators. As an aspect of the principle of justice and a bedrock of social equity, it ensures that all persons are treated in the same way or treated consistently in reference to some qualifying characteristic. It guarantees *due process*, the full set of prescribed steps that are to be taken before providing or denying a benefit, considering guilt or innocence, or being reviewed in a competitive selection process. Finally, it assures that all receive equal protection. The commitment to procedural fairness helps to ensure that citizens and clients are not treated arbitrarily, discriminated against, or ignored when others are receiving a service. Using race or ethnicity alone as the basis for identifying suspects or determining who should be subjected to more intensive methods of investigation violates this principle. For example, critics have charged that laws, such as the one in Arizona, to check legal documents when there is reason to think that a person stopped by the police is not a legal resident will contribute to racial profiling despite being upheld by the U.S. Supreme Court (Liptak 2012). Giving preference to friends in deciding who will receive services from a nonprofit organization is also a violation of this principle.

Case 3–3 Free Donut

For some time, police officers on three adjacent beats have met each day for a coffee break at a restaurant near a point where the three beats intersect. They usually have coffee and a donut and occasionally a piece of pie. You are newly assigned to one of the beats. When you go for the coffee break the first day and you walk up to pay the check, the proprietor says, "No charge. I am glad to have you officers around." The others leave without paying. Do you pay your check?

Richter, Burke, and Doing, 1990. *Combating Corruption, Encouraging Ethics: A Practical Guide to Management Ethic,* 275–277.

What kinds of issues are present in the situation presented in **Case 3–3**? This classic case involves each of the elements of public service duty considered so far. First, there is personal gain because police officers are personally benefiting from the "generosity" of the restaurant owner. The value of the gratuity is less important than the sense of entitlement that it seems to be engendering. The fact that the same location is chosen each day suggests that the officers expect to come and receive free food. Sometimes sincere expressions of gratitude cannot be graciously refused, but when one goes back for more, it seems clear that the officers are seeking a special benefit. On a larger scale, such behavior reinforces the idea that the police are different and that the normal rules do not apply to them. Second, the officers provide a valuable service when they are present on the premises of a business, as the owner acknowledges, but the officers are providing that benefit to just the one business that offers favors in return. Other restaurants that do not provide free food are being deprived. Third, the officers might be inclined to give special treatment to the restaurant owner in his business or elsewhere in exchange for the favors they have received.

As part of the responsibility to serve the public, public administrators have long recognized the need to make the best possible use of the resources entrusted to them, in other words, their *fiduciary responsibility*. Public administrators are stewards of the resources drawn from society to address public purposes, and they must use these resources wisely. Two interrelated management values convey this responsibility. According to the value of economy, public administrators should spend frugally. They should use resources efficiently, seeking to produce the most units of services and the highest effectiveness at the least cost. The experience with cutting budgets across the board in most local governments (Miller 2010) and the federal government experience with sequestering a fixed percentage of most government programs illustrate that reducing expenditures arbitrarily can undercut effectiveness and ignore differences in the priority of programs.

Case 3–4 Contracting Out Service Delivery

As manager of a local government, you have the opportunity to save a considerable amount of money by contracting out the collection of trash in your city to a private company. It will be necessary to lay off most of the staff members responsible for solid waste collection in the public works department. You are aware that the greatest factors that cause the city's costs to be higher than the contractor's is that your fulltime employees have higher wages and receive health, vacation, and retirement benefits. The contracting company would hire part-time staff at near minimum-wage and not pay benefits. The budget in your city is running a deficit with the decline in housing values in recent years, and the reduced cost of trash collection would make up a large part of the deficit. Do you decide to recommend to the city council that this service be contracted out?

In **Case 3–4**, is the city manager being a trustee of scarce resources in this situation? The agreement to contract out trash collection would save money for the city, although the level of satisfaction of citizens with the new provider of the service is unclear. Laying off current city workers and awarding a contract to a private company that takes advantage of its employees by offering them lower wages and no benefits would be harmful to both sets of workers. The city would be saving money by exploiting the people that do its work.

Public administrators should seek to be effective and to achieve the greatest accomplishments with best use of resources available. As an extension of these values, administrators should be willing periodically to question the methods they use and consider whether some other source would be better able to achieve the appropriate balance of economy, efficiency, and effectiveness (while maintaining a commitment to equity and assuring accountability) than the staff members of the organization itself. Outsourcing may be warranted despite being disruptive to internal staff if the government is not lowering the quality of service or shifting costs to service workers.[4] Even more difficult is recognizing that a program should be discontinued, but public administrators need to be able to make this tough recommendation if a program has outlived its usefulness. It is not appropriate, however, to make changes in recipients or content of services in the name of improved "efficiency." Changes in the substance or beneficiaries of a program must be considered as policy questions to be resolved on their merits.

For administrators to be accountable and responsible, they must be *bound by and uphold the law*. A central feature of democratic governments is that they are based on laws, not the personal preferences of the men and women who work for government. If government employees believe that they cannot enforce the law, they should leave government and seek change through the political process. According to Henry David Thoreau (1849), even private citizens who commit acts of civil disobedience to protest laws believed to be unjust must be willing to pay the consequences. Indeed, their legal punishment adds moral weight to their protest.

No person is above the law, but administrators should not simply passively enforce the law. The Code of Ethics of the American Society for Public Administration (referred to as ASPA code in later references) obligates its members to "respect and support government constitutions and laws, while seeking to improve laws and policies to promote the public good" (American Society for Public Administration 2013a).

Between 1993 and 2011, under the "don't ask/don't tell" law approved by Congress in the Clinton administration, the U.S. armed forces were prohibited from inquiring into the sexual orientation of military personnel, but if a person revealed that he or she was gay, the military would expel the individual. This law was enforced despite many objections to it and voluntary resignations in protest. Over 13,000 gay men and lesbian women were discharged under the law. Many organizations pushed for the change in the law and there was strong political forces supporting change, but part of the pressure came from military leadership who concluded that the policy was not needed and not a failure (Bumiller 2010) and a "significant cadre of military leadership" who quietly opposed the law (Belkin et al. 2009). The requirements were terminated in 2011, and openly gay persons can serve in the military.

The continuing impact of this change in law as well as the Supreme Court ruling of 2013 recognizing same-sex marriages offer additional examples of the active approach that administrators should take in reviewing and proposing changes in legal requirements. Same-sex couples in the military initially could be denied access to certain programs based on other federal laws (Swarms 2013), and it was not clear whether legally married couples who lived in states that did not recognize same-sex marriages would be treated as married couples under federal law. Administrators should seek the broadest interpretation of both the new inclusive policy in the military and the Supreme Court ruling and propose changes in laws that will remove contradictory features.[5]

Staff members in nonprofit organizations do not enforce the law in the same way that government agencies do, but they should uphold the law as it pertains to their organization and observe the legal requirements that govern how an organization operates as a nonprofit with exemption from taxes.

Case 3–5 Relocation

As a staff member in the community development department, you are instructed to initiate procedures to relocate residents from two blocks in a low-income neighborhood. The city council has approved clearance of these blocks for a redevelopment project. Full relocation benefits are provided to cover the costs of moving, and your office will help the residents find alternative housing. Some of the residents are elderly and have lived in the neighborhood for a long time. They object to leaving their old neighborhood. Do you proceed with relocating the elderly residents?

Consider **Case 3–5**. The lives of some vulnerable citizens are being disrupted by this program. It is, however, a policy that has been authoritatively determined by the city council. Fairness issues have been addressed by providing assistance and relocation costs. It is natural and appropriate to feel compassion for the elderly residents who do not want to move, although their living conditions may be improved as a result. Administrators must enforce the law consistently and fairly, but they should show compassion by making the relocation as painless as possible. In addition, they may be able to exercise discretion and display initiative by arranging for the elderly residents to move back into rehabilitated units in their old neighborhood or even move directly from their current residences to ones already renovated without the need for temporary housing.

Administrators also have an obligation to *support the democratic process*, what Willbern (1984) calls the "ethic of democratic responsibility." Administrators have responsibilities to both political superiors and to citizens and clients in supporting democracy. Administrators differ in how they balance the two. A survey of top city government administrators in 14 countries in the late 1990s revealed that just over half believed that administrators should be primarily responsible to the political leadership and only secondarily responsible to the public. However, in six of the countries, including the United States, a majority of administrators gave as much emphasis or more to citizens as they did to elected officials in defining their responsibilities (Mouritzen and Svara 2002, 87). Maintaining this dual responsibility is one of the challenges that administrators in government must face. Nonprofit administrators may encounter a similar situation in balancing the interests of clients, on the one hand, and donors and board members, on the other. Neither, however, can choose to ignore either key referent group.

In order to meet the expectation to support the democratic process, public administrators have the responsibility to share information with the public and ensure transparency. They should also support citizen participation and engagement—not just the opportunity to have input but also the opportunity to interact with other citizens and officials to help shape the development of policies and the delivery of services (Svara and Denhardt 2010). The ASPA code calls on members to "promote democratic participation." This principle includes the responsibility to "inform the public and encourage active engagement in governance" and to "be open, transparent and responsive, and respect and assist all persons in their dealings with public organizations" (American Society for Public Administration 2013a). To promote full participation from all groups, it is particularly important to encourage the participation of individuals from groups that are typically less involved, even if they are more likely to put pressure for change on the administrator's political superiors or administrators themselves. Such groups could include low-income citizens with low voting rates in elections or clients of a nonprofit who passively receive the services provided.

Democratic responsibility requires that administrators be *responsive to the goals of political superiors* and faithfully implement their policies. Administrators have responsibilities to both political superiors and the public and at the same time should uphold the law, maintain professional standards, and communicate honestly, even when the information provided is not what the audience wants to hear. In 1952, a top aide in the administration of the first Republican president elected after 20 years out of power expressed the view that the civil servant "must do everything within his power to insure that every policy the newly elected representatives of the people desire to put into effect is administered in an effective and expeditious manner" (Flemming 1953, 77). Once adopted, laws must be enforced, but if administrators and policy analysts supported every idea legislators "desire to put into effect" or rejected those ideas and approaches opposed by current incumbents, they would not be meeting their responsibilities to the legislators or the public.

Administrators also make policy recommendations and bring problems and issues to the attention of elected officials. They have the obligation to identify all options for achieving goals and to provide complete and unbiased information about them. They should identify trends and needs even if public and political superiors may be ignoring them. In addition, administrators should provide the information needed by political superiors to assess the quality and effectiveness of administrative performance. The ASPA code requires administrators to "fully inform and advise" elected officials and political appointees and "provide accurate, honest, comprehensive, and timely information" (American Society for Public Administration 2013a).

Case 3–6 Renewing Funding

As research analyst for the city council, you feel it is your obligation to make the strongest case possible for the continuation of funding for a low-income neighborhood improvement program. The city grant is the organization's major source of funds for rehabilitating deteriorated housing, and there would be serious unmet problems if its funding were reduced. Critics on the city council are looking for an excuse to cut the problem. You are aware of some minor problems that have been detected in performance reports on the project. Do you omit reference to these problems in order not to give the critics ammunition to use against the program?

Case 3–7 Budget Recommendation

In the county in which you are the manager, a majority of the voters in a recent county election supported a slate of candidates pledged to a substantial reduction in local taxes. Based on recommendations from department heads and your own assessment, you feel that a tax increase is needed to meet pressing needs in the community. Do you recommend a budget with a modest tax increase?

Consider **Cases 3–6** and **3–7**. Are there any differences? In the first situation, you as a staff member could tamper with the democratic process by withholding information from council members. You could impose your judgment about the seriousness of the problems and prevent the elected officials from fully reviewing the new request. The continuation of funding should be determined after a full airing of the facts. In the second situation, as county manager you are identifying needs and bringing them to the attention of elected officials. A manager has an obligation to the public to make clear what the needs in the county are and the consequences of choosing to fund or not fund programs to meet those needs. The decision is still in the hands of the elected officials, and they may choose to turn down the recommendation. Making recommendations to the board is compatible with a manager's policy-making authority and supports it. Withholding information from the board undermines or weakens that authority.

Administrators should look for ways to improve performance from the perspective of their position. They might suggest changes in old policies or propose new policies, or they might make innovations in implementation or management procedure to make a program work more effectively, efficiently, or equitably or with a higher level of service to clients. Administrators must be careful not exceed their authority or violate agency norms and standards in making changes (Terry 1998; deLeon and Denhardt 2000), but evidence from studies of innovators indicates that they typically achieve beneficial results and act with integrity (Borins 2000). Indeed, the leaders in creativity and innovation in government and nonprofits are driven by a commitment to mission and normative values (De Miranda et al. 2009).

RESPONSIBILITIES TO ELECTED OFFICIALS AND TO THE ORGANIZATION: THE QUESTION OF MORAL AGENCY

As noted, public administrators have a responsibility to serve the public, be responsive to it, and help ensure that citizens are informed and actively involved. They are not, however, directly accountable to the public, but rather to political superiors and to their organization. The top administrator reports to political superiors, and the other staff members are answerable to their administrative superiors in the organization. Furthermore, all administrators are broadly responsible to advance the mission of the organization (Wamsley et al. 1990). In seeking to discern how public administrators should meet their duties to directly serve political superiors and their organization, it is necessary to examine in more depth what it means to be an agent. Public administrators must balance two characteristics that are potentially in conflict: being controlled and being independent. Independence does not mean being a free agent who can do anything he or she wants to do, but it does mean having the capacity to act individually and without coercion in deciding what to say or do. The foundation of administrative ethics offers a clear understanding of the nature of administrators' roles as agents. Although public administrators commonly recognize their obligation to follow directives from superiors and provide accurate information to them, administrators do not always have a clear sense about other aspects of the relationship that entail more initiative on their part.

Two contrasting questions have dominated the discussion of agency in the literature on public administration. First, can public administrators be considered to be responsible for the actions they take? In other words, are they independent moral agents? We shall devote most of the discussion to this question, but there is a second: Can public administrators be counted on to do what they are supposed to do—are they accountable agents? Some see the two characteristics as mutually exclusive. Administrators are "servants" or "masters," "agents" or "independent tools" (Barker and Wilson 1997). Administrators whose behavior is controlled are not responsible for their actions. This view is based on pervasive arguments that administrators are simply the instruments of political superiors—elected officials or nonprofit board members—and/or are subsumed in complex organizations that strip them of the capacity to make individual decisions (Stewart 1985). On the other hand, some argue that administrators who have sufficient independence to be considered responsible for the choices they make may operate beyond the reach of accountability. They may defy or undercut the instructions of the "principal" for whom they work.

The standard approach to this dilemma has been to contrast responsibility that is objective and derived from external sources of control and responsibility that is subjective and derived from values and internal sources of commitment (Cooper 1982; Burke 1986). The opposing sides were articulated in the debate between Herman Finer and Carl Friedrich. Finer (1941) argued that elected officials should control administrators to the fullest extent possible and that administrative discretion should be limited. To Friedrich (1940, 19), on the other hand, responsible administrative conduct "is not so much enforced as it is elicited." Administrators should be guided by an "inner check" based on personal commitment to norms, beliefs, and values and membership in the "fellowship of science." Administrators should also follow external sources but not simply the directions of elected officials. It is irresponsible to disregard "existing preferences in the community, and more particularly its prevailing majority" (12).

The debate over the role of administrators should not be considered an either/or choice. Administrators cannot meet their external expectations—that is, the duties of their position—unless they use judgment, exercise discretion, and display independence. For administrators to fill their part of the relationship with elected officials, according to Fritz Morstein Marx (1946, 111), they must avoid "servility and spinelessness." Administrative judgment "must rest on unquestionable integrity. It cannot be both trustworthy and pleasing to everyone. It must enjoy freedom of expression." Later Marx amplified this view.

> The obligation to uphold the law does not carry with it the fallacious notion that the general norm enforces itself, thus eliminating the need for administration and for administrative judgment. All governing is by men. Even when operating under the most detailed instructions, administrative staffs are not turned into inanimate cogs or mindless robots. (Marx 1949, 1128)

Still, there are limits to administrative action: "administrative authorities are never free to pursue ends at their own absolute discretion, even when discretionary power is conferred upon them by law" (1127). Public administrators interact with elected officials, and each contributes to the reconciliation of divergent interests in the society. Public administration, however, "has no claim to a political veto." No matter how strong their desire to promote the common good, "government officials are constitutionally out of order in undertaking to serve as a continuing corrective in the political process" (1136–37). While there is no basis in administrative ethics "for the official's right to overrule democracy," there is normally the opportunity or formal responsibility "to render advice" on pending measures (1137).[6]

Norton Long (1954) stressed that knowledge in a bureaucracy is a source of power and that the bureaucracy "cannot be a neutral instrument solely devoted to the unmotivated presentation of facts to, and the docile execution of orders from, political superiors" (27). He emphasized the interaction between elected officials and political appointees, on the one hand, and administrators, on the other. Not only do administrators serve the executive in presenting a wide range of alternative views, they should responsibly serve the legislature as well. "A vital part," he concluded, "of rational decision and community representation must be structured into administration if they are to occur at all" in the policy-making process (31).

Restating these counter arguments, ethical problems for public administrators may arise if they are too passive due to the nature of the administrative role in large organizations or if they are too active. Are they merely passive instruments or are they usurpers of the authority of political superiors (Heady 1984, 408)? *Neither of these alternatives is ethically acceptable.* In the discussion that follows, being responsible for actions and being accountable for actions are both viewed as necessary for ethical administrators. There is tension between the two characteristics, but they do not undermine each other. It is an external obligation of administrators, an expectation of elected officials and the public, that administrators demonstrate independence and tell the truth.

DO ROLE AND STRUCTURE ALLOW ADMINISTRATORS TO BE RESPONSIBLE FOR THEIR ACTIONS?

There are legitimate concerns about ensuring that administrators do not operate outside a set of controls. They do not own their organization nor should they unilaterally determine its policies. This concern leads some to the extreme conclusion that administrators cannot be moral agents because of the role they fill. In this view, the public administrator is a narrowly neutral agent whose only options are to obey orders or resign from the organization. Administrators are seen to be so completely neutral that they are not supposed to make any value judgments, because such judgments are to be made by political superiors alone. This condition would mean that administrators cannot be moral agents within a public organization because their actions are controlled by others.

This approach is conceptually grounded in the politics-administration dichotomy model (Svara 1998), which can be summarized as follows:

- Elected officials do not get involved in administration.
- Administrators have no involvement in shaping policies.
- Administrators occupy the role of a neutral expert whose responsibility is restricted to efficiently and effectively carrying out the policies of elected officials.
- Presumably, administrators do not exercise discretion. To do so opens the door to interpreting policy and choosing how and to what extent it will be applied.

In this view of the dichotomy, according to an influential article by Wallace Sayre (1958, 102–3), an administration was to be in a "self-contained world of its own, with its own separate values, rules, and methods" and "concerned exclusively with the execution of assignments handed down from the realm of politics."

A second argument for the lack of moral agency is that the organization is so large and complex that individuals have no control over what happens. According to the ethic of structure, it is the organization, not the individual, who should be held responsible (Stewart 1985). Similarly, systems theory contends that organizations do not behave rationally. There is a gap between individual intention and collective outcome, and individuals do not control the consequences of their behavior. Individuals are simply "cogs in the wheel." So many hands contribute to an action that it is not possible to assign responsibility to any one individual. If responsibility can be assigned to any one person, it is only to officials at the top of the organization. Officials at the middle and lower levels have no control.

It is certain that many administrators have felt pressured by their superiors or the organization to do things that they believe unwise or even improper. Some accept the control of superiors and release themselves from responsibility with the rationalization "I was just following orders." A more modest version of this orientation —consistent with the dichotomy model—is the attitude that "political superiors make policy, and I just carry it out." Once again, responsibility has been shifted from the administrator to the political superior along with the claim that this is how functions are supposed to be divided.

There are a number of counterarguments to this simplistic position.[7] First, roles are not defined so precisely that room for individual choice is eliminated. Unless coerced, administrators are not relieved of moral responsibility for their actions. The strict dichotomy view underestimates the extensive discretion and influence that administrators often have. They are not helpless instruments of elected officials and, indeed, we shall see that there are concerns that administrators have too much influence. Furthermore, people bring ethical values and professional norms and expertise to their positions, and it is appropriate to draw on these sources in making recommendations and deciding whether to carry out instructions. Administrators should be neutral, but administrative neutrality means not taking sides and supporting some political superiors over others. Neutrality between parties, groups, or contenders for office does not preclude expressing value preferences, nor does it remove the obligation to display honesty and independence, "to speak truth to power." Public administration entails an obligation to *serve* political superiors *and* the public, not simply an obligation to obey political superiors. In Dobel's (1999, 214) words, administrators "defer to, but not surrender to, authority."[8]

All staff members make a contribution to the overall work of the organization. Even in large organizations,[9] individuals should not hide behind the system. By viewing themselves as "cogs," they are putting on ethical blinders to not see the results to which their actions contribute. In many instances, individual actions can affect outcomes. Complicity and "going along" are often required for organizations to act the way they do, but individuals can refuse to go along. Various methods of dissent are available to administrators to raise concerns about organizational problems (O'Leary 2006). High-ranking officials obviously have considerable clout, but responsibility for outcomes is needed throughout the organization, not just at the top.

In contrast to the dichotomy model, there is extensive evidence of political-administrative interaction and administrative influence in government (Svara 2006). In nonprofit organizations, the relationship between the board and director is typically even more fluid than in government. The director and staff have substantial potential not only to influence board members but to determine who the board members will be. At the end of this chapter, an alternative to the dichotomy model—a model of complementarity—will be offered.

There is also clear ethical and legal support for administrative independence in the face of official pressures. The Nuremberg Charter used as the basis of the trials of Nazi war criminals provides a sweeping statement of the scope of individual moral responsibility:

> Article 7. The official position of defendants, whether as head of state or responsible officials in government departments, shall not be considered as freeing them from responsibility or mitigating punishment.
> Article 8. The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires.[10]

In the British civil service, there are explicit requirements of noncompliance in the face of improper orders. The top administrator in a department or the accounting officer is "required by law to question any ministerial scheme for unlawful, improper or ineffective use of public fund…with a formal warning to the minister" (Barker and Wilson 1997, 227–8). This step is rarely taken because the minister—the top politician—usually backs off when encountering resistance from the top civil servants. However, occasionally, senior officials will ask that the orders be put in writing, which also provides a warning that the action is questionable.[11] In interviews by Barker and Wilson (1997, 230), only 6% of top officials in Britain indicate that they would comply with an inappropriate task, although another 15% would comply but complain about the order. The others would refuse, and over half would report the order to top civil service staff (Barker and Wilson 1997, 230). These counterarguments are not meant to deny the pressure that can be exerted on staff members in organizations, but they are not powerless to act nor without legal grounds for refusing to obey.

Case 3–8 Discharge from Rehab Program

You are an assistant director in a local rehabilitation program for teenage drug abusers. The goal of the program is to return a client to the community when the professional teams are convinced that the individual can remain drug free. Recently a treatment team's decision to discharge a young woman from the program was strongly objected to by her parents. Adamant about continuing program treatment for the young woman, the parents used influence with a legislator on the appropriations committee to bring pressure on the agency head. You are the intermediary between the agency head and the treatment teams. The agency head has asked you to intervene and halt discharge plans. What would you do?

Richter, Burke, and Doing, 1990. *Combating Corruption, Encouraging Ethics: A Practical Guide to Management Ethic*, 146.

The issues surrounding moral agency can be examined in **Case 3–8**. In this situation, the first issue is whether it is appropriate to question the decision of the treatment team. Does asking them to reconsider constitute questioning their judgment? Obviously, administrators prefer that clients and their relatives deal with them directly, but the parents' request conveyed through the legislator potentially indicates that there is new information that the treatment team did not have at its disposal to consider. The parents may know something about the home or community situation that makes discharge unwise. On the other hand, the parents may simply find it inconvenient that their daughter is being returned to their home at this time. It is the agency's obligation to release clients when there are ready, and there is a backlog of others who need to receive the care. Based on the new information, the treatment team should decide the case on its merits and, if they reconfirm their original decision, you should support them.

One should not presume that a legislative inquiry is connected to a specific outcome. Often inquiries referred on behalf of constituents are simple requests for information or explanation. The agency can use the request as an opportunity to educate the elected official about what the agency does, how it makes decisions, and what its needs are. The agency director may discover that the legislator actually does want to force the organization to bend or break its rules, but you and the director should not do the bending because you suspect that this is the intent of the request. If this is the case, the director will have to decide if this is the battle he or she wants to fight to uphold the independence of the agency. There could be serious consequences for the clients and staff if the demand is refused that cannot be ignored. Still, in instances of this kind, you should avoid a pseudomoral agent argument: just because someone tells you or tries to pressure you to do something, it does not absolve you of moral agency. You are still responsible for your actions. If you accept the action that is being forced on you, you share in the responsibility for the outcome.

ARE PUBLIC ADMINISTRATORS ACCOUNTABLE AGENTS?

It is important to consider briefly the other side of the moral agency issue. If public administrators have sufficient independence to be responsible for their actions, is it possible that they are operating outside the control of their superiors? There is a need for accountability in government and nonprofit organizations. It is a critical part of the oversight of administration provided by political superiors. A number of factors raise doubts about the adequacy of accountability. Many of the counterarguments that support the position that officials are responsible for their actions suggest a degree of autonomy that could interfere with accountability and reliable implementation. There are a number of ways that agents may defy the directions of their principal. Indeed, the relationship is commonly discussed under the heading the *principal–agent problem.*

There is an extensive body of writing in political science and public administration about the supposed autonomy of administrators and the self-directed nature of bureaucracies. The autonomous administrator is distant from politicians and is self-directing to the point that political control is questionable (Jones 1995). Public-choice theorists argue that administrators act in terms of their own interests or their own perception of the public interest rather than the public interest as translated by elected officials.[12] Often it is suspected that administrative agencies are "bureaucratic fiefdoms…that cannot be held accountable through the normal mechanisms of representative democracy" (Stein 1991, 1). The standard popular perception of administrators —and one held by many scholars as well—is that bureaucracies are lumbering, unresponsive, self-interested, and out of control (Wood and Waterman 1994, 141). Nonprofits have not been free of criticism, and public trust has been weakened by the perception that some nonprofits put their own organizational interests above serving those in need.

The counterarguments regarding the willingness of administrators to be accountable are substantial. Observing the law and promoting agency mission are important to administrators. There are fallacies in principal–agent model, which assumes that agents only pursue narrow self-interest and can be expected to shirk their duties and defy control. Many administrators are "principled agents" who take on thankless tasks and go above and beyond the call of duty (Dilulio 1994). There is evidence that administrators support oversight by elected officials and board members. Nonprofits have developed new mechanisms for accountability (Independent Sector 2002). There is a need for a new model for conceptualizing the relationship of politicians and nonprofit board members and administrators that accommodates the possibility that administrators are neither subservient (and thus not responsible agents) nor autonomous (and thus not accountable agents).

In conclusion, there are several questions to use for self-examination. What is your own responsibility for the actions you take when you are carrying out instructions? To what extent should you take the initiative to raise issues with or make recommendations to your superiors? Do you tell political and administrative superiors what they want to hear or provide honest and complete analysis? Do you do what is expected and provide a full account of your actions? Responsibility and accountability go hand in hand.

COMPLEMENTARITY AS CONCEPTUAL FOUNDATION FOR ADMINISTRATIVE RESPONSIBILITIES

Although it has been common to think that political superiors and administrators were once strictly separated, especially in government, considerable evidence shows that they interact extensively in a complementary relationship with each providing important contributions to the other. In nonprofit organizations, although one can hear the statement "The board makes policy and the staff implements it," the interaction and shared involvement is widely recognized. A case can be made that this *model of complementarity*, as I have called it, is more valid historically than the dichotomy model discussed earlier in the chapter (Svara 1999; 2001), and it certainly matches current realities in government and nonprofits. The model acknowledges both distinction and separation between politicians and administrators and also overlap and shared functions. It provides a basis for identifying the obligations and duties of public administrators in the political-administrative relationship.

Substantial evidence supports complementarity. The interactions of elected officials and administrators have the following characteristics that have been observed in various studies (adapted from Svara 2007):

1. Political superiors and administrators maintain distinct perspectives based on their unique values and

the differences in their formal position.

2. Elected officials and administrators are primarily involved in distinct functions: politicians in policy making and constituent relations, administrators in implementation, service delivery, and management. There are partially overlapping functions as political superiors provide political oversight of administration and administrators are involved in policy making.
3. There is interdependency and reciprocal influence between political superiors and administrators; each impacts the other.

These characteristics are based on the resources that each set of officials possesses, which prevent one from completely controlling the other. This balance of resources is necessary to offset the natural power advantage that elected officials have in political-administrative relations (Dunsire 1973, 160).

The balance between the two sets of officials depends on administrators meeting certain obligations in their relationship to political superiors. These obligations blend independence and deference on the part of administrators. They recognize the need for external control and the importance of an "inner check" of internalized standards of behavior.[13] The obligations include the following:

1. Administrators should support the law, respect political supremacy, maintain political neutrality, and acknowledge the need for accountability. They should be loyal to the mission of their organization.
2. Administrators are responsible for serving the public, promoting the broadest conception of the public interest, and supporting the democratic process. Serving the public interest may bring administrators into conflict with political superiors and with segments of the public.
3. Administrators should take responsibility for their actions.
4. Administrators should be independent with a commitment to professional values and competence.
5. Administrators should be honest in their dealings with elected officials, seek to promote the broadest conception of the public interest, and act in an ethically grounded way.
6. Politicians should respect the contribution of professional administrators and the integrity of the administrative process. Administrators should encourage politicians to fulfill their responsibilities.

Richards and Smith (2004, 787) express a similar view when they observe that, although officials and ministers in Great Britain "have different interpretations of the world; these on the whole are complementary because what they do is reinforce, rather than challenge, each other's position."

The final requirement of complementarity is especially tricky for administrators because it involves efforts to shape the behavior of their bosses. Still, for there to be a constructive relationship between political superiors and administrators, it is necessary for political superiors to meet their expectations as well as to respect the contribution of professional administrators and the integrity of the administrative process (Burke 1986). Political superiors have the ultimate responsibility to set policy and establish the goals for the organization, and they must carry out this responsibility. Otherwise, administrators may either be uncertain about what they are trying to accomplish or may quietly fill in the void with their own preferences. Political superiors should expect complete and accurate information about how programs are carried out and how services are delivered, but they should take seriously the difficult task of oversight—it is time-consuming and not very exciting—and provide a clear assessment of how policies and programs are working.

Negative behaviors result from going too far in either direction regarding respect for administrators or in controlling them. If the respect is excessive, political superiors may simply rubber stamp the recommendations from administrators; if it is deficient, they may ignore recommendations and take actions that are politically expedient but unsound. If the effort to control administrators is excessive, political superiors may interfere with the performance of administrators and undermine important administrative values such as fairness, impartiality, legality, or efficiency. On the other hand, if the control of administrators is deficient, political superiors may fail to hold administrators fully accountable.

Our focus in this discussion is the responsibilities of administrators, not political superiors. How can those in a subordinate position affect the behavior of their superiors? They should seek to encourage appropriate behavior and resist behavior that is inappropriate. The former is clearly easier to accomplish than the latter, but both can be challenging. Administrators may fail to encourage political superiors to more actively review recommendations or scrutinize performance because it is more convenient to operate with a free hand. How to resist negative behavior takes us back to the points already discussed in this chapter about why and how administrators can assume responsibility for their actions. Administrators have resources to support their position in disagreements with political superiors, and political superiors are to some extent dependent on administrators.

The recommendations of the complementarity model reflect the duty-based approach to defining responsibilities. Thinking about the basic responsibilities of public administrators, it is straightforward to identify complying with organizational directives, avoiding conflicts of interest, and service orientation. As stewards of scarce resources, administrators should be committed to efficiency, economy, effectiveness, and innovation. There are also additional reciprocal commitments that involve action, not just reaction, on the part of the public administrator. The administrator should maintain the integrity of organizational process and support the democratic process. In dealing with organizational superiors and elected officials, administrators have responsibilities to push back and help shape decisions as well as to follow and comply. Administrative judgment "must rest on unquestionable integrity. It cannot be both trustworthy and pleasing to everyone. It must enjoy freedom of expression" (Marx 1946, 111).

The complementarity model recognizes the extensive interaction between administrators and political superiors and entails a high level of responsibility for administrators. Rather than operating with the incomplete assumption that they are simply doing what political superiors tell them to do, administrators need to hold in balance contradictory expectations. Their responsibilities to political superiors, the public, their organization, and professional standards may sometimes pull them in different directions. Although it is challenging to balance these perspectives, it is the inescapable reality of administrative life. Administrators should be guided by the duty to uphold democratic *and* professional values.

BUILDING A MODEL OF ADMINISTRATIVE ETHICS WITH DUTY AT THE CORE

To Mosher (1938, 339), the "central and dominating theme" of professional ethics for public administrators is the public interest, and Moore (1981, 5) contends that administrators "have the opportunity and duty to conceive of and pursue the public interest." The commitments discussed in this chapter all contribute to pursuing this ideal: the obligation of public officials to meet the expectations of their position, to respond to the public and to political superiors and support them in discharging their roles, and to address the long-term needs of society.

The phrase *public interest* is an elusive but important standard. The meaning is "often synonymous with the notion of 'general welfare,' or the 'common good' or actions benefiting the 'general public'" (Newcomer and Allen 2008). In the view of Rosenbloom and Kravchuk (2004, 8–9), "even though it is often difficult to say precisely what is in the public interest, there can be no dispute about the obligation of public administrators to consider it as a general guide for their actions." To Bailey (1962, 106), it is nothing less than "the central concept of a civilized polity."

Wamsley and the other authors of *Refounding Public Administration* offer this detailed definition and guidelines:

> The "public interest" refers to a combination of several habits of mind in making decisions and making policy: attempting to deal with the *multiple* ramifications of an issue rather than a select few; seeking to incorporate the *long-range* view into deliberations, to balance a natural tendency toward excessive concern with short-term results; considering *competing* demands and requirements of affected individuals and groups, not one position; proceeding equipped with *more* knowledge and information rather than less; and recognizing that to say the "public interest" is problematic is not to say it is meaningless. (Wamsley et al. 1990, 40)

Advancing the public interest also entails protecting and improving the process of public governance—promoting participation by all citizens and supporting political superiors. Concern for the public interest encourages "public administrators and others to be logical, to be rational, and above all, to give reasons" for their actions (Wamsley et al. 1990, 143). The ASPA code includes the principle that administrators will "advance the public interest" by "promot[ing] the interests of the public and put service to the public above service to oneself" (American Society for Public Administration 2013a).

The public interest requires that public administrators maintain the delicate balance of accountability and independence, responsiveness and neutrality, and deference and assertiveness in their relationship to political superiors. They are like an acrobat keeping his or her footing on top of a moving ball, to use Radin's (2002) analogy of an artful and "accountable juggler." The "genius" of the public interest concept, according to Bailey (1962, 106) "lies not in its clarity but in its perverse and persistent moral intrusion upon the internal and external discourse of rulers and ruled alike." The intrusive question is: What action should I take to advance the public interest?

In fulfilling their duty as officials for the public, public administrators should meet the basic expectations of serving the public and controlling their own self-interest. They should also seek to promote the public interest in whatever ways are available to them. In the model of administrative ethics that will be completed at the end of the chapter on reinforcing and enlarging duty, duty is the core and the ideal that is pursued is the public interest.

In dealing with complex situations, administrators can usefully draw upon their understanding of philosophic perspectives of ethics as well as their sense of duty. These perspectives are examined in the chapter on reinforcing and enlarging duty, and they will contribute the other elements and ideals to the complete model of administrative ethics.

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[1] See also the list in Lewis and Gilman (2012, 28–29).

[2] Some of these cases appeared in professional training material and are in general circulation. For local government cases (including Cases 3-1 and 3-3), see Richter, Burke, and Doig (1990, 275–77).

[3] This familiar quotation was inscribed on the post office building in New York City and was never the official motto of the U.S. Postal Service (http://americanhistory.about.com/library/prm/blpostoffice3.htm).

[4] For example, the City of Phoenix has a "managed competition" program in which outside companies and city departments compete for contracts to provide city services; private bidders for this program are required to provide health and other benefits to their workers. The city is also obligated to calculate its complete cost for providing the service, including supporting services from staff departments such as budget and personnel.

[5] Significant changes are in progress. Benefits will be provided to same-sex partners by the Office of Personnel Management, the Internal Revenue Service, the military (Hicks and Tam 2013), and Veterans Affairs (Hicks 2013).

[6] Thus Marx, like Vieg (1946), preferred that administrators discretely influence policy decisions behind the scenes. Even Finer (1941, 342) conceded that "no one in their right mind would deny the importance of suggestions persuasively presented by the expert."

[7] See discussion by Debra Stewart (1985) and Dennis Thompson (1985) of the impact of role theory and neutrality on moral agency.

[8] The presumed lack of moral agency also ignores the obligation to resist improper commands. Officials even in military or quasimilitary organizations should not obey illegal or improper orders. For discussion of this issue, see Toner (2005, 49–51.)

[9] Size is not always the issue. Charles Goodsell (2003) provides evidence to support the point that most government offices are small.

[10] It is available at http://avalon.law.yale.edu/imt/imtconst.asp.

[11] By civil service rules, administrators are prohibited from engaging in partisan activity on behalf of political superiors (Barker and Wilson 1997, 228–9).

[12] See Gordon Tullock (1965), William Niskanen (1971), and Patrick Dunleavy (1991).

[13] The values combine the contrasting perspectives of Herman Finer (1941) and Carl Friedrich (1940).

CHAPTER 4

Reinforcing and Enlarging Duty: The Philosophical Bases of Ethical Behavior and the Ethics Triangle[1]

Three major alternative approaches to grounding and organizing ethical thinking are drawn from philosophic traditions. These approaches are based on virtue, principle, and consequences. Each has important advantages and amplifies the understanding of duty, but each has shortcomings as well, especially if used alone and in a limited or distorted way. As noted in a previous chapter, it is possible to develop a robust and highly relevant set of ethical expectations based on examination of the requirements of public duty.

Extending the discussion to consider philosophical approaches, however, is important for three reasons. First, it is not possible to describe the basic responsibilities of public administrators without reference to these traditions, particularly virtue and principle. For example, we have already considered the service orientation, which reflects the virtue of benevolence and the principle of procedural fairness. The values that support the complementary relationship of administrators and political superiors presume that administrators are ethically grounded. Having greater understanding of the perspectives helps to deepen the understanding of ethical choices based on a sense of duty-based responsibility. Second, the duty-based responsibilities are useful as far as they go, but these responsibilities do not attempt to probe the nature of goodness, the meaning of justice, or the weighing of benefits. Understanding the philosophic perspectives helps to broaden the range of ethical choices beyond those that might be identified considering duty alone. Third, using all the perspectives can help to assure that all possible options have been considered in examining a complex ethical decision. The perspectives help to identify and sort out ethical choices.

The major contenders for being the philosophical base of administrative ethics are virtue, principle, and consequences. These approaches have been summarized well by Richter, Burke, and Doig (1990, 2–3) in their essay for the American Society for Public Administration collection of readings, *Combating Corruption/Encouraging Ethics.*[2] The first, which looks to the qualities of the good person for the standards of ethical conduct, has been advanced by Cooper (1987) and the Josephson Institute (1988), among others. The second, the principle-based approach, applies universal principles to determine ethical choices, as advocated by Ralph Chandler (1994) and by David Hart (1974) drawing on Rawls's theory of justice. Although Kathryn Denhardt (1988, 53) is reluctant to make a clear-cut choice between deontological (principle) and teleological (consequences) approaches to ethics, she acknowledges that she considers the former approach to be "more defensible." The consequentialist approach, a third perspective, looks at the results of actions and seeks to promote some end, such as the greatest good, drawing on utilitarian ethics. It has few proponents but many practitioners. Reviewing the three ethical approaches supports the conclusion that use of all of them helps to avoid the shortcomings and potential misuse of any of the models used singly as well as the shortcomings of using duty alone. One is best grounded when operating within an ethics triangle formed by the three approaches with duty at the center.

Each of the elements has a different kind of "claim" for its validity. As noted, duty has obvious validity because it is derived from the nature of the public service position itself. The virtue-based approach looks inward at the qualities that characterize an exemplary person and claims that these should guide ethical thinking. The principle-based approach looks to external standards of behavior and claims that these standards should always be observed. The consequentialist approach looks at the results of actions and claims that achieving the best outcome is the most ethical action.

In the next three sections, we will examine each approach and consider their advantages and disadvantages as guides to ethical analysis and behavior. For each approach, the central idea will be identified. It represents the "ideal" quality, behavior, or condition associated with each approach, just as public interest is the central idea of the duty-based approach. In the concluding section, we will combine the three approaches, along with the duty-based approach, in a model of administrative ethics. Using the model, we will present ways to use the perspectives together.

VIRTUE AND INTUITION

Two distinct but related elements are included in this approach. First, the basis of ethics is a set of qualities that defines what a good person is. The virtuous person manifests and acts on the characteristics that mark one as a person of character and integrity. Second, the nature of ethical decision making is intuitive. One grasps in a holistic way what a good person would do in a given situation. The sense that "I know what I have to do" comes from one's being, instead of coming from reflection or from an analysis of the situation (which are necessary in the next two approaches). Charles Garofalo and Dean Geuras (1999) present these two as separate approaches, but they are so closely linked that separation seems artificial.[3] Intuition may provide the spark of recognition that an ethical issue is being encountered, and it may provide the initial impulse for action. Insofar as there is critical examination, it is guided by the question "What would a good person do?" This in turn may lead to considering how different aspects of one's nature might impel one to choose alternative courses of action. The guiding impulse, however, is the feeling that one should act based on one's character. Dobel (1999, 217) acknowledges that ethics based on character does not address the larger issue of "the right" (the principle), but he believes that "focusing on integrity does illuminate many powerful obligations of officials." Thus, in his view, one can rely on a virtue-based approach alone to achieve ethics, and it will lead one to consider other approaches to ethical action as well.

For administrators to be virtuous, they must develop their personal traits and put them into practice. To Aristotle, the ultimate good is an active life in accord with excellence, and virtue is required to achieve excellence.[4] Virtues are within us, but their utilization is not automatic. "Virtues exist innately, as potentialities, within each individual," David Hart (1994, 113–14) argues, "and they push for actualization in the life of the individual." The expansion of virtue is based on practice and the development of habits of goodness (Wilson 1991). Speaking about the virtue of courage, James Toner (2005, 111) offers this explanation of how practice contributes to virtue:

> Aristotle believed that we become brave by doing brave acts. At the time of an act, *we are*; we do the act and *we become*. We become, we are. The next time we encounter a challenge, we are better than we were before. This is a virtuous circle in much the same way that a vicious circle means failure leading to failure, resulting over time in a character of failure.

The result is not simple mechanical habits, but "habitus" or a disposition to lead a moral life (Toner 2005, 120).

Some debate exists about which virtues are most important or are essential to other virtues (the cardinal virtues), and Hart (1994, 118) acknowledges that the cardinal virtues must be "intentionally cultivated." Some argue for the minimal number of virtues with others being derived from these cardinal virtues. Frankena (1963, 50) takes this approach and uses benevolence and justice as the essential virtues. Toner (2005), who focuses on the ethics of military officers, stresses prudence, justice, courage, and temperance. The Michael Josephson Institute (2002, 7–14), on the other hand, identified six pillars of character (ethical values to guide choices), some of which are associated with additional virtues:

1. Trustworthiness
    - Honesty
    - Integrity
    - Reliability (promise keeping)
    - Loyalty
2. Respect
    - Civility, courtesy, and decency
    - Dignity and autonomy
    - Tolerance and acceptance
3. Responsibility
    - Accountability
    - Pursuit of excellence
    - Self-restraint
4. Fairness
    - Process
    - Impartiality
    - Equity
5. Caring
6. Citizenship

Beyond these, Cooper (1987, 324) adds rationality, prudence, respect for law, self-discipline, civility, and independence.

Advantages of the Virtuous Approach

As just noted, one of the advantages of ethics based on virtue is that ethical choice is intuitive. Essentially, one asks the question "Who shall I be?" This gives what Bernard Mayo (in Sommers 1985, 175) calls a "unity to our answer." It is not the logical unity that a set of principles would purport to provide, but rather "the unity of character. A person's character is not merely a list of dispositions; it has the organic unity of something that is more than the sum of its parts" (175). Thus, whether one's list of virtues is short or long, it should have coherence if one has developed the habits and dispositions that help one achieve an active life in accord with excellence.

From one perspective, it is hard to fault this approach because of its emphasis on goodness. Wouldn't it be desirable to direct an agency full of virtuous employees? Posing the question in this way may, in fact, produce some reservations. For this approach and the others, there are advantages and disadvantages in using the approach in "pure" form, as well as some problems that might come from using the model too much—overutilization—and using it too little—underutilization.

The chief advantage is easy accessibility to ethical standards. Virtues commonly draw on the core societal values that are inculcated from childhood. Thus, the administrator does not have to learn how to be virtuous, although his or her virtue must be practiced and honed. Hart (1994, 114) reminds us that one pursues virtue rather than ever achieving it. An additional advantage is that acting virtuously reflects an intention by the individual to be good. Unlike the other approaches that stress reflection and analysis, the virtuous approach is based on positive motives. It is also clearly an individual choice to be virtuous; there is less inclination to rely on or defer to external authority or sources of guidance in resolving ethical issues. In the best sense of the term, virtue can become one's "second nature."

Disadvantages of the Virtuous Approach

Disadvantages of the virtuous approach are several. An administrator may want to *be* good, but does he or she know how to *do* good; in other words, he or she may not know what actions are appropriate for each of the virtues. Definitions of virtues may be circular. For example, Mayo (in Sommers 1985, 172) defines the virtue of justice as "a quality of character, and a just action is one such as a just man would do." To decide what a just person would do without consulting a principle of justice is difficult. In addition, how does one choose among alternative virtues that may lead one to act in different ways (choosing between competing "goods")? The very simplicity of virtues and their proximity to values of everyday living make them poor guides if used exclusively in dealing with complex situations in which the special conditions of the public sector must be taken into account. For example, is it right to participate in an urban renewal project that harms some in the short run—those displaced and relocated even if "fairly" compensated—and destroys some features of the built and natural environment in order to produce change that brings greater benefits to more people in the long run (assuming for the sake of argument that the project actually does accomplish these ends)?

Related to this problem is the question of where the ethical private person ends and the ethical administrator begins. Hart (1994, 116) asserts that "virtue requires that followers *always* question the ends to which their actions are to be directed, and never allow their virtue to be used to advance morally wrong causes." From what perspective, however, does one question the end pursued if one's own ideological preferences or personal (nonmoral) values differ from the values that have been authoritatively and legitimately established through the political process? How does the administrator balance appropriate accountability and respect for political supremacy with being virtuous?

In sum, the truly virtuous administrator may be good but not know how to do good, not know which way to be good among alternative virtues, and not know how to distinguish being good as a private person and as an administrator. It is hard to resolve these issues without reference to other sources of moral guidance that could come from other ethical approaches; that is, by referring to principles or consequences.

Problems with Over- and Underutilization

Other problems occur when an administrator over- or underuses virtue. We cannot dismiss the possibility that an administrator will think that he or she is “too” good. Self-righteousness can lead the administrator to believe that only he or she knows what is right. A sense of moral superiority can follow. Another potential pitfall is confusing being and doing. If an administrator is convinced that he or she is good, then it is not hard to believe that what he or she does is good and right as well: “My goodness makes my actions good” or “My pure motives make my actions pure.” The “Robin HUD” case during the Reagan administration that involved a person who misused government funds out of a misplaced definition of goodness is an example (Lewis 1991, 42–43). An independent test of whether one’s good-intentioned actions are right based on principles or consequences may be an important corrective.

If the habits of virtue are not firmly established or well-honed, then the problem of drawing guidance from virtue in the choice of action is exacerbated. Relying on virtue potentially permits wide variation in interpretation and action. In addition, one might choose a virtue that works even though it is not the best for a situation, for example, being benevolent when one ought to be just or being loyal when one should be courageous. When virtue is weakly developed, the intuitive approach to decision making can be simplified to the point that ethical content has been lost. The newspaper or mirror tests rely on questions such as “Would I want my mother or my children to know I did this?” These tests promote “virtue” only to avoid punishment or embarrassment. If an administrator could convince him- or herself that no one would ever know about an action, then there is no reason not to do it. The gut reaction that can become very sensitive to wrongdoing by developing the habits of virtue can also be desensitized as well by weakly developed virtues and poor habits.

In conclusion, administrators should be virtuous, but not only virtuous. They should be intuitive, but also reflective and analytical. The central idea that can be taken from this approach is character.[5] It goes beyond separate virtues that guide facets of behavior (being honest in communication with citizens or being loyal in dealings with the organization) and unifies them into a coherent and comprehensive commitment. Character also links values to action. Character is the “predisposition to behave consistently with one’s espoused values and principles” (Cooper 2004, 398). The Josephson Institute (1988) views values as the “pillars” of character. To Edwin DeLattre (1994), the hallmark of ethical police officers is excellence of character. To Toner (2005, 144), “character is about habitus, settled dispositions toward the good.”

DEONTOLOGY AND THE PRINCIPLE-BASED APPROACH

If administrators are principled rather than virtuous, they base their ethical decision making on the application of principles. Deontologists use agreed-upon or settled values to determine one’s moral obligation to act. Virtue and principles are not in conflict and may reinforce each other. According to the Josephson Institute (1988), “we translate values into principles so they can guide and motivate ethical conduct. Ethical principles are the rules of conduct that derive from ethical values.”[6] Still, the principle-based approach would refer to and rely on the rules rather than the virtues. To use this approach, administrators need to have knowledge of a set of principles and the deductive capacity to appropriately apply those principles to actual situations.

Principles identify “kinds of action that are right or obligatory” (Frankena 1963, 49). Rule-deontologists seek to establish principles that will apply to a variety of situations.[7] This approach is closely related to the duty-based approach to ethics.[8] The distinction made is in the source of the expected behavior. The principle-based approach emphasizes what is right in a universal or objectively verifiable sense, whereas the duty-based approach emphasizes obligations derived from the nature of the public service role.

A critical issue in this approach is from where the principles come. At a basic level, we look to law as the source of direction for how to act. For administrators to be accountable and responsible, they must be bound by law. A central feature of democratic governments is that they are based on laws, not the personal preferences of the men and women who work for government (Marx 1949). To act according to the law, however, does not necessarily mean that one understands the principled basis for the law nor the principles that might raise questions about whether the law is sound. To look only to the law as a source of principle is to remain at Kohlberg’s Stage 4 of moral development (Kohlberg 1981).

One way to identify universal principles is to identify overarching guidelines from which the principles can be derived. There are two important systematic approaches to identifying principles that are commonly cited in the literature on public administration ethics. One is Kantianism. In Immanuel Kant’s approach (adapted from Chandler 1994, 149), consequences or the ends attained by actions are not what determines moral obligation. The moral worth of an action is determined by the principle from which the action is performed. As a guide to developing principles, Kant provided the categorical imperative: “one should act only as if one were legislating a universal law for everyone to follow in a preferred world” (Richter and Burke 2007, 24).

There are two principles that Kant derived from the categorical imperative that stand out. First, people are never to be treated in an instrumental way as a means to an end, but only as ends in themselves. Second, one should never lie. The Kantian position is that principles are universally and invariably applicable.[9]

Thus, one should never deviate from principle regardless of the consequences. This injunction points to the likelihood of tension between the principle-based and the consequentialist approach, which we will examine later.

A second major contender for a systematic framework for deriving principles is John Rawls's *A Theory of Justice* (1971, 302). Rawls's starting point is to create a hypothetical situation. It assumes that the "original position" of persons is behind a "veil of ignorance" that prevents them from knowing their age, sex, religious beliefs, social standing, and so on. In this situation, when they make rational calculations about principles of justice, they will choose two principles:

- First principle: Each person is to have an equal right to the most extensive total system of equal basic liberty compatible with a similar system of liberty for all.
- Second principle: Social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged.

These principles provide a philosophical justification for definitions of equity that target benefits to individuals in need or redistribute resources to reduce social and economic inequalities. The recognition of the need to examine the social basis of inequality in society has been a major theme in public administration since the New Public Administration movement (Marini 1971), and principle-based arguments for advancing equity have contributed to the development of administrative ethics (Hart 1974). The ASPA Code of Ethics approved in 2013 adds the requirement to "strengthen social equity" (American Society for Public Administration 2013a).

Denhardt (1988, 45) argues that certain principles are widely accepted in western society, including the following:

- Truth telling
- Promise keeping
- The sanctity of the individual
- The sanctity of life
- Justice

Additional sources of principles for American public administrators include basic cultural, social, and political values that define a society and its system of governance (called regime values) such as democracy, freedom, property, and the like (Rohr 1989).

David Rosenbloom (1992) has identified the Constitution's protection of substantive rights (freedom of speech, due process, and equal protection) as ethical guides. He also points out, however, that the Constitution—which once supported slavery, still permits capital punishment, and has limited protections for women's rights—cannot be relied on exclusively as a source of ethical principles. Important principles imbedded in Constitutional amendments include the following:[10]

- All persons have the right of free exercise of religion, freedom of speech and the press, and the right to assemble.
- Every person should be accorded "equal protection of the laws."
- No one will be "deprived of life, liberty, or property without the due process of law."
- Private property can be taken only for public use and with just compensation.
- Persons should not be subjected to unreasonable searches and seizures.
- No person shall be subject to cruel and unusual punishments.

In your view, what are the most important principles that should guide the work of public administrators? To some extent, the answer will vary with the nature of one's work and responsibilities and with work in government and nonprofit organizations. Other principles will apply to all those who serve the public. How would you answer this question?

Issues in the Principle-Based Approach

Several issues need to be resolved regarding the deontological approach before proceeding to an assessment. One is the source of principles, which we have already considered. In addition, conflict among principles and exceptions to principles are additional issues.

A commonly cited problem with the deontological approach is conflict among principles. Not only may these instructions that counter each other immobilize the administrator as he or she ponders which principle to follow, but the conflict casts doubt on the universality of principles. If one does not always follow a principle, how can it be universally applicable? Frankena (1963, 23) explains that a distinction can be made between actual duty and prima facie duty, "between what is *actually* right and what is *prima facie* right." The latter refers to a principle that is a "duty other things being equal, that is, it would be an actual duty if other moral considerations did not intervene" (24). One should always try to act in terms of a prima facie duty but on occasion it may be outweighed by another duty that has greater weight. For example, one has a prima facie obligation to keep a promise to meet someone but has a greater obligation to help a person in need, even if it means missing the meeting. According to the Josephson Institute (1988), it is ethically proper to violate an ethical principle when it is clearly necessary to advance another true ethical principle. The National Association of Social Workers (NASW 2008), which builds its code of ethics around a set of principles, does not specify an ordering of principles or which ought to take precedence over others when they conflict. Their code of ethics states that "ethical decision making in a given situation must apply the informed judgment of the individual social worker and should also consider how the issues would be judged in a peer review process where the ethical standards of the profession would be applied" (NASW 2008). To some, the deontological approach requires a set of principles that constitute "a system and not merely an aggregate," as Mayo (in Sommers 1985, 175) argues, and "the attempt to construct a deductive moral system is notoriously difficult." Public administrators can draw on a number of sources of principles, as we have seen, but is there coherence and internal logic among these principles?

A related issue is how to handle exceptions. If one allows for exceptions to be made, does this not also call into question universality? Once again, Frankena (1963) offers a straightforward solution. If an exception is built into the principle, it is not an exception but part of the principle. Sissela Bok (1989, 30) essentially does this when she identifies carefully limited exceptions to the principle that public officials must tell the truth to the public. Dealing with exceptions complicates the deontological approach but does not invalidate it.

These issues all raise questions about the extent to which one must be universally directed by a coherent system of principles in order to behave ethically. Although this is a perplexing intellectual question, in practice, we will not rely only on the principle-based approach to provide such complete guidance. The logic of the three-perspective approach is that principles alone do not determine ethical choices.

A pragmatic approach can be taken to determine which principles to follow. Like Denhardt (1988), it seems likely that administrators will commonly look first for a principle-based answer to an ethical problem, although this reliance should not mean that one is trapped in a Stage 4 dependence on following the rules (Kohlberg 1981). The logic of using virtue and consequences as well as principles negates the idea that principles are universally applicable. For public administrators, one may suggest the following approach to sorting out principles:

1. Determine what other principles are relevant to the situation.
2. If there is a constitutional principle involved, it should take precedence over other principles.
3. Apply the prima facie versus actual duty test to the other principles.
4. If the appropriate choice is still not obvious, turn to the other ethical perspectives for guidance, as we shall see later in this chapter.

Advantages of the Principle-Based Approach

The advantages of this approach are fourfold. First, it provides an external source of ethical guidance. The principles are greater than oneself, one's organization, and one's society. Rather than relying on what any of these sources might say about how one should behave, there is the guidance of universal ethical principles to apply to specific situations. Second, the principles are by their nature good reasons to act—not because of the consequences, but because they are independently valid. Third, the deontological approach reinforces the sense of duty to be ethical. If administrators are public servants, they have an obligation to adhere to basic principles whether it is convenient or advantageous or because it accords with one's sense of virtue. Finally, the principles on which this approach is based offer guidance about how to act or what to do. They are stated in terms of required actions rather than traits one should manifest. They compel action without the distraction, uncertainty, and pitfalls of considering the consequences.

Disadvantages of the Principle-Based Approach

There are, however, problems with the approach. The source issue cannot be ignored. Even though one assembles a comprehensive compendium of Constitutional and universal principles, is it certain they are valid and complete? If a situation arises for which there is no principle, administrators must either adopt a new principle or inappropriately fit the situation to an existing one. Second, the principle-based approach requires knowledge of the principles; they are not intuitive. Third, although a prima facie principle may have to give precedence to another, there is still no guidance about the ordering of principles. Which is prima facie and which is actual? The more the principles are a collection of discrete instructions as opposed to a coherent set, the less clear it will be which should give way to another. Fourth, the deontological approach has been criticized as lacking in positive motives or a spirit of ethical commitment. Stewart and Sprinthall (1994, 344) note the objection that principled reasoning could represent "an extremely 'thin self,' much disembodied from feelings and operating as a cold, calculating version of Immanuel Kant." It can be an essentially analytical approach to ethics unless humanized by virtue. Finally, principles, although they instruct, are not so precise as to preclude disagreements over interpretation and application. Observing a principle could frequently be accomplished by alternative possible actions. How is an administrator to decide? Choosing among alternatives might need to be guided by virtue and/or identification of stakeholders and consideration of the consequences. In sum, even if administrators seek diligently to base their actions on principle, they may be poorly guided or even misguided by using this approach alone.

Problems of Over- and Underutilization

The possible flaws of underutilization of this approach are mistaking rules and laws for principles. The administrator may rigidly adhere to rules without recognizing that they do not incorporate universal principles. Similarly, the administrator may focus on the letter rather than the spirit of the principle. Overutilization can also produce rigidity if the administrator uses a principle as the basis for unfairly sitting in judgment of the behaviors of others.

In conclusion, the deontological approach offers the ethical anchor that public administrators need. It is more challenging to choose a single central idea that can be taken from this approach compared to the other approaches, but the most appropriate choice seems to be justice. Not all principles that should be followed by ethical public administrators are directly linked to justice, but many are. A commitment to acting with justice embodies fairness in the treatment of individuals and social equity across groups.

Using this approach to the exclusion of others, however, may fail to provide clear guidance and may produce differing degrees of aloofness and inflexibility. Public administrators should act in a principled way but also be virtuous and consider consequences (without allowing consequences to trump principles). They should be analytical but also be intuitive. The issues of source of principles, universality, ordering, and exceptions do not invalidate the use of principles in making ethical decisions, but these issues remind us that principles must be used with care, taking into account the other ethical perspectives.

CONSEQUENCES-BASED ETHICS: THE UTILITARIAN APPROACH

Teleology contrasts with deontology because of its emphasis on ends, purposes, and goals that result from actions rather than principles that precede actions. Consequentialism—one form of the teleological approach—generally, and utilitarianism specifically, holds that there are no moral principles that provide justification for an action a priori. An action is right or wrong depending on its consequences.

Mill (quoted in Richter, Burke, and Doig 1990, 23) rejects the other two approaches when he criticizes applying a "sense of instinct, informing us of right and wrong" or a general principle to a specific case. An action is good insofar as it contributes to good ends. Although there are various ways of calculating benefits depending on whether the individual or society as a whole is the referent, it is generally "ethical universalism," as Frankena (1963, 14) has called it, or utilitarianism that is incorporated into thinking about administrative ethics. When examining utilities for society as a whole, the preferred choice is that which produces the greatest good for the greatest number. One can either assess the consequences of each separate act or assess the consequences of rules that will persist as long as they produce the greatest net good. The problem with the first of these approaches—act utilitarianism—is that one cannot learn from experience in order to formulate general rules (Frankena 1963, 51). Still, it is presumably this form that is typically the focus in discussions of administrative ethics, and I will use act utilitarianism in assessing the consequences-based approach.

The approach appears to be a practical, even savvy, way to prepare our administrator to make tough ethical choices. Its values are pervasive and it is widely practiced. Gerald Pops (1994, 159) observes that the public-choice model is largely derived from utilitarianism: "maximizing individual preferences is the major teleological value." What is sought is "a maximum amount of individual choice (presumably leading to a maximization of satisfactions that citizens can enjoy) in a society" (Pops 1994, 159). H. George Frederickson (1993, 250) notes that in university studies of public administration and public policy, "the teleological perspective holds the high ground." Because of the emphasis on efficiency, cost–benefit analysis, the market model and theories of games, and public choice, "what is right or wrong, what is moral or ethical is to be judged in terms of utility of consequences" (Frederickson 1993, 250). It is certain that this rationale is used to determine what is more or less preferable, for example, in choosing among policy alternatives, but the use of consequentialist ethical analysis may be more limited. For example, we noted earlier that students rarely include tenets based on consequentialist thinking in their implicit codes of ethics. Is there a distinction between using consequences as the basis for making a decision, on the one hand, and for explicitly making an ethical decision, on the other hand? We shall return to this issue after considering advantages and disadvantages.

Advantages of the Utilitarian Approach

Public administrators, like their political superiors, are committed to producing positive outcomes. Improving the welfare of society and increasing the happiness of citizens are worthy goals. The utilitarian approach is based on the premise that the action that produces the best outcome is ethically acceptable. Instead of being oblivious to results, as could be the case with a virtue-based approach, or bound by principles that lead to bad consequences, the approach has the advantage that it looks beyond the act to the consequences of the act in determining whether it is right or wrong. It also permits flexibility. One might argue that it is not right to treat all people who differ in individual characteristics in the same way. Rules are rigid, and flexibility is needed to respond to changing situations. It is what one accomplishes that is important—the results—rather than how it is done, taking into account the interests of all concerned.

Administrators often encounter situations in which action seems to be stymied by constraints that appear to be consistent with ethical requirements. "It wouldn't be right to…," "You are not permitted to…," or "You don't have the authority to…" are examples of such arguments. The utilitarian approach offers the possibility of an alternate ethical basis to justify action. For example, does one break a promise that turns out to have unacceptable consequences? Does one lie to a criminal suspect in order to get a confession? Does one break rules to get good results; for example, spend money in the current budget year for work that will be done in another year, or authorize that work commence to keep a crucial project on schedule even though all reviews of the project have not been completed? The question is whether these rationales can be used in an ethically responsible way.

In conclusion, the deontological approach offers the ethical anchor that public administrators need. It is more challenging to choose a single central idea that can be taken from this approach compared to the other approaches, but the most appropriate choice seems to be justice. Not all principles that should be followed by ethical public administrators are directly linked to justice, but many are. A commitment to acting with justice embodies fairness in the treatment of individuals and social equity across groups (Svara and Brunet 2004).

Disadvantages of the Utilitarian Approach

The problems with the approach are numerous. Rosemary Tong (1986, 82) notes that the approach seems appealing until one starts asking questions such as the following:

- What is happiness?
- Why should it be pursued?
- How is it measured, now and in the future?

- How does one weigh the utility of the many with the harm to the few?
- Are some things intrinsically wrong?

The difficulty in calculating utilities stems in part from the obvious fact that it is not possible to foretell the future nor be aware of all the ramifications of an action. The more complex the act, the more difficult it is to produce convincing comparisons of their consequences (Bok 1989, 51). Applying the reasonableman test about the future, as Pops (1994, 158) suggests, is acceptable in judging the policy choices made by administrators on nonethical grounds (administrators should be accountable for only those consequences that could "reasonably have been predicted"). Can one justify as *ethically acceptable*, however, an action that would not otherwise have been chosen on the basis of a necessarily imprecise and incomplete calculation of costs and benefits?

A second major flaw is the absence of any intrinsic worth of actions. Bok (1989, 51) objects to the idea of considering telling a lie and telling the truth to be equivalent as if the rightness or wrongness of each depended entirely on the consequences. As Richter, Burke, and Doig (1990, 2) note, it is "absurd to imagine that a malevolent act which turns out to have beneficial effects might be considered more ethical than a benevolent one which fails to do so." If an administrator is amoral with regard to means, considering only the ends of his or her actions, there is great potential for abuse. On the other hand, if one says that some means will not be acceptable because they are ethically objectionable, then one presumes that there are some ethically superior ways to behave based on virtue or higher ethical standards derived from principles that override or precede the calculation of utilities. This concession and the other concerns raised preclude a complete reliance on the utilitarian approach.

Third, the information costs of the utilitarian method are high and the analytical capability required is considerable. Knowledge of the impact of decisions declines as one moves to more distant stakeholders. Even without intending to be biased, it is difficult not to give undue weight to the personal or agency impact of a decision. There is likely a "self-bias" that results from knowing best how a decision impacts one's self and one's agency. One also cannot rule out other forms of intentional and unintentional bias. Certain stakeholders may be excluded because of prejudice or their values and preferences may not be adequately understood. A hidden bias that is shared by cost–benefit analysis generally is giving greater weight to costs and benefits that can easily be given a monetary value. For example, the costs of acquiring property and relocating residents in an upper-income neighborhood will be greater than in a low-income neighborhood but the psychological impacts are the same. Indeed, the impact of disrupting the social networks of the poor may be greater than for the wealthy, who have more social connections.

Fourth, Bok (1989, 51) argues that some actions are wrong and engaging in them does harm to the perpetrator. Therefore, the impact of committing the act itself must be considered, not just the consequences of the act.

A final fundamental problem is balancing the good of the few and the many. The utilitarian approach could be used to justify benefiting the majority at the expense of the minority. It also could justify a decision because the benefits for the few are so great that they outweigh the costs to the many. As Frankena (1963, 33) put it, "the operation of a rule may be beneficent, that is, it may maximize the sum of good in the world, and yet be unjust in the way in which it distributes this sum."

Problems of Over- and Underutilization

Overutilization of the consequentialist approach does not raise additional concerns. The problems already identified all reflect an excessive reliance on a calculation of net utilities to the exclusion of other tempering or offsetting factors. A number of difficulties, however, are magnified by underutilization. One form of slippage from the ideal would be failing to consider the good for the greatest number. A fallible administrator might give precedence to some stakeholders over others or fail to identify all stakeholders in considering consequences. Now the likelihood of giving too much weight to one's own interest is much greater. It is easy to fall into a Machiavellian perspective, which equates the good of the agency with the good of society without calculating all of the consequences of an action. It would not take long moving down a slippery slope to justify expediency and self-serving behavior in the name of utilitarianism. Clearly, such a justification is a perversion of utilitarianism, but there is an inherent risk that an administrator might resort to such thinking if he or she relies exclusively on the utilitarian approach.

The shortcomings of each ethical approach can be offset by using multiple approaches. Public administrators should consider consequences, but not reject the considerations of virtue, which can guide and constrain utilitarian thinking. As Dobel (1999, xii) reminds us, "integrity helps to ensure clarity of reflection and to resist temptation to self-deception." Furthermore, promoting good consequences cannot be allowed to override the clear dictates of principle; some would say this can never be allowed, and others would argue it can be allowed only with clear-minded and intensive scrutiny and overwhelming benefits on the side of the utilitarian alternative.

In view of the disadvantages of utilitarianism and the risks associated with using it, should the consequences-based approach be part of an ethical model for public administrators? We can return to the puzzle of reconciling the widespread utilization of consequentialist thinking in decision analysis with its less common use in ethical analysis. One possible explanation is that consequentialism is viewed as *counterethical* thinking. There are the good reasons for an action based on duty, virtue, or principle, and then there are the realistic considerations (the need to get results and/or the attractiveness of the benefits that can be obtained). This view, put simply, is that one should not confuse ethics and results. Based on the response of students in my classes, I would contend that most people do not accept the argument that the ends justify the means as an *ethical* argument. Consequently, it is not subjected to rigorous scrutiny in the same way ethical arguments would be. Given the problems with using utilitarianism, perhaps it is best to let this sentiment prevail without challenge and abandon the use of consequentialism as an ethical approach. It is important, however, to bring utilitarianism into an ethics model in order to identify the requirements that must be met to support an action on utilitarian grounds. That is done here. In the concluding section, we examine how to constrain it by also using the other ethical approaches.

The ideal standard promoted by the utilitarian approach is the greatest good for the greatest number. This is a very demanding test, and ground rules should be followed to ensure that self-serving and expedient perversions of the greatest good test do not occur.[11] First, as noted earlier, the assessment of benefits should be "universal" and insofar as possible take into account the consequences for all persons, not a select group. Second, equal consideration should be given so that *all who count, count equally*. Finally, the assessment should be done as if one were a *neutral* observer—consequences for one stakeholder in a decision should not be given higher value than consequences for others. The ideal of achieving the greatest good may require self-sacrifice.

Thinking about all three approaches with their respective advantages and disadvantages, it is evident that the most difficult ethical dilemmas occur when the perspectives are in conflict, in particular the choices derived from principle versus those based on consequences. For example, should one bend the rules to help an individual who is truly in need but does not meet normal eligibility requirements for an assistance program? The same issue presents itself at the level of national and international policy: Should the president set aside international law and treaties in order to advance national security? Considering the nature of professional independence and the need for accountability, is an administrator ethically bound to resist the use of extreme tactics in interrogation of suspected terrorists—tactics that FBI agents viewed as improper at the detention facility in Guantanamo?

USING THE APPROACHES TOGETHER

In common practice, we use more than one perspective to clarify and justify our ethical judgments. For example, in the Guantanamo situation, an FBI agent objected that the practices he observed violated principles that ban torture but were also questionable in terms of effectiveness (Zernike 2005).[12] Many proponents of using multiple perspectives among scholars conclude that public administrators should actively utilize the key ideas of each of the three major approaches. Denhardt (1988, 53) concluded that if philosophers cannot agree on a choice between the competing ethical models, why should public administrators try to do so? She suggests that using various approaches can be helpful.[13] Bok (1989, 55) sorts out her position on the practice of lying by starting with the "principle of veracity." Telling the truth is preferred, and one is expected not to lie. The ethical weight is on the side of truthfulness because telling the truth normally requires no justification, whereas lying does require justification. For a lie to ever be justified, it needs to produce a clear balance of benefit over harm. Thus, a consequentialist ground for making an exception is offered. Stewart and Sprinthall (1994, 344–345) advocate "principled" ethical reasoning consistent with the highest stages of moral development, but they recognize the importance of both principle and virtue to ethical reasoning.

Such a balance is reflected in Kohlberg's definition of Stage 5 of moral development, which seeks to promote benefits for all (consequentialist), and Stage 6, which refers to an "orientation to conscience [i.e., virtue] or principles, not only to ordained social rules but to principles of choice appealing to logical universality and consistency; conscience is a directing agent, together with mutual respect and trust" (in Stewart and Sprinthall 1994, 327). Rest et al. (1999, 42) also refer to the "principled" postconventional stage based on the following “ideals for society”: creating the greatest good for all (consequence), mandating fair treatment and guaranteeing minimal rights and protection for everyone (principle), engendering caring and intimacy among people (virtue), and furthering the common good (duty).

The merging of philosophical perspectives in describing the postconventional level creates some confusion over the use of the term *principled* to label the P stage, as Rest and colleagues (1999) and Stewart and Sprinthall (1994) do. Thinking at this level may be based on principle, but it may also be based on virtue or utilitarian thinking, as they make clear. To avoid confusion between one of the ethical approaches and all of the possible bases for the highest stage of ethical reasoning, we shall refer to the postconventional level as the *universal-values stage* because it may draw on any one or a combination of the approaches.

Logic of Combining Approaches

Garofalo and Geuras (1999, 95–130) propose a “unified ethical theory” that combines teleological, virtue-based, deontological, and intuitive approaches to ethical thinking. They argue that deontology and teleology are two different ways of seeing the same thing, or in the case of ethics, of explaining or justifying the same action. For example, advocating a program to promote social equity across racial groups may reflect both a commitment to the principle of justice and also the intent to improve the living conditions of a minority group. To Garofalo and Geuras, a correct teleological act is also correct deontologically and vice versa, even though the actor may not be aware of the other aspect of his or her decision. Furthermore, virtue and intuitively “good” actions contribute to social happiness. Garofalo and Geuras (1999, 125) offer this summary argument:

> Human reasoning, love of happiness, benevolence, respect for moral character, and intuitive reactions are almost certainly parts of a unified, evolved human nature. If so, deontology, teleology, character theory, and intuitionism must be in a unified harmony.

In later work, they suggest using questions associated with each approach to help determine how to resolve ethical problems (Geuras and Garofalo 2002, 60–67). The approaches sometimes lead to different conclusions, but they each help to illuminate the problem.

With three major parts to his argument, Frankena (1963) provides a convincing argument for the complementarity of all three approaches. First, utilitarianism is not acceptable without a deontological mooring. If we would agree that “a less beneficent rule which is more just” is preferable to one that produces greater net utility but is less just, then the criterion for determining the rules of morality combines justice and utility (33). Second, he argues that the deontological approach, though superior to others, depends as well on utilitarianism. Deontologists are not sufficiently concerned about the “promotion of good” (29). He prefers a “mixed deontological theory, since it recognizes the principle of utility as a valid one, but insists that another principle is required as well” (35). In other words, one should not act on the basis of consequences alone. Third, Frankena sees principle and virtue as interdependent. It is not necessary to choose one or the other.

> It is hard to see how a morality of principles can get off the ground except through the development of dispositions to act in accordance with its principles, else all motivation to act on them must be of an *ad hoc* kind, either prudential or impulsively altruistic. Moreover, morality can hardly be content with a mere conformity to rules … unless it has no interest in the spirit of the law but only in its letter. On the other hand, one cannot conceive of traits of character except as dispositions and tendencies to act in certain ways in certain circumstances. (53)

It would be hard to know what virtues to develop “if we did not subscribe to principles” (Frankena 1963, 53). Thus, he views these two approaches not as competitors but as “complementary aspects of the same morality” (53). For every principle there is a supporting virtue. Thus, the commitment to utility and the principles of benevolence and justice are supported by the cardinal virtues of benevolence and justice.[14]

Examples from Ethics Guidelines

Guidelines offered by organizations that work with practitioners also illustrate how the different approaches can be blended. A major examination of ethics in nonprofit organizations culminated in the publication of the *Statement of Values and Code of Ethics* by Independent Sector in 2004.[15] The key values identified in the study are presented here grouped into the categories of duty and the three philosophical approaches:

1. Obligations/duty: Behavior expected of public servants as trustees or stewards
    - Commitment beyond self
    - Obedience of the laws

  - Accountable to the public
  - Commitment to public good; service orientation
  - Responsible stewardship of resources

2. Virtue
  - Openness and honesty
  - Benevolence

3. Principles
  - Respect the worth and dignity of individuals
  - Tolerance, diversity, and social justice

4. Benefits to society
  - Commitment to the public good

Thus, all four elements provide a comprehensive and mutually reinforcing set of expectations.

Similarly, the decision-making model of the Josephson Institute (Josephson 2002) contains three guidelines that draw on all the approaches. First, all decisions must take into account and reflect a concern for the interest and well-being of all stakeholders (duty and consequentialism). Second, ethical values and principles always take precedence over nonethical ones (virtue and principle). Third, it is ethically proper to violate an ethical principle only when it is clearly necessary to advance another true ethical principle (principle). These guidelines address the problem of establishing an ordering among principles. The criterion used to make the choice is as follows: the principle to be followed is the one, which, according to the decision maker's conscience (virtue), will produce the greatest balance of good in the long run (consequentialism). Rather than being caught up in the differences among the approaches, the Josephson Institute advocates using them to support each other.

THE ETHICS TRIANGLE

Following the lead of scholars and professional associations who have supported the combined use of all ethical approaches, it can be argued that each of the three depends on and is supported by the others. Furthermore, the responsibilities derived from duty give a focus and direction to the ethical commitments of public administrators. Drawing on the philosophical perspectives, what virtues, principles, and consequences are in the public interest? The elements can be combined to form a triangle with duty at the center. Using this graphic representation of the model suggests that the four elements are interconnected and contained within a common space. The central ideal is the public interest, and the ideals at each point of the triangle are character, justice, and the greatest good. The model of administrative ethics is presented in Figure 4–1. The ethics triangle conveys the idea that administrators should act on their duty to promote the public interest by seeking a balance of virtue, principle, and good consequences.

Using the ethics triangle helps to prevent the problems associated with using any of the models alone. The examples of overutilization discussed earlier illustrate the problem of stressing one approach excessively to the exclusion of other ethical considerations. For example, the possibility that the principle-based approach will lead to rigidity is offset by considering how to achieve the greatest good and thinking about what it means to be virtuous in a given situation. The misguided pursuit of virtue can be informed by principle and refocused by assessing consequences. The pursuit of a beneficial end without considering the ethical implications of means that are being used can be checked by principle and humanized by virtue.

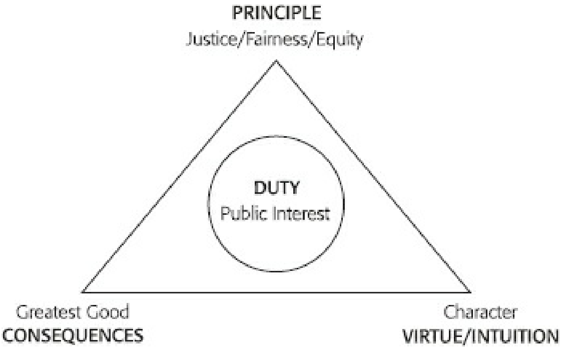

FIGURE 4–1 The Ethics Triangle: Key Elements

Modified from Svara, James H., 1997. "The Ethical Triangle: Synthesizing the Bases of Administrative Ethics." *Public Integrity Annual* .1997. Used with permission of the Council of State Governments.

When used separately and underutilized, the approaches can even appear to justify behavior that is unethical. Narrow adherence to principle might appear to justify blindly following orders. Concern for consequences can become expediency. A self-righteous man who believes himself to be good may assume that his questionable actions are good. Such a man may feel that the normal rules do not apply, as in the rationalization "I can't be bought by a free meal" for ignoring restrictions on gratuities. Moving out from the triangle narrows the basis for ethical choice and may even permit such unethical actions. Operating from within the triangle reinforces the bases for ethical action and helps to prevent the shortcomings of underutilizing any single approach. It is much more difficult to underutilize all three models simultaneously.

The elements of the model serve as distinct filters that reveal different aspects of a situation requiring an ethical choice. This method helps to clarify the options and ethical considerations associated with each approach. Using all the approaches together helps to prevent the shortcomings of using any of the approaches alone. The use of all three approaches also balances different ways of thinking about ethical issues. The virtue-based approach relies on feeling and reflection, the principle-based approach uses reason, and the consequentialist approach stresses analysis. Individual weaknesses in one of these ways of thinking can be offset by strengths in others.

What is the advantage of using duty, virtue, principle, and consequences as organized in the ethics triangle over relying on the basic components of ethics to which persons in public administration commonly adhere? If one examines the tenets listed by students in their implicit codes of ethics, there are differences in level and depth of ethical reasoning compared to the ethics triangle. The student statements based on simple definitions of duty and public service typically do not include references to the relationship to elected officials, promoting the democratic process, or seeking to improve policy, and they give relatively little attention to the overarching goal of advancing the public interest that are part of a refined sense of duty. The student statements based on virtue do not mention benevolence or the pursuit of excellence nor the overarching goal of displaying character. The principle-based statements do not include universal principles such as the sanctity of life, treating each person as an end in him- or herself, basic human rights or Constitutional principles, or challenging improper or illegal orders. Although there is concern for fairness, the broader principle of justice is not included. Finally, the consequentialist perspective is largely missing from the ethical tenets, and there is no reference to promoting the greatest good for the greatest number as a standard. These standards broaden an administrator's professional values and responsibilities.

The ethics triangle reflects a universal-values or postconventional stage of ethical reasoning. For each of the elements, you are challenged to think about what you should do and what qualities you should display based on an assessment of the ideal pursuit associated with that element—the public interest, character, justice, and the greatest good. You are not simply reacting to standards set by authority figures or conforming to prevailing expectations. It is important to consider what you are expected to do or how you are expected to be as determined by others, but the ethics triangle encourages you to go beyond these considerations and form your own judgments that reflect broader considerations. The administrator who deals with an ethical problem caused by an inappropriate order from a superior using the Stage 4 level of reasoning may be uncomfortable with the order and wish there were an alternative, but still carry out the order based on a sense of obligation to obey a superior. Using the ethics triangle helps the administrator to approach the problem at the universal-values level. Thinking in terms of a higher sense of duty and drawing on the three approaches will help the administrator to see alternatives and also to justify using the alternative course of action. This administrator is better able to exercise independent judgment and display ethical autonomy. Kem (2006) demonstrates how the ethical triangle in ethical problem solving in the military provides a broader range of options than considering military values—that is, virtues—alone.

The following three cases help to illustrate the interaction among the three points of the triangle.

Case 1: A candidate for a city manager's position is asked by the council to agree to fire the public works director and told that the other finalist for the job has agreed to do so. The beneficial consequences of getting a job the candidate really wants and having the opportunity to do good work may tempt her to agree to the condition. Recognizing her loss of integrity if she accepts such a demand, considering the principles of fairness in personnel decisions, and upholding the city manager's authority over management decisions keep her from agreeing to fire the director. Upon further reflection, even the consequentialist approach cannot justify accepting this incursion on her authority and opening the possibility for similar inappropriate demands in the future. The short-term gain of getting the position is offset by the long-term negative consequences to herself, the organization, and the city.

Case 2: Proper sting operations by law enforcement agencies reflect a balancing that is consistent with using the triangle. Although the organizers of the operation may feel uncomfortable about being deceptive, and principles of fairness and due process are stretched by such operations, the beneficial consequences are the deciding factor. Concern for principle helps to ensure, however, that the operation is not carried out in such a way that it represents entrapment.

Case 3: A data analyst in a community college becomes aware that enrollment figures are being padded to increase the state allocation. Although he feels that the college is severely underfunded and that the extra revenue will improve the performance of the college, his personal sense of honesty and concern about violating the professional principles of providing complete and accurate information compel him to disclose the abuse.

In all of these cases, using the triangle helps to modify decisions that might have been made based on a single approach.

Promoting Use of the Ethics Triangle

The ethics triangle suggests that the valuable aspects of each approach should be incorporated in one's own ethical reasoning without ignoring that any of the approaches used alone can produce problems. This broad-based strategy supports what York Willbern (1984, 107) has called the "ethic of compromise and social integration." It helps the administrator determine how far to stray from principle to make a deal and also provides the perspective to help arbitrate between "saints" who, Willbern warns, may be intent on cutting each other's throats over differing interpretations of what is ethical.

In order to draw out key ideas associated with each approach, students and managers should internalize these ideas. Questions to guide the discussion would include the following:

- How can the public interest be advanced in general and in particular situations? What are my responsibilities to the organization, political superiors, and to the public?
- What virtues should public administrators generally or persons working within a specific field or agency have? What do these virtues mean, and how does one act in terms of each? In general, what does it mean to have integrity and character?
- What should one do to promote justice, to ensure fairness, and to expand equity? What are the most important principles that should guide any public administrator or person working in a specific field or agency? How would one prioritize the principles? Are there any that can never be set aside to advance another principle? What does it mean to apply these principles to specific situations?
- How can the greatest good for the greatest number be achieved in making a specific decision? What ends should public administrators or persons working within a specific field or agency seek to advance? How should one ensure that all stakeholders have been identified and that the calculation of benefits and costs is universal, equal, and complete? Can the means to be used be reconciled with the standards of the public interest, virtue, and principle?

Answering these questions promotes the grasp of a wide range of ethical behavior and reasoning. For example, a city manager could develop an ethical profile using the triangle. He would identify those traits that define his character and assess how well they are developed and displayed. He would consider the principles—universal, constitutional, and professional—that must be followed even if unpopular with elected officials or the public. These might include promoting justice, treating each person in the organization and the community as an end in themselves, a commitment to telling the truth, a defense of basic freedoms, support for the democratic process, and upholding the integrity of professional practice. He would think about how to advance the public interest in the community and how to achieve the most beneficial consequences. Finally, he could think about whether any of these various commitments might conflict with others, and how those conflicts might be resolved.

In conclusion, examination of the bases for administrative ethics is challenging and complex, but it should not confuse the student or the administrator. It should help to broaden learning and self-awareness and, in so doing, promote a renewed commitment to meeting obligations, being good, doing what is right, and promoting the best possible consequences. Whereas debates over why one approach is superior and others are deficient can muddy the ethical waters, using the ethics triangle can help to clarify the different ways to promote ethics and give the public administrator solid, mutually reinforcing, and universal grounds for action.

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[1] This chapter is adapted from "The Ethical Triangle: Synthesizing the Bases of Administrative Ethics," *Public Integrity Annual 1997* (Lexington, KY: Council of State Governments and American Society for Public Administration, 1997), pp. 33–41. Used with permission of *Public Integrity*.

[2] See also Cooper (2004).

[3] Garofalo and Geuras (1999, 57–59) argue that intuition is based simply on a "moral sense" of what is right and wrong without any reasons or reflection. See also Geuras and Garofalo (2002).

[4] Cooper (1987) stresses virtue when he examines public administration as "practice." A *practice* is an activity organized to achieve certain standards of excellence. *Internal goods* are produced in pursuit of excellence.

[5] An alternative is to consider *integrity* to be the ideal of this approach. According to Dobel (1999, xii), who uses integrity to construct a comprehensive ethical framework, "integrity involves the capacity of people to make sense of their life and link belief and practice."

[6] As Michael Josephson (2002, 4) observes, "for example, honesty is a value that governs behavior in the form of principles such as: tell the truth, don't deceive, be candid, don't cheat. In this way, values give rise to principles in the form of specific 'dos' and 'don'ts.'"

[7] In contrast, act-deontologists argue that "basic judgments of obligation are all purely particular ones like 'In this situation I should do so and so'" (Frankena 1963, 15).

[8] Deontology is defined in *New Shorter Oxford English Dictionary* as "the science of duty or moral obligation."

[9] Garofalo and Geuras (1999, 104–5) point out that all principles do not apply to all actions in any situation. For example, the injunction against lying applies to situations when one would advance selfish personal reasons by telling a lie, but not when one is being polite or compassionate, or possibly even defending national security. These are not exceptions to the rule but rather cases in which the rule in not applicable. Bok (1989) takes a much more restrictive approach and does see these as exceptions that must be carefully justified, as discussed later in this chapter.

[10] Chandler (1994) offers an example of how a constitutional protection can be reframed as a principle. Due process is an important value. For it to be an "organizing value, however, we would need a deontological principle which could show us what pattern of action would comply with this value. A common form of the due process principle, for example, is that 'law must be just, fair, and equal,' and it should not be 'oppressive, fanciful, or biased.' Under this principle, therefore, all accused persons have the protections of the Bill of Rights and the guarantees of the Fourteenth Amendment" (149).

[11] The tests that follow are derived from variations in consequentialism outlined by Walter Sinnott-Armstrong (2006).

[12] For a review of the moral and pragmatic arguments against the use of torture, see Adams and Balfour (2012, 20–22), who note that the use of the practice spread from Guantanamo to Afghanistan and then Iraq despite the absence of evidence of efficacy.

[13] Lewis broadens the range of perspectives in her three-circle approach (1991, 41), which assesses decisions in terms of ethical, legal, and effectiveness considerations.

[14] Toner (2005, 121) argues for the primacy of character, but he views the dispositions based on habitus as a moral arrangement based on contemplation, not simply intuition, and an "ethical constitution, which … is founded in fundamental principles." To expand his definition of character given earlier, "character is about habitus, settled dispositions toward the good that are open to truth and grace" (144).

[15] See www.independentsector.org/code_of_ethics#sthash.DKW3N2vM.dpbs

CHAPTER 5

Codifying Duty and Ethical Perspectives: Professional Codes of Ethics

Professional codes of ethics bring together the expectations that apply to the members of an association and those who work in government or nonprofits generally. The codes of associations convey the values, standards, and behaviors that contribute to advancing the public interest, achieving their goals, and being true to their calling. The codes of ethics considered in this chapter have been developed by professional associations to convey the commitments of members and, in some cases, the standards that the association will apply in judging the behavior of members. Codes developed by governments and nonprofit organizations or contained in ethics laws will be considered in later chapters.

The development of a code of ethics for the broad field of public administration has been slow in coming. Despite the claim by one of the key organizers of the American Society for Public Administration (ASPA) that a code was a central element fostering a shared professional consciousness (Mosher 1938), over 40 years would pass before ASPA approved its first code of ethics. Codes generally were viewed negatively by ethicists in public administration (Plant 1994, 237) because they were seen as being either too detailed to be meaningful or too abstract to offer guidance in behavior. Plant (2013) argues that, initially, associations representing officials whose appointment was discretionary such as the International City/County Management Association (ICMA), representing local government managers, or the American Institute of Certified Planners (AICP), representing planners, had an incentive to develop a code of ethics to enhance the reputation of their members and reinforce the ethical standards of the specialized field. ASPA, on the other hand, covers a wide range of administrative positions as well as university faculty members, and membership is not a condition for employment, so it was harder to make the case for a code of ethics. Since 1984, however, ASPA has offered a code that contains standards and values for persons who work in government and nonprofits and teach the field in universities; the code was revised in 2013. The ASPA code, as well as other codes from specialized groups, offers guidance about professional standards for ethical behavior.

In the discussion of codes of ethics in this chapter, references will be made to the following codes of ethics:

- Code of Ethics for Government Service
- American Society for Public Administration (ASPA), Code of Ethics with Practices
- International City/County Management Association (ICMA), Code of Ethics with Guidelines
- Independent Sector (IS), Code of Ethics for Nonprofit and Philanthropic Organizations
- American Institute of Certified Planners (AICP), Code of Ethics and Professional Conduct

The Code of Ethics for Government Service contains minimum standards and is included to compare with the more elaborate codes. The other codes represent important statements for generalist administrators in government from ASPA and ICMA, a comprehensive statement for administrators in nonprofit organizations from the IS, and a code for a group of professionals who often work in public settings from the AICP. References will also be made to the code of the National Association of Social Workers.

When examining codes, one finds four different kinds of statements. The distinctions are useful because the style used reflects differences in the degree of specificity and clarity that can be found in codes of ethics.

1. "Don't" statements: These tenets cover prohibited activities or behaviors. These statements tend to be the most specific but do not do much to elevate ethical thinking. Although based on duty or principles, these are typically rule-based tenets. It is clear what one should not do, but it is not necessarily obvious what larger aspect of duty or principle is to be advanced. These tenets are intended to reduce misbehavior, but they do not necessarily promote positive ethical behavior. Over all the codes, these are the second most common form of statement. Examples include the following:
    - Code of Ethics for Government Service: Four of the 10 are "don't" statements.
    - ICMA 12: Seek no favor.
2. Obligations and responsibilities: These tenets set forth the things one must or should do. They are based on duty and/or principle. They tend to be somewhat general and subject to interpretation. They are the most common type of statement overall. Examples include the following:

- ASPA 2: Uphold the Constitution and the law. Respect and support government constitutions and laws, while seeking to improve laws and policies to promote the public good.
- ICMA 10: Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- AICP A, 1, f: We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.

3. Virtues, personal qualities, and/or values: Like the virtue-based approach to ethics, these tenets are essentially statements about how one should be rather than what one should do. They are even more general than obligations and require translation of *being* into *doing*.
    - ASPA 6: Demonstrate personal integrity. Adhere to the highest standards of conduct to inspire public confidence and trust in public service.
    - ICMA 3: Be dedicated to the highest ideals of honor and integrity.

4. Aspirations: Desirable conditions one seeks to promote as opposed to actions or personal qualities. These are the most general statements. As with virtues, one must think about what actions should be taken in order to achieve these conditions.
    - ASPA Introduction: The Society affirms its responsibility to develop the spirit of responsible professionalism within its membership and to increase awareness and commitment to ethical principles and standards among all those who work in public service in all sectors.
    - ICMA 1: Be dedicated to the concepts of effective and democratic local government by responsible elected officials.

To provide another illustration of the types of statements, examine a classic and stirring statement of ethical standards: the Athenian Oath.[1] Although not a code of ethics per se, it has the same purpose as a code—to set standards of behavior for members of an association, in this case, citizens of the city of Athens. The statements in the oath represent each of the four categories of statements.

- Don't and Virtue: We will never bring disgrace on this our City by an act of dishonesty or cowardice.
- Obligation: We will fight for the ideals and sacred things of the City both alone and with many.
- Obligation: We will revere and obey the City's laws, and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught.
- Obligation: We will strive increasingly to quicken the public's sense of civic duty.
- Aspiration: Thus in all these ways we will transmit this City, not only not less, but greater and more beautiful than it was transmitted to us.

The oath is not a complete statement of values. It assumes that one knows the "ideals and sacred things" mentioned in the second statement for which one is obligated to fight as well as knowing what is required in the laws. It is also not very precise. Still, the oath offers guidance about how one should behave and is the basis for in-depth consideration of what it means to be ethical. If individuals and groups were to seriously examine what the oath means and their responsibilities in following it, this short, general statement could provide the foundation for highly ethical behavior.

With these examples, it is possible to offer an initial view of the purpose of codes of ethics. Bowman (1990) suggests that codes may be designed to be regulatory, educational, or inspirational. Stated differently, codes serve to *constrain* and set limits by identifying behaviors that should be avoided. They *guide* or instruct by identifying obligations and desirable qualities. It is helpful when there is commentary that accompanies a code, such as the practices offered by ASPA as guide to carrying out the principles or the guidelines provided by ICMA that examine specific situations that illustrate a tenet and explain how the tenet is applied to the situation. Finally, they can *inspire* and set forth the broad goals that the adherents are supposed to promote. The goals expressed in the inspirational tenets in codes are akin to the "internal goods" that associations (or "practices") are supposed to advance (Cooper 1987).

In the discussion that follows, three objections to codes of ethics are examined: (1) codes of ethics are not necessary, (2) not oriented to broad and significant standards, and (3) not enforced. The first two criticisms will be considered along with a close analysis of the contents of major public governmental and nonprofit codes. Finally, the enforcement processes used by professional associations will be examined to address the third criticism.

BREADTH AND PURPOSE OF CODES

John Ladd (1980) raises a fundamental question: Why should a code be necessary? Ethics cannot be set by fiat. In this view, having a code contradicts the notion of ethics itself. This approach, like the ethics requirements often found in organizational policies, reflects a "low road" to ethics (Rohr 1989) by spelling out exactly what one should do or should not do. Ethics involves reflective choice, not simply following rules.

This criticism implies that codes operate only at the Stage 4 level of ethical reasoning (Kohlberg 1981): the sense that one should follow law and established conventions in society. In actuality, codes differ in the mix of tenets that are negative, narrow, and rule based and those that are broader in scope. As noted previously, the Code of Ethics for Government Service has many "don't" statements and generally sets minimal standards. The other codes, however, have a balance of statement types. As noted in the examples of types of statements, most of the statements in the other codes include numerous and fairly wide-ranging obligations responsibilities.

A counterargument can be offered to support including some rule-based statements in a code. The behavior that is proscribed or prescribed may be obvious to all persons covered by the code but its inclusion is a signal to those outside the association of what are the basic standards of the association. Other statements may cover areas in which the standards are not completely clear. There may be benefits for some staff members in government and nonprofit organizations in specifying what seems obvious to others. A tenet that spells out the inappropriateness of making a decision when experiencing a potential conflict of interest or that requires that confidential information be protected are possible examples. The clarity may be useful for persons operating at Stages 3 or 4 of moral development (Kohlberg 1981), because such persons may engage in behaviors unless they are prohibited and not undertake certain behaviors unless they are required. These staff members are not ethical exemplars to be sure, but they are not necessarily inclined to be unethical. The presence of narrow statements may make them more ethical than they would be in the absence of the code.

A related but distinct criticism is that codes focus on micro- rather than macroethics. The latter refers to the "social responsibilities of professionals as a group" and what they can and should do "to influence social policy" (Ladd 1980, 156). Once again, a question to be answered in examining a particular code is whether its tenets include macroethical responsibilities. The ASPA code was changed in 2013 to identify the social responsibilities that all public administrators share. All administrators who serve the public should be committed to promoting the long-term interests of the public as a whole; respecting and supporting the law while seeking to improve laws and policies to promote the public good; encouraging active citizen participation in governance; providing complete, honest, and timely information to elected officials; ensuring that organizations provide programs that operate effectively, efficiently, and ethically to serve the public; and strengthening social equity by treating all persons with fairness, justice, and equality and promoting affirmative action to reduce unfairness, injustice, and inequality in society. To focus attention on these six and two other provisions that emphasize personal integrity and individual professional development, the code was shortened to consist of eight ethical principles. In the supporting statement of practices, ASPA asserts that administrators should consider all principles in considering their responsibilities in handling specific situations: "An ethical public servant will consider the full range of standards and values that are relevant to handling a specific matter and be committed to upholding both the spirit and the letter of this code." It is not appropriate to pick out a single principle or practice and use it to justify an action that may be questionable in light of other principles.

The ICMA code asserts the broad responsibility of city and county managers to advance "effective and democratic local government by responsible elected officials." After reviewing the ICMA code, however, these questions could be raised about the scope of other tenets in the code (Svara 1987, 14):

- Does the city manager have an obligation to protect basic values of American society and the community served? For example, if constitutional rights are threatened by restrictive parade control that the city council wants to adopt, does the manager have an obligation to raise objections?
- Does the city manager have the obligation to promote equity in proposing goals and policies and in delivering services?
- What are the quality standards of completeness and objectivity in presenting alternatives in policy proposals? In other words, is the manager required to present objective information about all

alternatives and compare them fairly?

- Should the manager be expected to give active encouragement to citizen participation and offer assistance to those less likely to participate based on their own resources and level of interest? Should the manager assist the poor and the powerless and encourage them to get involved? Should the manager help persons participate who disagree with the council?
- Should the manager promote efficiency and effectiveness and periodically reexamine whether existing programs should be continued and how they should be delivered (for example, whether by the city staff or through contracting out)? Should the manager be willing to ask whether a program should be terminated?

All of these questions refer to responsibilities that are included in the ASPA code but are not explicitly addressed in the ICMA code. Does this mean that the ICMA code is too narrow in scope?[2] It is possible that the ICMA and ASPA codes could be used together to guide managers in handling complex and demanding issues.

There is strong emphasis on the social responsibilities of professionals in the Code of the American Institute of Certified Planners. The AICP distinguishes between the opening section of the code which presents a "statement of aspirational principles that constitute the ideals" to which members of the association are committed. The members pledge to "strive to act in accordance with our stated principles" but the failure to meet these principles "cannot be the subject of a misconduct charge or be a cause for disciplinary action." The second section presents rules of conduct to which all members are held accountable. Failure to comply with these can result in ethics charges and investigations.

Overall, the members of the AICP espouse the goal of "building better, more inclusive communities." The aspirational section spells out responsibilities to the public, clients and employees, and to the profession and colleagues. The public responsibility is grounded in the obligation to serve the public interest.

> We, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge.

To meet this obligation, the members aspire to meet principles that include the following:

a. We shall always be conscious of the rights of others.

b. We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.

c. We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.

d. We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment.

e. We shall deal fairly with all participants in the planning process. Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants.

In their responsibility to clients and employers, the members aspire to "exercise independent professional judgment on behalf of our clients and employers," to accept the directions of clients or employers regarding the objectives and the services performed "unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest," and to avoid actual or apparent conflicts of interest. Finally, in the responsibility to the profession and colleagues, the members aspire to promote the integrity of the profession, educate the public about planning issues, share knowledge from experience and research, critically examine theories and practices, support development of colleagues and students, develop themselves, examine ethical issues, and provide pro bono assistance to groups lacking adequate planning resources. The code acknowledges that these principles can compete with each other and that "an ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code."

To a greater extent than the ICMA codes, the AICP code addresses a wide range of macroethical issues. The enforceable section of the code consists of 25 "don't" statements involving a wide range of professional practices that impact the public, the profession and peers, clients, employers, public officials, and other decision makers. In a way not found in the other codes for public officials that we have examined, the AICP code combines both rule-based and broad ethical principles.

Another statement with two elements is the Independent Sector's extensive code of ethics for nonprofit and philanthropic organizations, building on its statement regarding the social responsibility of nonprofit organizations in the report *Obedience to the Unenforceable* (IS 2002). It begins with a statement of values, which includes advancing the broad but not defined values of the public good, respect for the worth and dignity of individuals, and social justice. The code is organized into 10 ethical principles dealing with personal and professional integrity, mission, governance, legal compliance, responsible stewardship, openness and disclosure, program evaluation, inclusiveness and diversity, fundraising, and grant maker guidelines. These are positive in orientation, and in the areas of governance, stewardship, fundraising, and grant making contain detailed specifications of how the principle is to be carried out.

The National Association of Social Workers (NASW) also grounds ethical tenets in broad statements of principle. Some key features, however, are worthy of note. The NASW code provides an outstanding example of one that is broad and challenging in its scope and depth. It begins by linking the code to the practice "professional ethics are at the core of social work" and affirms that the profession has the "obligation to articulate its basic values, ethical principles, and ethical standards" (NASW 2008). Similar to the AICP code, the code organizes standards in the areas of responsibilities to clients, to colleagues, in practice settings, as professionals, to the social work profession, and to the broader society. The code is distinctive compared to the others examined by starting a full elaboration of the profession's core values and a set of broad ethical principles based on them. They are presented in**Table 5–1**.

Table 5–1. National Association of Social Workers Ethical Principles

Value: *Service*

Ethical Principle: *Social workers' primary goal is to help people in need and to address social problems.*

Social workers elevate service to others above self-interest. Social workers draw on their knowledge, values, and skills to help people in need and to address social problems. Social workers are encouraged to volunteer some portion of their professional skills with no expectation of significant financial return (pro bono service).

Value: *Social Justice*

Ethical Principle: *Social workers challenge social injustice.*

Social workers pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups of people. Social workers' social change efforts are focused primarily on issues of poverty, unemployment, discrimination, and other forms of social injustice. These activities seek to promote sensitivity to and knowledge about oppression and cultural and ethnic diversity. Social workers strive to ensure access to needed information, services, and resources; equality of opportunity; and meaningful participation in decision making for all people.

Value: *Dignity and Worth of the Person*

Ethical Principle: *Social workers respect the inherent dignity and worth of the person.*

Social workers treat each person in a caring and respectful fashion, mindful of individual differences and cultural and ethnic diversity. Social workers promote clients' socially responsible self-determination. Social workers seek to enhance clients' capacity and opportunity to change and to address their own needs. Social workers are cognizant of their dual responsibility to clients and to the broader society. They seek to resolve conflicts between clients' interests and the broader society's interests in a socially responsible manner consistent with the values, ethical principles, and ethical standards of the profession.

Value: *Importance of Human Relationships*

Ethical Principle: *Social workers recognize the central importance of human relationships.*

Social workers understand that relationships between and among people are an important vehicle for change. Social workers engage people as partners in the helping process. Social workers seek to strengthen relationships among people in a purposeful effort to promote, restore, maintain, and enhance the well-being of individuals, families, social groups, organizations, and communities.

Value: *Integrity*

Ethical Principle: *Social workers behave in a trustworthy manner.*

Social workers are continually aware of the profession's mission, values, ethical principles, and ethical standards and practice in a manner consistent with them. Social workers act honestly and responsibly and promote ethical practices on the part of the organizations with which they are affiliated.

Value: *Competence*

Ethical Principle: *Social workers practice within their areas of competence and develop and enhance their professional expertise.*

Social workers continually strive to increase their professional knowledge and skills and to apply them in practice. Social workers should aspire to contribute to the knowledge base of the profession.

National Association of Social Workers. 1999. *Code of Ethics of the National Association of Social Workers.* http://www.socialworkers.org/pubs/code/code.asp (accessed August 15, 2013).

The code goes on to specify in great detail (over 50 general statements and over 150 detailed substatements) the ethical standards that apply to the activities of social workers. Like the AICP, it makes the distinction between standards that are enforceable guidelines and standards that are aspirational, but leaves it to the individual to decide which is which rather than separating the code into two types of statements.

In sum, when examining a code, one can usefully analyze the following features:

- Types of statements
- Focus and scope: Whether excessively narrow and rule oriented or balanced with such statements and others that require reflection and judgment
- Coverage: Whether the statement is comprehensive or omits important responsibilities; whether it is sufficiently detailed or too detailed
- Breadth and reach: Whether broad social responsibilities—macroethical issues—are included
- Clarity: Whether the code clearly sets forth standards that can be used to judge the behavior of administrators if their actions are challenged

An overarching question is how well the code balances elevating ethical thinking with establishing standards for conduct. It stands to reason that the broader and more inspirational the code, the more difficult it may be to use it as a guide to enforcing ethical standards. The AICP and NASW have addressed this issue by having two parts: one aspirational and one a detailed statement of standards that can be the basis for an ethics investigation.

ENFORCEMENT OF CODES

A fundamental criticism of codes of ethics is that they have no impact because they are not enforced. If it is left to the individual to decide whether they will follow the code, then the idea of shared professional standards is diminished. Effective codes require implementation, and implementation involves the capacity to interpret the code, to provide education and training, and to enforce the code (Gilman 2005). The nature of the enforcement process in professional associations varies greatly. There are no enforcement procedures for the Code of Ethics for Government Service. The code of the IS is meant to be a guide to individual organizations, which are encouraged to adopt and presumably enforce their own code. The process may be discretionary as in the case of ASPA, which permits the national council to make a decision on its own. According to the bylaws, the council may terminate membership "when in its sole and absolute discretion the Council determines that any member appears to have acted in violation of the Society's Code of Ethics" (ASPA 2005), although there have frequently been calls for ASPA to add a formal enforcement process (for example, Pugh 1988; Bowman and Williams 1997).[3]

ICMA and the AICP both have a detailed process for receiving complaints, investigating them, providing a judgment that can absolve the complainant of wrongdoing or draw on a range of sanctions, and appealing the judgment.[4] In the ICMA process, the executive director advised by the committee on professional conduct (CPC) makes an initial determination about whether a complaint is covered by ICMA's ethical standards and, if so, turns it over to the CPC for investigation. The CPC relies on a fact-finding committee of the ICMA members close to the site of the complaint to gather relevant information from all parties involved. The CPC makes its determination and recommends what action should be taken. If the complaint is upheld, the options are private censure (delivered to the respondent, with copies to the complainant and the state association), public censure, suspension of membership for up to 5 years (new in 2012), or expulsion and a membership bar.[5] If the member objects to the action, the case is reviewed by the executive board, and its decision is implemented by the executive director.[6]

The process requires careful judgment by both the CPC and the board in assessing whether an ethics violation has occurred, and what action should be taken. There is not an automatic link between action and sanction. The executive board has established rules of procedure that cover the factors that may be considered in determining the kind of sanction that will be applied:

- Nature of the violation
- Prior violations by the same individual
- Willfulness of the violation
- Level of professional or public responsibility of the individual
- Any other factors that bear on the seriousness of the violation

Former CPC member Curtis Branscome (2005, 4) observes that there is "some generalized concern for precedence, but in my experience, each case is unique." For him, two factors seemed particularly important in choosing a recommended penalty:

> If there are prior violations by the same individual, and this has been brought to the individual's attention, then the reeducation has been attempted and failed. Prior violations make a decision easier. The willfulness of the violation comes into play a lot. Was it someone … making a stupid mistake, or what could have been a stupid mistake, or was it someone acting with malice aforethought?

In 2012, the ICMA committee on professional conduct processed 9 cases (ICMA 2012 a). In 1 case, there was a public censure and expulsion from membership and in 1 case a public censure and membership bar. Five cases resulted in private censures communicated to the member alone. Two of the cases were closed without issuing any sanctions. In addition, the ICMA staff responded to 45 ethics inquiries during the year from members for confidential advice and assistance in resolving ethics dilemmas.

A review of the outcomes of the ICMA review process for the period 1990–2009 determined that 79 public censures were issued related to 133 ethics violations (Benavides, Dicke, and Malekcaite 2012, 754). In addition, there were 106 private censures that were not classified. Almost half of the ethical problems resulting in public censures involved Tenet 3 of the ICMA code, honor and integrity to merit public confidence (49%). The other tenets with substantial violations were Tenet 2, affirming dignity and worth of the services rendered by government (20%); Tenet 12, not seeking favors or benefitting unduly from public office (16%); and Tenet 7, refraining from political activities (7%). Across all tenets, 33 of the violations included misuse of funds or property. Thus, over 90% of the censures involved failure to meet the standards of what it means to be a respected manager who meets standards of integrity and builds public confidence. These managers were publically sanctioned for misusing or discrediting their office. No actions have led to censures regarding the major responsibilities to the city council (Tenets 5, 6, and 8) and only one regarding merit in personnel matters (Tenet 11), although 10 violations classified under other tenets have involved sexual harassment or discrimination. Three of the violations were classified under Tenet 9 (to keep the community informed), but these all involved misuse of funds or property.

The AICP process is similar to that of ICMA. One difference is that the person or persons bringing the complaint—the party that brings the charge—may appeal a dismissal of the ethics charge by the ethics officer either at the start of the process or after the fact-finding stage.[7] The AICP ethics committee may either affirm or reverse the dismissal and, if the dismissal is reversed, the ethics committee shall either direct the ethics officer to conduct a further investigation and review the charge again, or issue a complaint that will lead to completing the remaining steps in the review process.

Having a process does not guarantee that it is pursued vigorously or that the interests of members are not given greater weight than those of the person bringing a complaint. Still, it is not correct to assert that no organizations investigate allegations of ethics violations or that complaints never lead to disciplinary action. As the examples show, a thorough process can be established that seeks to respect and protect the rights of all parties in a dispute and to come to a fair and conscientious resolution of the complaint.

RESTATING THE PURPOSE OF CODES OF ETHICS

Sometimes the criticisms leveled against codes of ethics and enforcement processes are warranted, but in most cases they are not, based on the codes examined here. Codes of ethics provide a summary statement of the standards and expectations of a professional group. In view of the analysis of major codes in public administration, the objectives of codes of ethics can be revised and restated.

First, as noted earlier, codes can constrain, guide, and inspire the administrators themselves. To accomplish these objectives, codes should contain tenets that balance negative and positive approaches as well as micro- and macrostandards. The more focused and specific aspects of the code set standards for the profession that can be used to discipline members and alert prospective clients of what they can expect. The commentary that accompanies the code can identify potential problem areas and help to deal with complex cases. Broader and aspirational statements can extend the involvement of professionals into areas that touch on the boundaries of professional responsibility in dealings with political superiors and the public. They offer statements about what professionals can do in terms of the standards for the practice and, consequently, what they should do. For example, despite the differing views expressed about whether it is appropriate for public administrators to help shape policy or actively seek to engage citizens in the governmental process, the code of ASPA asserts that these are expected behaviors. The importance of these kinds of statements should not be underestimated even though the guidance they provide will be very abstract. Persons covered by the code should periodically engage in discussion about what the broader aspects of the codes mean and how they can seek to accomplish challenging goals. If used properly and if supported by reflection on the part of members, codes of ethics can alert professionals (and political superiors) to ethical aspects of their work, the limits of acceptable behavior, and the expectations of ethical leadership.

Second, codes can be used as a means of enforcing the shared standards of the profession. In the view of Curtis Branscome, a former president of ICMA, it is the code of ethics that sets administrators in ICMA apart from others, and the committee on professional conduct that investigates ethics complaints "is the 'keeper of the flame' for the profession" (Branscome 2005, 2). Although the enforcement provisions are not the most important part of a code, they must be in place and used to maintain the professional standards and reputation of an organization.

Third, codes alert persons outside of the profession of what they can and should expect. This includes persons who interact with public administrators in day-to-day activities, clients who seek services or are contacted by public administrators, and the public at-large. For example, one of the explicit purposes of the NASW code is to provide "ethical standards to which the general public can hold the social work profession accountable" (NASW 2008). The public often has a cynical attitude about the performance and motives of governmental staff, and in recent years nonprofit organizations and their staff have been subject to some public criticism for wasting funds or raising money under false pretenses. Simply having a code is not sufficient to convince the public that public administrators are bound by duty, principled, virtuous, and committed to the public interest, but it is a start. One might argue that the absence of a code would lower public estimation of public administrators even more, but there is probably little reason to think that there is much public awareness of the existence of codes and how they are enforced. Public administrators must do more to make the public aware that the codes exist and to demonstrate that they are committed to meeting the standards contained in the code.

INCORPORATING CODES INTO YOUR OWN PROFESSIONAL STANDARDS

An ethical public administrator needs a set of values and standards to which he or she is committed. I encourage you to develop your own code of professional ethics that will set forth values and standards to which you are committed. This code should not be a substitute for the official code of the professional group with which you are associated, but it should build on it both to expand the scope of the tenets and also to make it your own.

The expanded personal code of professional ethics could add tenets from other codes. For example, in their code, city managers have only a general commitment to democratic government, informing the community, and encouraging communication with citizens, and no statement about fairness in society. They might want to consider the more far-reaching statements in the AICP code about giving people the opportunity to have a meaningful impact in policy making, expanding participation, and seeking social justice. The directors of nonprofit organizations might incorporate and build on tenets from ICMA about responsibilities to their boards of directors in their own personal code.

Furthermore, a personal code could also include values that draw on other sources of guidance and inspiration. The principle to treat all persons as ends in themselves is not explicitly included in any of the codes we have examined, but it is potentially the basis for a tenet that helps ensure a fundamental commitment to fairness and decency in dealings with citizens, clients, and coworkers.

In the introductory chapter of this text there was a pop quiz. Now I will suggest a major assignment: create your own professional code of ethics. With guidance from these professional codes and the components of the ethics triangle, what tenets will you include in your professional code of ethics? How do you internalize it to make it a "working" code that you will use in real situations? What is suggested is a building process, not one of replacing tenets from established codes but adding to them to make your working code one that is comprehensive and meaningful to you as well as being true to the standards of your professional group. It should also be a work in progress, one that you return to from time to time to update and elaborate further.

The difference between the Stage 4 level of moral reasoning and the universal-values level is the breadth of the norms as well as the extent to which these norms have been internalized. In a similar way, the code of ethics of a professional association—no matter how strong it may be in terms of the criteria considered here—cannot simply be a set of "instructions" to the administrator. The tenets must be understood, accepted at a deep level of commitment, and incorporated into the way one thinks about how he or she practices the profession. The formal code will be even stronger and more meaningful if it is used as the foundation for an expanded personal code of ethics.

[1] The Athenian Oath is available at http://www.nlc.org/build-skills-and-networks/resources/cities-101/city-factoids/the-athenian-oath.

[2] Two of these issues have been partially addressed in a companion document, ICMA's "Declaration of Ideals." It states the value of equity in delivering services and encourages citizen participation. It is available at http://icma.org/en/icma/about/organization_overview/who_we_are/ideals.

[3] ASPA is considering the establishment of a review process after the approval of its new code of ethics in 2013.

[4] The ICMA process is available at www1.icma.org/upload/library/2004-12/{FFA9021D- 4290-4139-8EFE-BA96DEC03B3A}.rtf. The AICP process is available at www.planning.org/ethics/conduct.html in Part C: Our Code Procedures. The National Association of Social Workers has a 60-page publication on procedures for professional review. It can be downloaded at www.socialworkers.org/pubs/code/code.asp.

[5] If the complainant is a not a member of the ICMA, he or she shall be notified that the case was considered and resolved, and that no public action was taken. When there is a public censure, in addition to informing the parties directly involved, information about a public censure is sent to local governing bodies and news media, indicating that a violation of the code took place and that the ICMA strongly disapproves of such conduct and the nature of the sanction imposed. *Expulsion* means a revocation of the respon dent's membership privileges, and a *membership bar* is a prohibition against reinstatement of the respondent's membership in the ICMA. A member who has been barred or expelled from membership under these rules may apply for reinstatement to ICMA membership only after a period of at least 5 years from the date of the bar or expulsion or from the date of the last review of a request for reinstatement.

[6] If the respondent requests a hearing, the CPC refers the case, including its recommended sanction, for a hearing before the executive board, which may vote to adopt the recommended decision of the CPC, to modify said decision, or to dismiss the case without imposing sanctions. The executive board may not increase the sanction recommended by the CPC unless new evidence, not previously available to the CPC, is disclosed at the hearing, which indicates that the respondent's violation was more serious.

[7] This right is covered in Section 11 of the AICP Code Procedure.

CHAPTER 6

Undermining Duty: Challenges to the Ethical Behavior of Public Administrators

To this point, the exploration of public administration has taken a generally positive tone. We have stressed that most public administrators and persons who wish to enter the field probably have implicit codes of ethics that cover basic areas of concern. Readers are encouraged to expand and elevate their ethical reasoning by thinking broadly and proactively about the full scope of their democratic and professional responsibilities and by incorporating major philosophical perspectives into their own ethical thinking. The hope and expectation are that public administrators will be able to shift from a reliance on rules and authority figures to develop the capacity for independent ethical reasoning based on universal values. Similarly, they are encouraged to look beyond the sometimes-constraining features of codes of ethics in order to examine the full scope of their responsibilities and the highest aspirations of their profession. They are challenged to develop their own personal code of ethics that builds on these sources for their professional work.

These themes may leave some wondering where are the many unethical people who occupy government offices and some nonprofit positions. Even if they are a small minority—as is surely the case—they cannot be ignored. The effort to chart a course to the ethical heights may be fine, but what about the people who prowl the ethical depths of public service?

I will defend the approach taken so far, but then I will address this challenging question. If, for example, one were writing a book about citizenship and community building—not unlike responsible professionalism and organization building—it would not make sense to start with an examination of the shirkers and the destroyers of civic life. Eventually, however, it would be necessary to address the negative behaviors, note their impacts, and consider how to reduce or eliminate these behaviors. In the same way, it is time to examine why some public administrators are unethical.

What are the possible explanations of inappropriate behavior by public administrators? Are bad people or bad systems the primary cause of ethical problems? In some instances, one can find widespread corruption or officials with serious personal flaws. Still, generally—and perhaps more disturbingly—it is decent administrators who have ethical failings in the actions they willingly choose to take or in the actions that are at least in part forced on them or shaped by circumstances they do not fully control. Therefore, we will examine three sets of explanations: (1) explanations that focus on bad people, (2) explanations that apply to decent administrators who make unethical choices, and (3) explanations that stress circumstances. Unfortunately, the list of reasons for unethical behavior is depressingly long.

The distinctions among the causes are important. Emphasis on the first leads to efforts to prevent the hiring of ethically deficient persons and to detect and eliminate the "bad apples" from organizations. Emphasis on the latter two leads to the conclusion that promoting high ethical conduct will take broader and more systemic approaches at the individual and organizational level. For individuals, it is important to broaden the base for their ethical thinking, to improve their ethical "conditioning" by exercising with the problem-solving model, and to consider under what circumstances they might defy the organization and blow the whistle. For organizations, the strategies for enhancing ethics must come to terms with the individual and circumstantial reasons for unethical behavior presented here. Perhaps it is also useful to impose external legal controls, although these may be better designed to constrain bad people than to inspire the decent people in public service. It is also important for administrators to understand why unethical behavior occurs. Knowledge of the causes may provide a defense for those who wish to maintain high ethical standards.

One classification of public administrators by Paula Gordon (2003) divides them into three types, and she offers detailed indicators of each type. The no-ethics administrators, or corrupters, are the proverbial bad apples in public organizations. They use power in Machiavellian ways, play games with information or distort it to advance their purposes, evade responsibility, abuse perquisites of office, allow complex processes to bog down in confusion, fail to be responsive to the public, and contribute to a dog-eat-dog mode of existence. The value-neutral administrators are ethical relativists. They try to observe the law and avoid wrongdoing. They will act with expediency, selectively respond to wrongdoing they observe, take advantage of perquisites of office, focus more on process than purpose, stress productivity and measurable results without common sense and human concern, and address problems only when it becomes pragmatically and politically possible to do so. They abstain from committing illegal acts not because they believe the acts are wrong but rather because they normally do not violate rules or the law. They are indifferent to constitutional and human rights. In contrast, according to Gordon (2003), the value-based ethicists see wrongdoing as bad, uncover wrongdoing by others, do not abuse the perquisites of office, do not play games with information or procedure, foster truthful and open communication, act in accordance with constitutional and human rights, are guided by integrity, protect and enhance the public interest, and take mitigative action seeking to prevent problems before they occur. These administrators are exemplars.

The no-ethics types clearly match up with explanations of unethical behavior that stress the deficiencies in public administrators. Presumably the value-neutral types are the typical decent administrators who rely on law and authority to determine what they do; in other words, they rely on conventional or Stage 4 morality (Kohlberg 1981). These administrators have weak defenses against conditions that erode their sense of right and wrong or forces including directives from superiors that push them in the direction of unethical behavior. The value-based ethicists are proactively committed to ethics and should be able to resist pressures, but even these administrators can go bad if they lose their ethical compass.

One final approach to classifying the causes of corruption, based on analysis of incentives plus one additional factor—blind spots, is useful to examine before turning to the specific explanations. Sheldon Steinberg and David Austern (1990, 61–62) argue that corrupt behavior occurs within the interaction of three factors: *incentive*, or the size of the benefit; *opportunity*, or the ease of access to the corrupt practice; and *risk*, or the chance of detection. There are a wide variety of combinations. For example, the higher the incentive to engage in corruption and the lower the chance of detection, the greater the likelihood that corruption will occur. Weak inclination to be unethical and even minor gain may not deter corrupt behavior if the prospect of detection is extremely low. This explanation of corrupt behavior does not necessarily apply to other kinds of unethical behavior (abuse of power or failure to serve may result from different factors), but it is a useful addition to the categories of explanations used here. Extreme levels of unethical motivation are present in the no-ethics group. Decent and good administrators may act unethically under the right "incentive structure"; the combination of benefit and chance of punishment.

Ariely (2012), however, provides evidence from experiments that there is not a simple cost–benefit calculation in lying and cheating. Most of us, he argues, do not take as much as we can get away with, but rather as much as we can take "while maintaining a positive image of ourselves" (237). In addition, officials may be pressured to behave unethically and not receive any direct payoff. Still, the factors of motivation, opportunity, and detection may enter the decision to give in to pressure. Are there benefits to be secured (or punishments to be avoided) by doing what the "boss" has asked, and is this something I can do without drawing attention to myself?

Finally, individuals may have "blind spots" and fail to see the ethical shortcomings in the behavior of themselves or persons who are important to them (Bazerman and Tenbrunsel 2011a). They do not calculate costs and benefits, instead they do not see that an ethical issue is at stake in a decision, or they deceive themselves when considering the options.

EXPLANATIONS BASED ON BAD PEOPLE/BAD SYSTEMS

The prevalence of decent people in governmental and nonprofit organizations does not mean that there are no evil or dishonest public administrators. The no-ethics corrupters include persons who want to use their power to advance themselves and harm others. Greed and the ability to exploit the system can lead to illegal profiteering by public or party officials through bribes, extortion, bid rigging, and the like. The Knapp Commission investigating police corruption in New York City identified a pronounced form of corruption practiced by the "meat-eaters," who like carnivores on the hunt for big game aggressively seek out opportunities for bribes in narcotics, gambling, and other areas that can yield large payments for protection (GAO 1998, 6).

More prevalent are persons who lack integrity and are willing to take advantage of opportunities for personal gain by taking actions of which they think no one will know. The Knapp Commission asserted that the "grass-eaters," who though like gentle grazing animals accept gratuities and solicit small bribes from contractors, truckers, gamblers, and such, are much more numerous. They take advantage of the opportunity to benefit themselves, exploiting the low risk of detection. Although the amounts of money involved are relatively modest, the Knapp Commission (GAO 1998, 6) concluded that these small-time corrupt officers were the main problem because their large number made the practices seem respectable or at least expected because the behavior was so common. If citizens expect that police officers are corrupt, they may offer a bribe to fix a ticket even if it is not solicited. When this happens, the access is high and the risk is low, even if there was little prior motivation to take a payment and not write a ticket. Other officials seek special treatment for family and friends. Perhaps their definition of ethics is deficient and they do not consider this kind of behavior to be corruption—it's just helping people who are close to you. Another form of using public office for personal gain is to make official decisions in ways that intentionally benefit one's own personal interests. There is no appreciation that conflicts of interest should constrain official action.

Besides corruption, some no-ethics administrators engage in other kinds of harmful behavior, but the same underlying motivation to benefit personally at the expense of others appears to be present. Arrogance and abuse of power are used to advance oneself and put down others; for example, using power to punish "enemies" or undercut competitors. Abuse of power can also be employed by racists who seek to damage the prospects of persons in minority groups. It is also used by sexists who prey upon and seek to establish their dominance over their victims. The objective may be coercing sexual favors, or attacks with sexual connotations may be used as a means of humiliating the target. In either case, sexual harassment involves the imposition of power and victimization.[1]

A horrific example of single-minded illegal behavior is the former Pennsylvania State University assistant football coach Jerry Sandusky. He used the nonprofit Second Mile organization that he founded in 1977 to gain access to needy boys that the organization was supposed to assist and then molested many of them. He also used his connections with Penn State to advance his influence and control over these boys. He was convicted in June 2012 of sexually abusing 10 boys (Drape 2012). Legal and organizational safeguards are needed to detect and end as quickly as possible extreme wrongdoing of this kind. None of these protections worked in this case, and a number of persons who could have helped the victims and brought an earlier end to the perpetrator's abuse failed to step forward. These failures are examined further in a subsequent chapter.

The explanations thus far focus on individuals who exploit the circumstances in which they work. Even more serious is the condition of systemic corruption, where the norms of the system support individual corruption and ethical staff are at risk. When there is systemic corruption, the following conditions identified by Gerald and Naomi Caiden (1977, 306–307) prevail:

1. The organization professes an external code of ethics, which is contradicted by internal practices.
2. Internal practices encourage, abet, and hide violations of the external code. 3. Non-violators are penalized by forgoing the rewards of violation and offending violators.
4. Violators are protected, and when exposed, treated leniently; their accusers are victimized for exposing organizational hypocrisy, and are treated harshly.
5. Non-violators suffocate in the venal atmosphere; they find no internal relief and much external disbelief.
6. Prospective whistleblowers are intimidated and terrorized into silence.
7. Courageous whistleblowers have to be protected from organizational retaliation.
8. Violators become so accustomed to their practices and the protection given them that, on exposure, they evidence surprise and claim innocence and unfair discrimination against them.
9. Collective guilt finds expression in rationalizations of the internal practices and without strong external supports there is no serious intention of ending them.
10. Those formally charged with revealing corruption rarely act and, when forced by external pressure to do so, excuse any incidents as isolated, rare occurrences.

Fortunately, such conditions typically are not found in western democracies, but pockets of systemic corruption can be found.

These bad person/bad system factors provide a partial explanation for corruption, but most ethical lapses are not committed by bad people in government and nonprofit organizations. It is more common to find normal people who commit unethical actions. Why does this happen? What are the factors that can lead good people to be unethical? Why do generally decent officials have ethical lapses or serious violations of ethical (and at times legal) norms? As noted, there are two broad categories of explanations: (1) failings due to shortcomings by normally good and decent officials, and (2) unethical choices shaped by circumstances.

The first explanation applies to acts of *commission*; choices made by individuals to advance ends they intend to achieve or choices that reflect their personal values. In these actions, the sense of duty may be misdirected or inverted, and ethical perspectives may be distorted to justify unethical behavior. These ethical violators may even be persons who in some respects are or have been exemplary officials.

The second explanation applies to acts or failures to act produced by forces or circumstances that lead individuals to make unethical choices. They may blame the actions on others or even fail to recognize that their actions are unethical. It seems plausible that these instances involve ethical "relativists" with a weak sense of ethical commitment and a strong inclination to shift responsibility from self to others, to conform to expectations of others, or to accept the direction of authorities without question. In these cases, a conventional level of moral development may be a contributing factor to the weakness of the individual's ethical commitment in the face of the circumstances they encounter. There are certainly other cases, however, when the external factors exert very powerful pressure. Ethical relativists may put up little resistance and even ethically committed administrators can buckle under the pressure. Each set of explanations is examined in depth. A roadmap to the discussion (and the factors already covered) is offered in **Exhibit 6–1**.

Exhibit 6–1 Causes of and Factors that Contribute to Unethical Behavior

Explanations based on bad people/bad systems
- No-ethics exploiters
- Systemic corruption

Failings due to shortcomings by normally good and decent officials
- Good reasons
- Bias or prejudice
- Ignorance and lack of awareness
- Failure to serve; self-protection; not wanting to get involved; narrow definition of responsibility
- Government context/nonprofit context
- "Blind spots"

Unethical choices shaped by circumstances
- Organizational advantage
- Conformity/meeting quotas
- Anticipating actions by superiors; excessive responsiveness
- Pressure and threat
- Following inappropriate orders

FAILINGS DUE TO SHORTCOMINGS BY NORMALLY GOOD AND DECENT OFFICIALS

The first cluster of explanations involves so-called good reasons why good persons engage in unethical behavior. The unethical official may be driven by ego and overwhelming commitment to accomplish his or her own goals. Closely related would be such a strong commitment to ideology or values that an action is justified by ideological or value commitments (self-righteousness that leads to intolerance). Another variation is a distorted consequentialist view of ethics in which the end justifies the means that are taken to accomplish it. "Noble-cause corruption" occurs when unprincipled actions seem justifiable to achieve a goal or eradicate a problem (Crank 2010). Minor deceptions, such as white lies to protect someone or to give someone the answer they are expecting, may seem considerate or harmless. On a larger scale, lies told for the public good may seem justifiable (Bok 1989). Some officials who fall into this category have a lack of respect for the democratic process and feel that the public is not capable of understanding complex arguments for important policies. They must be given, therefore, a simplified view of reality. Similarly, an appointed executive who feels contempt for elected officials may seek to manipulate their decisions by providing selective information.

An attitude of superiority contributes to the conviction that one is above the law, doesn't have to abide by normal rules, or shouldn't be bound by normal restrictions. Self-righteousness may contribute to the feeling that "I can't be bought by a free lunch" or other benefit; therefore, the standard prohibition does not have to be followed. Ironically, some of the most successful administrators can come to feel professional hubris—a conceit, arrogance, or moral superiority fed by their success. An example would be the director of a government agency who believes that her outstanding performance entitles her to benefits that would not normally be provided. Another example is a nonprofit executive whose success leads him to justify lavish perks because he must be able to function on the same affluent level as the business executives he approaches for contributions and commitments.[2] These factors do not indicate a grasping or greedy person who concealed his or her base instincts for decades while building a successful career, and then finally took advantage of the opportunity to benefit personally. Rather, it is the unsettling story of good persons whose drive for accomplishment becomes so self-centered that they violate the trust they have established over the years.

A variation on the good-reasons argument is to use methods that would not normally be acceptable and justify them because of the good purpose that they serve and/or the negative forces they are combating. *The Malek Manual* (in Richter, Burke, and Doig 1990, 135–138)[3] was written in 1970 in an era of divided government when the Democrats controlled the Congress and Republicans controlled the White House. The methods it espoused could be used against any employee who was not deemed to be sufficiently loyal. The intent was to thwart the possibility of sabotage by career staff that could undermine the initiatives of the president because they follow their own political beliefs or display loyalty to the majority party in Congress rather than to their supervisors in the executive branch. Practices included the frontal assault (offering the choice of resigning with honor or possibly getting forced out with bad references), transfer to an undesirable location, the special-assistant technique (turns the staff member with heavy family responsibilities into a traveling salesperson), and the new-activity technique (creating a new but meaningless unit that is designed to contain a large number of problem employees). Such techniques were justified in the name of achieving the goals of the organization by undermining those who might obstruct progress.

Putting personal interests above the welfare of others is illustrated in famous research on the “limits of obedience” by Stanley Milgram (1974)—not a typical example offered for this kind of ethical failing. This elaborate project was designed to measure the extent to which unsuspecting subjects would follow instructions to complete an experiment even though they appeared to be inflicting pain on another person. Subjects believed that they were the “teachers” in an experiment to test the effects of punishment on learning. The teacher was instructed by the person posing as the director of the research to administer a progressively stronger shock when a “learner” sitting in an adjoining room made a mistake in answering a question. The supposed shock was administered by depressing one of 30 switches that resulted in shocks supposedly ranging from 0 to 450 volts. The findings from the research will examined later in this chapter, but Milgram’s ethical behavior is the focus here. The use of deception in this experiment (and many others at the time in the '60s) has long raised ethical questions and led to new limits and standards (Shamoo and Resnik 2003). Researchers must now get informed consent from subjects, and subjects are assured that they may withdraw from an experiment at any time. There also are serious issues regarding Milgram’s conduct in the designing and carrying out the research identified by Gina Perry (2012). Her analysis of tapes and transcripts of sessions and review of the notes compiled during the project shows that Milgram mistreated and manipulated the subjects in his experiment and then mischaracterized their intentions and behavior in his later publications in order to advance his own reputation.

First, although the “learner” come out to meet the teacher at the end of the experiment to show that he was not harmed and Milgram claimed to have fully debriefed the subjects when the session ended, his records “indicate that he failed to immediately dehoax around 75% of his 780 subjects” (Perry 2012, 14). They were told that the shocks were not as serious as it appeared from the labels on the switches. He preferred leaving the subjects in distress and feeling guilty about their behavior to telling them the full story and possibly letting the word get out in the New Haven about the actual nature of the study (78). Furthermore, after the initial few repetitions of the experiment, Milgram left the debriefing to the actor hired to play the role of study director rather than doing it himself (83). He was not trained to recognize the psychological condition of the subject and to adjust the debriefing as needed. The full explanation of what actually happened in the experiment was not received by some subjects until 11 months after the experiments began (79).

Second, the original protocol contained four “prods” for the study director to use if subjects objected to administering shocks in order to keep them going through the experiment.[4] Into the third version of the experiment (out of 24), the study director “scrupulously terminated the experiment after he had delivered the fourth prod” (Perry 2012, 115) if the teacher still objected to the continuing. By the end of that iteration, however, the director with Milgram’s knowledge was departing from the script and “urging subjects time and again to keep going” (115).[5] Not only did this behavior affect the results of the experiment and inflate the number of instances of apparently complete obedience, it also increased the pressure put on the subject and their level of anxiety. In addition, Milgram failed to accurately report that the original protocol had been abandoned (117–118).

Third, although Milgram was well aware of the variation in the level of compliance and the vigorous objections that many subjects raised throughout the experiment despite administering the maximum shock, in his book published 11 years after the end of the experiment, he described the “obedient” subjects in a distorted and simplistic way as if they were all alike. Although he acknowledged that they were not “monsters” or “sadistic types,” Perry (2012, 252–253) observes that Milgram suggested that “they were like [Adolph]

Eichmann, 'an uninspired bureaucrat who simply sat at his desk and did his job' [in Milgram 1974, 5]." Many of his subjects did not simply sit in the experiment site and do what they were told without objection, but Milgram did not document their resistance. He sought to advance his reputation by providing a universal explanation of the relationship of subordinates to superiors despite evidence to the contrary in his own study. Thus, although Milgram purported to explain the shortcomings in the behavior of his subjects, he failed to critically examine his own ethical failings.

Another source of unethical behavior that arises from individual shortcoming is *bias* or *prejudice* toward groups of people, which can lead to negative stereotypes and devaluing categories of people. Although extreme forms of racist and sexist attitudes were noted as an example of a serious personal deficiency, these "milder" forms of prejudice are also important. They are likely to be more widespread and harder to detect.

Members of groups who tend to have greater prestige and power may not be overtly discriminatory in their behavior. Still, they may have blind spots when it comes to certain categories of people. They can misperceive or misinterpret behavior, as when a black applicant interviewed by a panel of whites is judged to "lack confidence" in interpersonal relations and lose out to a "self-assured" white applicant. Not considering a woman for a promotion because she "probably wouldn't want additional responsibilities that would interfere with her family responsibilities" or not considering a Hispanic for a management team because "he wouldn't fit in and wouldn't be comfortable" are examples of prejudicial treatment that deny opportunities because of race, gender, or ethnicity. Systematic expressions of stereotypes can take the form of setting different expectations for different categories of people. A basic purpose of the performance standards in public schools under the No Child Left Behind Act is to overcome the "soft bigotry of low expectations" (Rothman 2001/02, 6–7) that allows lower performance by children in minority groups to persist without intervention or can even undermine confidence and lower performance by minority children. Racial or ethnic profiling—as opposed to profiling based on more precise and discriminating indicators of likely behavior—leads to the assumption that persons who share racial or ethnic identity will act in similarly antisocial ways. For example, there is recent evidence that indicates that police are spying on law-abiding Muslim groups in New York City (*New York Times* 2013).

Another explanation of unethical behavior is *ignorance and lack of awareness*. Not knowing that behavior is improper or not knowing that an action is required can lead to inappropriate behavior, but why is the knowledge missing? It may result from shortcomings in training or the topic may be truly complex and hard to understand. *Technical violations* of regulations do not necessarily indicate ethical wrongdoing unless they are persistent and represent an intentional effort to evade the rules.

Still, a serious condition that can contribute to ignorance is the choice some officials make to not be knowledgeable or the preference to be unaware. "I didn't know this was required (or not permitted)" or "I didn't know this was going on" provide convenient excuses. The refusal to be aware can be signaled by the message from managers to staff that they do not want to know about problems or that no one is supposed to come through the manager's supposedly open door with bad news. Managers who rely on information that comes through channels and never get out to talk directly to staff at all levels are essentially resigning themselves to not being aware of important happenings in the organization. Information gets filtered as it goes up the organization's levels and negative reports may get moderated or omitted (Kaufman 1977). Despite this tendency to allow barriers in communication to develop, in cases when the responsible official claims lack of knowledge or awareness, one may ask "What can an official be reasonably expected to know?" Lack of awareness is not an excuse if one should have known or should have been able to know that improper actions are occurring.

Distinct from a lack of knowledge of ethical responsibilities but similar in appearance is a failure to act for self-serving reasons. People may ignore the responsibility to act and do their duty because they do not want to get involved—perhaps for self-protection—or because they have a narrow definition of their responsibility. Far too often, administrators stand aside, seeming not to see a citizen being mistreated or a colleague being abused by a superior. Acting might be a lot of time and trouble, and the administrator would have to confront the colleague or superior who is misbehaving, even if there is no threat of reprisal—a condition considered later. Alternatively there may be a response but it may be delayed, limited, or conditional.

A celebrated example illustrates this reluctance to be ethical. Almost 2 months into the 1973 Senate hearings investigating the Watergate burglary at the Democratic headquarters in the Watergate hotel the year before, Alexander Butterfield, former deputy chief of staff appointed by President Richard Nixon who managed the president's schedule, was called to an interview with Senate investigators. Butterfield was one of a few people who knew that a voice-activated taping system had been installed in the Oval Office and other areas used by the president in early 1971. To his relief, he was not originally included in a list of people that the Senate Select Committee on Presidential Campaign Activities intended to call to testify. "He knew he possessed a valuable secret," Alicia Shepard (2012) has written based on interviews with Butterfield, "but he was also a loyal Republican with no intention of squealing." Unknown to Butterfield, Senate investigators had gotten information that the president might have taped conversations, and they were asking witnesses about this topic (Christensen 2013). In discussions with his wife before his interview, Butterfield decided that he would not lie, but neither would he volunteer any information. After several hours of questions, Butterfield felt that topic was not going to come up. Then questions were asked about a Dictaphone that the president used to dictate letters for his secretary to type. Next, this question was asked: "Were there ever any recording devices other than the Dictaphone system you mentioned?"

> Butterfield froze. This was a direct question. He hesitated, took a deep breath and answered, "Yes."…On July 13, 1973, Butterfield told Senate investigators that Nixon had a taping system. It wasn't known then just how damning the tapes would be. But they would prove that Nixon had tried to cover up the burglary of Democratic headquarters at the Watergate hotel on June 17, 1972. (Shepard 2012)

Butterfield had chosen to be conditionally ethical. Only if the right question was asked would he provide the information that turned out to be critical to unraveling the Watergate mystery.

A number of factors can be grouped together as the *governmental context* explanation, reflecting conditions that are common in governmental work or prevailing norms in the public sector. The shared element here is that the factors contribute to the notion that individuals can take advantage of the situation or get even for slights they have experienced because they work for government. The circumstances and behavior seem different here than in the bad-people explanations, in which officials actively or secretly seek to gain personally from office. The distinction is certainly a narrow one. However, the governmental context factors impact the behavior of persons who are not normally seeking to enrich themselves—nor are they pressured by the governmental context factors to make unethical choices (this is covered in the section on unethical choices shaped by circumstances), but rather they take advantage of the opportunity to do so.

A common sentiment is that behaviors "go with the territory" or are accepted practices that "everyone does." This could include examples of small-scale personal gain, for instance, taking supplies from the office (not simply the occasional pen forgotten in the pocket) or making extensive personal use of the copying machine. A sense of resentment about levels of pay or perquisites or lack of appreciation for efforts could lead to the attitude "I've got it coming." It may seem appropriate to "exploit the exploiters" and get some of the rewards that one is normally denied by practices such as exaggerating claims for travel reimbursement. The use of no-bid and sole-source contracts can provide an opportunity to steer work to friends or associates and even receive a quid pro quo. There are ample sources of insider information that could be put to personal advantage. Although the distinction that George Washington Plunkitt of Tammany Hall (Riordan 1962) made between honest and dishonest graft would no longer be accepted, there may still be some who have seen opportunities and taken them out of a misplaced sense of entitlement to special benefits.

Cynicism and low levels of commitment can lead to a failure to serve or slacking. The attitude "it's good enough for government work" can become an excuse for not pursuing excellence. The attitude of "how do they expect me to get anything done with so few resources?" can lead to shirking duties. A grotesque case of failure to serve occurred in New Jersey in 2002 when abused children in foster care were ignored by case workers and one child died. Staff who claimed that they were pressured to increase the rate of resolving cases closed the files on these children even though they did not know where the children were (Purdy 2003).

It seems that these negative conditions are particularly likely to occur in government, but anecdotal evidence suggests that there can be a *nonprofit context* as well. Some of the factors that create a possibility for self-serving behavior to emerge are flexibility and lack of controls. These conditions may permit preferences for friends or relatives, exchange of benefits for donations, acting above the law, or developing a sense of ownership or entitlement to organizational resources. The Independent Sector (2002, 22–24) offers examples of behaviors that violate the values of nonprofit organizations. They are presented inTable 6–1.

Thus, taking advantage of the nonprofit context is possible. Failings in providing service can occur as well; for example, in a social services board for an organization that serves minority neighborhoods but has no minority members, or an organization that year after year talks about its noble goals and plans and does not mention the small number of services provided and the meager accomplishments achieved.

Table 6–1. Violations of Values of Nonprofit Organizations

Commitment beyond self	• Illegal act: The board agrees to sell property to a board member's spouse without competitive bidding and at a price below fair-market value. • Unethical behavior: The CEO of a financially strapped organization continues to fly first-class on short business trips while the organization has to lay off staff.
Obedience of the laws	• Illegal act: A solicitation indicates that contributions are tax deductible when they are not. • Unethical behavior: Trust fund trustees are paid inflated annual fees for a limited number of meetings and decisions.

Commitment to the public good	• Illegal act: A private foundation does not live up to the minimum payout requirement for grants. • Unethical behavior: A foundation's grant guidelines are broad and its application procedures are complicated, but most of the money goes annually to a few institutions with which foundation trustees have affiliation and that submit sketchy applications and reports.
Responsible stewardship of resources	• Illegal act: To deal with a worsening deficit, money withheld from employees' paychecks for federal income tax is not turned over to the IRS. • Unethical behavior: Services are targeted to clients with the least amount of needs because the organization wants to show funders high numbers of people served successfully.

Reproduced from Independent Sector. 2002. *Obedience to the Unenforceable.* http://www.independentsector.org/uploads/Accountability_Documents/obedience_to_unenforceable.pdf (accessed August 15, 2013).

Finally, recent research on behavioral ethics indicates that any work setting can reinforce the substitution of self-interest or securing organizational objectives for ethical reasoning and action (Bazerman and Tenbrunsel 2011b). Much unethical behavior reflects not the blatantly self-aggrandizing orientation of the no-ethics corrupter but rather self-deception that overlooks the ethical implications of actions taken that benefit themselves or to give a break to friends or clients. Self-interest wins out over ethics but not in a direct competition. Bazerman and Tenbrunsel (2011a) reach this conclusion from their research:

> When we are busy focused on common organizational goals, like quarterly earnings or sales quotas, the ethical implications of important decisions can fade from our minds. Through this ethical fading, we end up engaging in or condoning behavior that we would condemn if we were consciously aware of it.

Thus, "ethical fading" adds another dimension to examples of unethical behavior by basically good people. Many public administrators consider themselves to be more ethical than their actual behavior in selected instances would indicate. What people "want" to do pushes aside what they "should" do. In experiments,

> we tend to predict that we will behave as we think we *should* behave, but at the time of the decision, we behave how we *want* to behave. To make matters worse, when we reflect back on the decision, we tend to believe we acted as we thought we *should* behave. (Bazerman and Tenbrunsel 2011b, 153)

Greater awareness and increased efforts to bring ethical considerations into decision making are needed to overcome these personal failings.

UNETHICAL CHOICES SHAPED BY CIRCUMSTANCES

The final set of explanations shift attention to the circumstances surrounding the individual. Unlike the explanations based on the nature of the governmental or nonprofit context, the factors examined here involve pressure from others or organizational forces to do something that an individual official would not choose to do if left alone. The impact may be focused and sudden (for instance, a superior threatens to fire a subordinate if he does not follow an order to commit an act that is unethical) or it may be protracted and gradual, as in the erosion of integrity or "moral attrition" as identified by Dobel (1999). It also may be persistently insidious, as in the subtle pressure from peers to conform. Identifying these outside factors does not relieve individuals of responsibility for their actions, but it emphasizes the interaction between self and context that can shape an ethical challenge. Although it is questionable that individuals in these described situations have no choice but to act the way they do, they may claim that they did not intend to be unethical but caused harm without knowing it or because they were forced or pressured into doing so. The latter defense carries the claim that they would not have made the unethical choice if they had been free to act on their own. This is the perceived lack of moral agency presented in the chapter on the sources and development of administrative ethics. The former situation—unthinking and unintentional harmful actions—is the essence of "administrative evil" (Adams and Balfour 1998; Jurkiewicz 2012).

One factor that leads to unethical behavior is the drive for *organizational advantage*. In contrast to the internal goods of a practice or organization—the essential positive purposes of a practice that are achieved by pursuing its standards of excellence (Cooper 1987)—external goods are the resources and benefits that come to the organization or agency. Seeking expanded money, personnel, power, or prestige can cause an organization to engage in practices that undercut the ethical standards of excellence. When vice presidents at Morton Thiokol overruled the safety concerns of engineers to move forward with the launch of space shuttle *Challenger* in 1986, this appeared to be a case of putting external goods over standards of excellence. Here is Cooper's (1987, 324) assessment:

> Morton Thiokol's decision to ignore engineering standards of excellence through the imposition of management authority seems clearly to have been a response to expectations generated by NASA. During the decade before the shuttle tragedy, NASA had begun

> to orient itself increasingly to pressures for short turn-around times and frequent and reliable launch schedules. Safety, an internal good for manned space flight engineering, was sacrificed or at the very least devalued. Redundancy, a standard of excellence for achieving safety in this kind of engineering, was set aside. Prudence, one of the virtues of aerospace engineers involved in maintaining safety for human crew members, was rejected. The external goods of contract security, maintenance of schedules, profit, and marketability appear to have ruled the day.

The pressure to succeed can arise from financial pressures and the sense that the organization must survive at any cost. Even though the circumstances are not dire, some organizations will ignore criticisms and cover up problems to avoid embarrassment or to deflect the need for change. These are all variations on the rationalization called *the false necessity trap* (Josephson 2002). This orientation is a perversion of the utilitarian standard that leads some in an organization to put pressure on others to set aside virtue and violate principle.

The transmission of expectations can differ in their explicitness and the amount of pressure involved. Administrators may be driven by organizational targets to cut corners or mistreat citizens. Rewards for arrests or productivity standards measured by number of tickets issued or persons who are stopped for questioning and frisked can pressure individual officers to infringe on the rights of citizens and lie about illegal behavior that did not occur (Alexander 2013). In schools systems, "evidence of systemic cheating has emerged in as many as a dozen places across the country" involving administrators and teachers who change results in order to meet performance targets (Rich 2013).

With *conformity*, choices about behavior are shaped in the absence of direct orders and the pressures are vague. Nonetheless, they can be powerful. Conformity can take the form of going along and not wanting to make waves. The social pressures from peers to be loyal to the workgroup can be persuasive if you feel that these are the people you depend on and the only ones who can help you when you are in trouble. In a less-obvious way, conformity can arise out of diffused responsibility and the sense that somebody else will do it. If no one else steps forward, you can do the same and rationalize not acting because "no one else seems to think it is important." Not wanting to stand apart from the group can be reflected in the attitude "it's none of my business." Acting or failing to act in the way that others expect creates complicity. If one feels that they have contributed and could share part of responsibility for problems, they have additional incentive to protect themselves by maintaining solidarity.

A different kind of transmission of expectations occurs when officials decide to take an unethical action "for the good of the organization." This approach involves *anticipating the actions* preferred by someone else before they have issued directions. "I'm taking care of this because I know this is what my boss would want me to do" is such a rationale. This attitude is often accompanied by the assumption that the activity will be condoned because they feel that they are doing something that is expected. Indeed, there may have been subtle indications that the person should take the action. Whether it was implicitly expected, however, if the action goes bad or is exposed, it is likely that the official who takes the action will be left to suffer the consequences. Superiors can correctly say that the offending official was acting without authorization. It is important, therefore, for self-protection as well as to clarify the ethical situation for an official to ask that an expectation be made explicit. Clarity does not mean that the action should be taken—indeed it may raise the stakes and the level of pressure[6]—but at least the individual will not have acted on his or her own and find that no one will back up the action.

Another variation on anticipated reactions is excessive policy responsiveness by staff members (Aberbach and Rockman 1993). Undermining professionalism in order to serve political superiors can be expressed in many ways. These include eliminating options that staff members feel superiors will find objectionable, slanting evidence to support political goals, and passing over qualified staff members for assignments or promotions who are out of favor with superiors. When staff members are excessively responsive, political superiors can rightfully claim that they were simply acting on the recommendation or the information provided by administrators and in so doing give professional credibility to what was in fact a politically inspired action. It is a duty for administrators to be responsive to the policy goals of political superiors, but they should not sacrifice principle, standards, or commitment to serve the public. When the full range of options and complete information is provided, political superiors can still choose the option they preferred or act in a way that is not consistent with the evidence, but this is a clear political decision rather than a concealed political decision.

Finally, there is the use of threat or political pressure to induce a staff member to comply or act cooperatively. Even those employees who are not the direct target of retaliation "may notice when it happens to others in the work unit, and such perceptions can affect the observer's level of engagement" (U.S. Merit Systems Protection Board 2011, 11).[7] Many would not be inclined to accept the conditions they observe but fear that there will be negative consequences if they report them.

Thus, the kinds of transmission of expectations considered so far are conformity, anticipating preferred actions, being responsive to the extent that instructions do not have to be given, and the threat of retaliation as a signal that an action should not be taken. In none of these types of communication were explicit directions given to the individual under pressure. Now we turn to the hardest form of transmitted expectations: orders and explicit pressure to carry out actions.

In organizations that serve the public, administrators are expected to *follow orders*. They make extensive contributions to the formation of policy and they have considerable discretion in the day-to-day implementation of policy and management of organizational resources, but in the final analysis, they are expected to obey instructions from their political superiors who are directly accountable to the public or from their administrative superiors who have the authority to direct their subordinates. Indeed, in the normal course of administrative affairs, the failure to obey is ethically wrong and constitutes insubordination unless the order is illegal or clearly inappropriate. One of the most important ethical problems, however, occurs from failing to recognize the limits of obedience and presuming that one is required to obey regardless of what the order entails.

Unlike the other ways that expectations are transmitted, an order makes it clear and explicit what one is supposed to do (although the consequences may not be obvious) and the failure to obey creates a direct confrontation between the subordinate and the superior. The order may be vague, as when subordinates are told to protect the executive and preserve his or her ability to deny any knowledge of the action—in other words, achieving a condition of "plausible deniability." The instruction may leave discretion regarding how it is carried out (the command to "take care of this" is often accompanied by the additional proviso "I don't want to know how you did it"). In other cases, the instructions will be more specific. In either case, the ethical dilemma is whether to obey an order.

When facing this dilemma, the official is not without choices. There is the option of resigning instead of obeying; doing so can draw attention to the problem and potentially strengthen political forces that will correct it. Officials typically do not have *only* the options of obeying or resigning, which does not mean that resigning is not an important option. As Dobel (1999, 111) reminds us, the fact that resignation is an option "means that a person cannot escape responsibility by pretending he or she had no choice." Still this is a dire consequence that officials would naturally wish to avoid, just as they would prefer not being fired.

There are two ways that the subordinate can perceive the situation. Some may have such a high deference to authority and such a low independent capacity for assessing the implications of actions that they obey without question or reservation. Helping persons in this group starts with altering how they define their duty and sense of professional responsibility and how they think about ethics. Others will doubt whether they should do what they are told.[8] It is this group on which we focus here.

The orders may involve doing something: suppress information, punish a troublemaker, or harm a citizen. Alternatively, the order may be *not* to do something: reporting damaging information to superiors or outsiders. There is ample anecdotal evidence that some officials in governmental and nonprofit organizations choose to obey improper and illegal orders. There is also the experimental evidence from the research of Stanley Milgram noted earlier, although there are reasons to be cautious in drawing implications from his results. He purports to demonstrate the inclination of most ordinary people to obey orders (Milgram 1974). Adams and Balfour (1998, 14) see this as a "rather typical social situation" in which a "legitimate authority figure" directs subordinates to take actions that will advance a positive objective and assumes responsibility for the subordinate's actions. They repeat Milgram's conclusion: "These Americans were perfectly willing to play the role of 'shock technician' or perhaps even 'executioner'" (22).

Prior to starting the experiment, when it was described to psychiatrists, students, and middle-aged adults, most predicted that the subjects would refuse to continue with the experiment when the shock reached level 10 labeled "strong shock" (150 volts), and no one predicted that the subjects would go beyond level 20 on the scale marked "extreme intensity shock" (300 volts) (Milgram 1974). In actuality, in 7 out of 24 variations of the experiment, over 60% of the adult subjects followed instructions to the end and administered the maximum shock of 450 volts at level 30. No shocks were actually being given, but the setting was realistic enough that the many subjects believed they were. The validity of these results are challenged, however, because almost half of the subjects did not fully believe that the learner was getting shocks. When the teachers believed the shocks were real, they were more likely to be defiant. If they distrusted the veracity of the situation, they were more likely to play along and stay in the experiment to the end (Perry 2012, 139).

The experiment was altered in the fifth version to provide not only voice feedback with screams and protests that accelerated as the level of supposed shock increased but also to have the "student" complain that his heart was hurting. In this version and in version 20 with the same features but all female subjects, 63 and 65%, respectively, administered the maximum shock. However, by this time the experimenter was using more objections to counter the subjects' objections to continuing with the experiment, and consequently the number of "obedient" subjects may have been increased by the change in the research protocol (Perry 2012, 115–116).

Many had strong misgivings and voiced them to the experimenter who sat in the same room as the "teacher" and issued instructions. Milgram (1974, 57) offered this explanation: "Probably there is nothing the victim can say that will uniformly generate disobedience; for the teacher's actions are not controlled by him." He argued that an *agentic shift* had occurred in which the teacher felt responsible to the person giving orders rather than feeling responsible for the actions taken. In light of the new evidence about the study, this is clearly an exaggerated claim. Milgram and his assistant had created a situation in which many of the volunteers who had agreed to help with an experiment that seemingly had a good purpose had difficulty extracting themselves when the director insisted they continue. As several women who participated in version 20 put it, they had been "railroaded" by the study director (Perry 2012, 325, note 38). Is there any reason to believe that they would have obeyed an order to come back and repeat the experiment another time?

The characteristics of the situation made a big different in the results. If the prestige of the experimenter was lowered or if the experimenter was not present in the room, rates of obedience dropped; this also happened when there were three teachers and two dropped out. On the other hand, when there was a second teacher who administered the shock and the subject only asked the questions, 93% continued with the experiment to the end. Being one step removed from inflicting the pain produced a lower sense of responsibility for what was happening to the learner (Milgram 1974). Another researcher who later interviewed highly obedient and highly defiant subjects in Milgram's original experiment concluded that in a new situation, it is not clear how individuals will react to it despite their previous behavior. When the subjects were given imaginary situations in which they had to indicate how they would behave, there was no consistent pattern of response: "obedients and defiants together ran the gamut from kindness to cruelty, obedience to defiance, selfishness to selflessness" (Elms 1972). Thus, persons in public administration need to be careful about recognizing the potential effects of the circumstances in which they find themselves and remember that they have the power to say "no" and to remove themselves from a situation that is pushing them into actions to which they object.

There are real world examples of administrators who participated over an extended period in actions that could cause harm to others. The Tuskegee study on the effects of untreated syphilis among poor black men started in the 1930s when there was no effective treatment for the disease. However, they continued to deny treatment to continue the experiment after penicillin was developed in the early 1940s (Jones 1981). There were studies after World War II of the effects of eating food with radioactive materials involving mentally retarded children (Moreno 2001, 213). It is not insignificant that in these cases the victims were marginal or devalued persons according to the prevailing social mores. It is "easier" to protect oneself and go along with orders when those affected are viewed as less important or worthy, although the argument does not apply to all cases of following orders and harming others. This circumstance was not present in 1949 when workers at the Hanford nuclear plant in Washington State ignored the potential for harm to the general population and intentionally released large amounts of radioactive iodine with the belief that U.S. scientists could locate the location of Soviet plutonium factories by looking for similar atmospheric evidence.[9]

There are countless less dramatic examples of inappropriately following orders—or complying with unspoken expectations—when individuals do nothing to object. The pressure can come in the form of interference or manipulation by political superiors to get a favorable recommendation, to ignore a violation, to get a benefit for a person who does not qualify, or to hire a person outside the standard personnel process. One of the greatest ongoing challenges that public administrators face is to be aware of the significance of the actions they take and consider the broader consequences of taking or not taking action. It is the heart of responsibility to accept that each official is a moral agent who is capable of taking action—evading or delaying, refusing to obey, whistleblowing, or resigning. Dobel's (1999, 111) comments about the last option are relevant to all these forms of independent action:

> I want to make clear that I am referring to a robust notion of integrity and responsibility. This is not a call for hair-trigger resignations. In public life, no one gets all they want all the time. Most officials lose more battles than they win, and victories are almost always imperfect. So public officials find themselves compromising and contributing to imperfect outcomes.

Officials should not resign for frivolous reasons or refuse to follow orders because they would prefer a different approach or outcome than does their superior. They must be sensitive, however, to situations when important consequences are at stake and when their action or inaction will violate an important principle, break the law, inflict harm on innocent persons, or cause substantial waste of resources. Then they must carefully weigh all the facts, responsibilities, ethical perspectives, and options, and make a reasoned and defensible choice. A systematic approach to thinking through serious ethical dilemmas is presented in the chapter on deciding how to meet obligations and act responsibly.

In all the explanations considered here, there is interaction between the contextual conditions and the individual's ethical strength. In the bad-people explanations, the question is whether the external conditions will provide sufficient mechanisms for surveillance and control to limit the ability of those who would exploit the system to do so. In this instance, the restraint must come from the context. In contrast, the ethical strength must come from the individual to curb the zeal and ambition that can lead to good-reason ethical violations when at least some contextual forces may support the actions. Finally, there is tension between self and context when the individual has to decide whether to remain true to high standards even when there are opportunities to take advantage, to provide dedicated service even in conditions of inadequate support, to stand apart from peers and do what is right, and to stand up to superiors and refuse to carry out improper orders. As we shall see in the chapter on acting on duty in the face of uncertainty and risk, ethical strength is needed to work through the complexities of situations that may call for blowing the whistle.

Drawing on the ethics triangle, the presence of ethical strength is indicated by the commitment to advance the public interest, to pursue justice, to display character, and to seek the greatest good. *Strength* combines the "competence" to engage in ethical thinking that draws on universal standards and to use ethics laws and procedures effectively (Cooper and Menzel 2013) along with the capacity and commitment to take courageous ethical action. It is important to recognize that ethical reasoning at the universal-values stage is no guarantee of ethical action. Kohlberg (1981, 44) found that among persons at Stage 6 who took part in Milgram's experimental test of the limits of obedience, one-quarter remained in the experiment to the end and administered the maximum shock. It is hard to reconcile their behavior with their level of moral development. Still, 87% of persons at lower stages administered the maximum shock (Kohlberg 1981).[10] They were generally aware of the conflict between following orders and inflicting pain on the learner, but they did not have the universal reasons for defying the instructions of the director. The actions of the highest-stage subjects highlight the distinction between analysis and action. If their judgment tells them that they should defy convention, they must also find the courage to act knowing they may suffer negative consequences.

In the bad-people explanations, the sense of duty is absent and the other approaches to ethical thinking are missing or distorted. Personal interest takes precedence over the public interest. In the explanations based on decent people with personal shortcomings, the sense of duty may be distorted, misdirected, or warped by personal values that violate public service norms. Alternatively, individual shortcomings and failure to resist external pressures may reflect a weakness in ethical judgment and a narrow definition of professional responsibility. In the view of Adams and Balfour (1998), there are two basic reasons for administrative evil. One is an excessive emphasis on value neutrality and a refusal to assert moral standards in the face of bad laws and improper orders. The second is the absence of the strength of character and principle to resist directions from superiors. From this perspective, administrators have no ethical foundation to object to orders from political or administrative superiors because the sense of duty is narrow and reactive, there is a lack of moral agency, or moral judgment has not advanced beyond the conventional stage.

Public administrators overcome these challenges by drawing on a sense of duty, philosophical perspectives, and codes of ethics. They need a high level of ethical awareness to recognize when they are in a problematic situation (Bazerman and Tenbrunsel 2011b, 29–31). It helps to have reinforcement from like-minded persons inside or outside the organization, but ultimately ethical choices are individual decisions. To resolve how to act when confronting an ethical dilemma or circumstances that push them toward unethical behavior, careful consideration, deep reflection, and rigorous analysis are required.

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[1] See http://www.afscme.org/news/publications/for-leaders/stopping-sexual-harassment-an-afscme-guide/some-myths-and-facts.

[2] The success and scandal surrounding former United Way of America executive William Aramony is a graphic example of executive hubris. He resigned in 1992 and was convicted in 1995 on 25 counts, including conspiracy to defraud, mail fraud, wire fraud, transportation of fraudulently acquired property, engaging in monetary transactions in unlawful activity, filing false tax returns, and aiding in the filing of false tax returns (McFadden 2011).

[3] White House Personnel Office, *The Malek Manual* (1970). Reprinted in U.S. Senate, Select Committee on Presidential Campaign Activities of 1972, (1974). *Executive Session Hearings*. 93d Cong. 2d Sess. 8903–9041. It is available in Richter, Burke, and Doig (1990).

[4] Prod 1: Please continue, *or*, Please go on. Prod 2: The experiment requires that you continue. Prod 3: It is absolutely essential that you continue. Prod 4: You have no other choice, you *must* go on (Milgram 1974, 21). In addition, there was one "special prod" if the teacher asked if the learner was being injured: "The shocks may be painful, but they're not dangerous" (Perry 2012, 115).

[5] In the 20th version of the experiment, the director kept notes on the number of times he made comments to counter the subject's reluctance to continue. There were subjects when he insisted that the experiment continue 8, 9, 11, 14 (twice), and 26 times (Perry 2012, 116). Three additional subjects repeatedly paced and argued with the director (325, note 38). Still another participant "switched off machine in defiance," but the director turned it back on "and insisted she continue." She did stay in the experiment to the end (116).

[6] The opposite of acting on the basis of vague expectations is refusing to act with the defense that what was supposed to be done was never made clear. Pushing a superior to issue an explicit order may defuse the ethical dilemma or it may harden it if the subordinate has to confront the situation of following or refusing to follow an order.

[7] In surveys of federal employees in both 1992 and 2010, approximately one-third of the respondents who reported wrongdoing and believed that they had been identified as a source of a report “also perceived either threats or acts of reprisal, or both” (U.S. Merit Systems Protection Board 2011, letter of transmittal).

[8] There is a third possibility. Some may willingly accept the order because they enjoy doing harm to others or because they believe in the purpose behind the order. A sadistic administrator in the former group belongs in the bad-persons category of administrators. A zealous supporter of the leader or the program would feel that he or she had good reasons to carry out the order. Daniel Goldhagen’s (1996) study of Nazi Germany provides evidence that many participants in the extermination of Jews believed in the cause.

[9] See www.usatoday.com/news/nation/2005-05-12-downwinders_x.htm. Other field tests and intentional releases with radioactive material were often done in areas occupied by Hispanic and Native American populations (Moreno 2001, 155).

[10] Kohlberg assisted Milgram in conducting his experiment, and his original research was published in 1969. In 1978, Kohlberg wrote that Milgram had inflicted pain on others in his research. Kohlberg also admitted his own failing: “I, too, used a utilitarian logic to justify my actions, blinded by the idols of scientific psychology” (quoted in Perry 2012, 270).

CHAPTER 7

Deciding How to Meet Obligations and Act Responsibly: Ethical Analysis and Problem Solving

Is it possible to improve the quality of ethical problem solving by using some kind of systematic approach? Better quality would mean considering a broader range of issues and making greater use of universal values in ethical decision making. One must be suspicious of any process that attempts to produce a transformation in the way that people think about the world or a checklist that tries to make a complex matter simple. Still, the problem-solving model proposed in this chapter sets forth a series of questions that potentially enable an administrator operating at the postconventional or even the conventional level of moral development to reason through a dilemma they encounter.

Ethical analysis must be coupled with other elements if ethical action is going to occur. To Rest et al. (1999, 100–101), there are four psychological components or processes that all affect ethical decision making and behavior. Moral sensitivity includes awareness of the existence of an ethical problem or dilemma as well as being attentive to the consequences that different courses of action could have on persons involved in the situation. Moral judgment includes weighing the standards that guide behavior ("judging which action would be most justifiable in a moral sense" [101]), and moral motivation reflects the inclination to choose the ethically appropriate alternative. The final component is moral character, which is needed to convert judgment into action and persist in the face of pressure and opposition. Thus, to act ethically, one must be aware of an ethical problem, judge which course of action is most appropriate, be inclined to accept this alternative, and be able to act on the choice and stick with it.

ADVANTAGES OF ANALYSIS

Some might argue that analytical ethical problem solving is not particularly important. The awareness component of ethical action triggers the need for a response, and there is an affective dimension to action involving feelings and motivations as well as the reasoning and judgment dimension (Walker et al. 1995, 398). It may appear to be more important to act when confronting an ethical challenge rather than to analyze, but this is a false distinction. It is important to recognize a situation with ethical implications and give it both the thought and action that is warranted. There is evidence that snap decisions relying on intuition are more likely to neglect ethical considerations (Bazerman and Tenbrunsel 2011b, 153–154) than decisions made more deliberately. Additionally, the person who is capable of broad-ranging ethical judgment may also have heightened awareness and see the ethical implications in a wider array of situations.

The key question then may be how to increase awareness. Perhaps when making an important decision, one should always ask the question "Is there an ethical dimension to the choice," and explicitly answer the answer to oneself. Talking to others can be useful to more fully grasp the nature of the situation and to identify options that may be overlooked because of a preoccupation with what is personally convenient or beneficial. There are a number of checks that are commonly suggested to keep from making an unethical choice without fully thinking through the options. These include the newspaper test (would I want an article to appear in the newspaper that reports what I did?) and the mirror test (could I look at myself in the mirror if I took an unethical shortcut?). Considering how others would view your actions is another check: Would I want my mother or my children to know what I did (Bazerman and Tenbrunsel 2011b, 157)? These checks contribute to recognizing that you face an ethical dilemma and prompt you to carefully consider the choice being made. Analysis can then improve the depth of judgment and help ensure that action is based on careful reflection that takes into account relevant considerations. It may also reinforce taking actions that entail risk for the decision maker. The conclusion that "I must take this action for these reasons" combines character and judgment.

These observations support the conclusion that the components of ethical action are not linear; rather, each stage in the decision process can reinforce the others (Rest et al. 1999, 102). The model that is proposed here does not isolate ethical judgment from ethical action. The model involves the identification of options including a hypothetically "ideal" choice, but it culminates with the actual choice that one is willing to make and its justification to self and to others.

At times, administrators have ethical problems thrust upon them that they cannot miss, and they know that they have a problem to deal with. A problem-solving model helps to ensure that they do so in a systematic and comprehensive way. It can help to expand sensitivity to encompass all aspects of the situation, guide the identification and analysis of options, and reinforce the inclination to choose the best alternative. The model does not ignore the impact of the choice on the decision maker and the fact that courage is needed to take a risky action; it can help to prevent errors and reduce the unknown aspects of risk. A useful problem-solving model cannot ignore emotions, practical considerations, and consequences for oneself as well as other stakeholders (Walker et al. 1995, 403).

The ethics problem-solving model presented here is a variant of the rational method for decision making.[1] Such models have advantages and disadvantages. They promote an orderly consideration of a problem based on comprehensive information. The decision should be drawn from the full range of relevant options. Some of these positive features, however, are related to the disadvantages. The information needed to support the model is considerable, and one can never have all the information that is related to a complex problem. The progression through stages in an orderly way conflicts with the nonrational way that people commonly approach decisions. The presence of a problem often prompts us to turn to a preformed "solution" by providing an opportunity to do something that we have wanted to do for some time. We then work backward to collect the information needed to justify what we have already decided to do.

Despite the potential shortcomings of the rational approach to policy making, this kind of model is useful when facing complex problems with serious consequences. The context and implications are quite different when using this kind of model to decide how to handle an ethical dilemma as opposed to choosing among proposals to deal with a policy question. In the latter situation, the decision maker may have a preferred solution and must reconcile the use of a model that does not preclude any options with getting acceptance of an option that he or she already prefers. In handling an ethical problem, one faces the challenge of coming up with the best solution when there are no "good" options or there are competing goods (Kem 2006). In a sense, the difference between the policy-making context and the ethics problem-solving context is the difference between saying "I want to do this" and asking "What am I going to do?" When you know what you want to do, a "rational" analysis may mask this preference, and it would be better to either not use the analysis or to be truly open to all options. When you don't know what you can do or are not certain you can do what you think you should do, there is an incentive and benefit to using a systematic process that helps to identify alternatives and clarifies the consequences of each option.

The ethics problem-solving model can help to determine whether one should actually go through with an action that he or she would prefer not to take because of potential negative consequences. For example, an official may be agonizing over whether to expose a serious problem in the organization and report it to a superior or go outside the organization and blow the whistle. In making this decision, the model seeks to ensure that all factors have been taken into account, all stakeholders have been identified, all ethical approaches have been considered, and all options have been generated. One may have an immediate preference for one course of action, but the model can be used to check that option against others before making a commitment. If the original option still emerges from the analysis as the best option, one has the reassurance that he or she is not acting impulsively.

STAGES AND STEPS IN PROBLEM-SOLVING MODEL

The model is divided into three stages: description, analysis, and decision.[2] Each major stage and step within it will be described and applied to a case. The model appears in **Exhibit 7–1**.

The problem-solving model starts with the description: identifying the facts of the situation and the stakeholders. It is important to get as much information as possible and to not interpret the information at this stage in the analysis. Rather than trying to determine "why is my boss taking this action?", focus instead on exactly what your supervisor is doing. It is also important to be as inclusive as possible in identifying stakeholders. Ignoring key groups that are affected by the situation weakens the process and increases the likelihood that the analysis will be self-serving.

Exhibit 7–1 Ethics Problem-Solving Model

1. Description
    - Clarify the facts of the situation.
    - Assess the interests of all parties who have stakes in the outcome of the situation and how they are

potentially affected (stakeholder analysis).

2. Analysis
    - Determine your duty in this situation considering the obligations and responsibilities of your position and your professional role.
        - Consider your position and place in the organizational structure and what you are expected to do by the organization.
        - Consider any professional obligations that are distinct from what the organization expects (specific standards for your profession and general obligations, including advancing the public interest and promoting the democratic process).
    - Analyze the situation according to each ethical approach.
        - Virtue based: What would a good person do in this situation?
        - Principle based: What principles apply to the situation?
        - Results oriented: How does one promote the best consequences?
    - List options.
3. Decision
    - Choose the best alternative.
    - Provide a reasoned justification for the decision.
    - Monitor and evaluate results. Make adjustments if necessary.

The analysis stage examines the situation from different perspectives in order to identify options. It is important to first determine one's duty from an internal and external perspective: What are the obligations and responsibilities one has based on his or her position in the organization and what are the obligations and responsibilities based on external professional standards? The overall question here is based on duty: How can the public interest be advanced in this situation? Further analysis is guided by using each of the three ethical approaches guided by these questions:

- What would a person of character do in this situation?
- What principles are at stake in this situation and what actions would follow from these principles?
- What are the best consequences that could be achieved in this situation, and what actions would be taken to achieve them?

From the answers to these questions, a set of options can be developed. It is possible that the alternate perspectives will all reinforce the same option. When this happens, using duty and the three approaches will have produced beneficial reinforcement. In other situations, the different analytical questions may generate options that conflict with or are at odds with each other. Even when this happens, the use of all the approaches helps to ensure that one does not choose among a limited or skewed set of options that ignores an important ethical perspective. Kem (2006, 34) suggests that it is useful at this point to step back and see if there are additional alternatives that may present a middle ground between options already identified; is there another alternative that has not been considered?

The final stage in the model is to make an informed ethical choice and to be able to explain and justify it. Choosing among conflicting options is difficult, but at least one can feel confident that the choice did not ignore an important alternative. Furthermore, specifying multiple options increases the likelihood of making an ethical choice: "the 'should' self tends to dominate [the 'want' self] if decision makers have the chance to evaluate more than one option at a time" (Bazerman and Tenbrunsel 2011b, 158). Furthermore, it will also be easier to explain the basis for the decision if duty and all three ethical approaches have been considered.

APPLYING THE PROBLEM-SOLVING MODEL

Case 7–1 The Troubling Reference*

You are a city manager in North Carolina. You check your voice mail messages and find that one of your colleagues in Georgia has just called you to inquire about a job applicant for a mid-level management position who once worked for your town. You can feel your blood pressure begin to rise and beads of sweat break out on your forehead. This job applicant was charming and produced good results in units he directed, but he had to be fired after numerous allegations of sexual harassment. You reviewed the case and were convinced that the firing was fully justified. He promptly hired a lawyer and sued the town. To save embarrassment for their families, the victims of the alleged harassment did not want the case to go to trial. Without their testimony, the city's position was untenable. So, reluctantly, the city settled the case out of court for several thousand dollars, a carefully worded letter of reference, and an agreement not to talk about the agreement. Your colleague, who attended graduate school with you, is now asking you some detailed questions. Many of these questions cannot be answered with the letter of reference. Do you answer the questions or not?

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[*] This case was used at a session on ethics at the annual meeting of the International City and County Management Association, Vancouver, Canada, in 1997.

It is useful to work through the model using a case. Consider the situation presented in **Case 7–1**. In this situation, the initial impulse is probably to keep the former employee from getting another job and to protect your colleague. If the only option considered is whether to help a colleague, this seems like a good decision. This response, however, could easily have serious negative implications for the city manager in North Carolina and his government. He might also feel helpless thinking that the legal settlement precludes any action on his part and has removed all flexibility.

Forcing oneself to systematically analyze the dilemma using the problem-solving model can help to produce responsible and creative options. In the description stage of the model, one seeks to clarify the facts and collect additional information to understand the situation as fully as possible. Insofar as possible, one should not try to interpret the facts at this stage but treat them objectively. Similarly, one should try to distinguish what is known and what is speculation. In this case, the manager considers the facts of the employee's tenure in the city and the legal settlement. He cannot know whether the former employee will engage in the same behavior, but he feels certain that the employee was sexually chauvinistic and harassed at least three female subordinates. His challenge to the city's firing indicates that he was unrepentant. The legal agreement restricts what the city manager can say about the former employee. The city manager does not know whether his former employee will get the job, but he knows that the man can make an extremely positive impression in an interview setting and that his experience looks impressive on paper.

The stakeholders are numerous and include the former employee/job applicant, you and your colleague, employees in the Georgia city (in particular, the female staff the applicant would supervise), and the employees and citizens of your city. If the former employee was damaged by revealing information that went beyond the agreed-to letter of recommendation, the city could be forced to pay a substantial sum to compensate the employee. The city manager could be personally liable. If he were hired, some of his female subordinates could be severely harmed. The city manager's Georgia colleague would blame him for not warning him about the applicant's past behavior.

In the analysis stage, there are two separate but potentially overlapping elements. First, one determines the obligations of his or her actual position as well as the obligations of his or her professional role. Second, one applies each of the ethical perspectives to the situation. In the first element, there may be a distinction between what the organization expects an official to do and what one's profession would expect. This aspect of the analysis involves examining the duties of the position and the profession. A key potential difference in these two ways of looking at your role will involve what the organizational or political superiors want an official to do as opposed to what the profession would expect you to do. Expectations of organizational and political superiors are important given the emphasis on accountability in public administration, but they are not necessarily binding. Their preferences must be weighed against the professional standards, which reflect the recommended practices of the professional group, and an assessment of how to best serve the public interest. For example, policy analysts may encounter the tension between pressures to make a favorable case for a proposal favored by political superiors and the standards of cost–benefit analysis. A nonprofit director may have to respond to the desire of her board of directors to undertake a project that does not meet professional standards for effective use of funds.

In this situation of the former employee, the obligations of the city manager's position are shaped by the legal settlement and his fiduciary responsibility to his city government. He cannot expose his city to financial harm by ignoring the terms of the settlement. However, the broader obligations of his professional role, based on tenets in the International City/County Management Association (ICMA) code of ethics, would stress objective consideration of merit in hiring and support for members of the profession. At this step in the analysis, there are two obvious options: (1) do not share any information beyond the letter of recommendation and (2) reveal additional information about the former employee's past behavior. A possible third option is to warn the colleague without violating the terms of the agreement, but it is not clear how this could be done.

When one analyzes a problem according to each ethical perspective, there are three key questions. In the virtue-based perspective: What would a person of character do? A good person would be honest (how could he withhold such important information?), be beneficent and protect others from harm, and be loyal to his colleague. The second or third options are supported by this perspective. In the principle-based perspective: What principles apply to the situation? The principles that apply to the situation are drawn from the legal dimension. The city manager should adhere to the legal agreement in the settlement. Option 1 is supported as is option 3 if it can be developed. In the results-oriented perspective: How does one promote the best consequences? The manager considers how to promote the best consequences for the greatest number. An inherent limitation of this perspective becomes apparent: How does one compare the intense suffering of a few women possibly mistreated in the future by the applicant in Georgia with the potentially large but widely spread fiscal pain of the legal settlement to the taxpayers or the citizens denied services in the city in North Carolina? There is a differing level of uncertainty about outcomes. If the manager remains silent and the applicant gets the job, he may sexually harass women in his new position. If the applicant does not get the position because of information from the manager that goes beyond the legal settlement, the applicant is very likely to sue the city. Also, how much weight should the city manager give to the loss of his professional reputation (and personal regard) in eyes of his colleague? In the absence of a clear way to resolve these competing calculations, the results-oriented perspective does not clearly support or preclude option 1 or 2. It would be supportive, however, of option 3 because it promotes good outcomes in Georgia without negative outcomes in North Carolina.

To review the options, there are three: (1) do not share any information beyond the letter of recommendation, (2) reveal additional information about the former employee's past behavior, and (3) warn the colleague without violating the terms of the agreement.

The third option is the best because it meets the conditions of each aspect of the analysis. The question is how it can be accomplished. To use duplicity to call the colleague at home and give him some friend-to-friend advice or to send a message through another person would raise other ethical issues. To state that he cannot answer the questions because of a legal settlement would violate the spirit of the agreement. One method would be for the city manager to read the letter in response to each question his colleague asked. This method would be consistent with the letter of the agreement and, after several repetitions, his colleague would probably get the message that there is something that the North Carolina city manager cannot tell him. The manager would have met his clear obligation as a responsible member of the city manager profession, as a virtuous person, and as a person who seeks to achieve the best outcomes to both protect staff members in the city in Georgia and to protect his own city. The drawback is that the colleague in Georgia would not know the nature of the misconduct but simply get the impression that there is a problem with this applicant.

The manager should monitor the situation and evaluate results. If, for example, he were to learn that the applicant had been hired after all, he would once again face the dilemma of whether to somehow warn his colleague in Georgia. At this point, he should go through the model again to assess options under these changed conditions.

Case 7–2 The Big Donor[*]

Yours is an advocacy organization, and funding is always difficult for such nonprofits because most foundations are leery of supporting them. You have a donor who has been very generous; indeed, her gifts have underwritten a substantial portion of your budget. The organization takes a position on a local controversy in furtherance of and consistent with its mission. It turns out that the donor will be adversely affected if the organization prevails, and the donor makes it clear that support will stop if the organization doesn't mute, or at least moderate, its position. It is possible to modify the position significantly without looking as if you have backed off, so other supporters will not know that you have bowed to the pressure. There is no way to make up for the loss of income in the short term, and you will have to fire three longtime staff members if the donor terminates support. What do you do?

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[*] This case was circulated on the Listserv of Association for Research on Nonprofit Organizations and Voluntary Action (ARNOVA).

Use the model again to consider a decision in a nonprofit organization. Examine **Case 7–2**. The stakeholders in this case are the organization itself and its commitment to the causes it supports, the board members and their ability to establish policy, the director and staff whose integrity and security are affected, and of course the major donor. A consideration of the responsibility of the director would stress commitment to mission and resistance to the use of financial pressure to force a change in policy. According to the ethical approaches, honesty and integrity would also be linked to resisting pressure, as would the related principle of promise keeping. The consequentialist approach offers conflicting perspectives. There is a great potential risk to credibility if the change in position were to become known. Supporters and future contributors would likely be repelled by the action. Even if the reasons for the change in position were not known, the organization would be vulnerable to pressure from this donor again in the future if the director caved in on this issue. On the other hand, the short-range consequences of losing the funding from the major donor are dire. Staff members would have to be dismissed, and the capacity of the organization to maintain its program of work would be lost for some time to come. The major options then are to stand firm and give up the contribution or to quietly move away from the position that is offensive to the donor. The latter course of action could be acceptable only if it were accompanied by a major effort to diversify support. You would need to inform key members of the board of the actions and be held accountable for achieving results. You would also need to inform the staff members that the action you are taking is buying time, but there is uncertainty about their future prospects because the director will not give in to the large donor again. I believe that either course of action is defensible—the virtuous, principled approach of standing firm or the consequentialist choice of modifying the position and undertaking a major effort to broaden support. If you choose the latter approach to save the organization's resources in the short run, you must be accountable to the key members of the board for success in diversifying the funding for the organization and to resisting pressure from any funding source in the future.

PROBLEM SOLVING AND ACTION

What kind of risk and cross pressures did the administrators experience in these cases? The city manager faced with deciding how to handle the disturbing reference did not need courage so much as cunning to discern an approach that would signal a warning without violating the legal agreement, as well as constraint to keep from revealing the details about the applicant that might have been the impulsively right thing to do. The nonprofit director who chose to let her organization and a number of its key staff members live to fight another day while taking long-term steps to strengthen organizational capacity and independence experienced the inner turmoil of deciding not to be fully honest and not to stand on principle. All these emotional reactions are part of the process of analyzing and deciding what to do. As Walker and his colleagues (1995, 397) put it, "real-life moral conflicts are hardly experienced in the same way as … idle intellectual exercises." I do not suppose that the decision maker uses the model with Star Trek Vulcanian detachment. The mixture of analysis and emotion (the interaction of the cognitive and affective dimensions) is to be expected. The importance of the model is to force one to consider aspects of the situation that might be lost in a purely intuitive response and to incorporate both one's own responsibilities and consequences, including the emotional impact of the decision. The analysis incorporates consideration of the qualities needed to act. The analysis clarifies which options are satisfactory or unsatisfactory for different reasons. It will be obvious if one does not choose the hypothetical ideal (standing firm in the nonprofit case) and it calls on the decision maker to justify whatever option is chosen, to review the impact of the decision, and to consider when a different choice should be made if the consequences are bad.

The dilemma of choosing among options that differ greatly in their impact on the decision maker is dramatically highlighted in whistleblowing cases. What can be learned from whistleblowers about making tough decisions is considered in the next chapter.

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[1] For discussion of rational models and their disadvantages, see Charles Lindblom (1968).

[2] This model has been inspired by others, in particular Lewis (1991) and Cooper (1982).

CHAPTER 8

Acting on Duty in the Face of Uncertainty and Risk: Responsible Whistleblowing

The act of whistleblowing involves special complications. It is the classic act of deviance for an administrator, but is sometimes taken behind the cloak of anonymity. It can be a noble gesture taken at great personal risk, but it is not always the ethically appropriate action to take. When is whistleblowing a heroic action that serves the public interest, and when is it an act of disloyalty that weakens the organization and indirectly harms those the organization is supposed to be serving?

It is useful to start with a definition of whistleblowing. When a staff member becomes aware of a problem within a public organization, the active responses are to raise the matter internally or to alert someone outside the organization. Technically, the former action is an internal complaint, and only the latter is actual whistleblowing—sounding an alarm outside the organization. The distinction is critically important because a major decision that the staff member must make is whether to take the internal or external path and how long to stay on the internal path if nothing positive seems to be happening. Furthermore, the distinction is important because there is typically a much stronger negative reaction from the organization when actual whistleblowing occurs as opposed to staying internal. Although negative consequences can result from internal complaints as well, the full force of organizational retaliation often accompanies going public with the complaint; in other words, whistleblowing precisely defined.

Table 8–1. Percentage of Respondents Indicating That They Reported Unethical Activity to a Particular Individual (1992 and 2010)[*]

1992	2010
Official inside respondent's agency	
37.1%	35.9% Coworker
35.9%	33.4% Immediate supervisor
20.2%	19.9% Higher level supervisor
8.0%	8.6% Higher level agency official
5.6%	5.1% Agency Inspector General
Official outside respondent's agency	
0.7%	1.1% Office of Special Counsel
0.3%	0.6% Government Accountability Office
Person outside federal government	
2.7%	1.5% Law enforcement official
5.7%	7.2% Union representative
0.2%	0.6% News media
1.9%	1.8% Congressional staff member or member of Congress
0.7%	0.6% Advocacy group outside the government

[*] Respondents were instructed to select all that applied.

Source: Data from U.S. Merit Systems Protection Board. 2011. *Blowing the Whistle: Barriers to Federal Employees Making Disclosures.* Washington, DC: U.S. Merit Systems Protection Board.

Despite these arguments about the distinctions, the common definition ignores the differences. Major reports from the U.S. Merit System Protection Board (MSPB) deal primarily with internal complaints by federal employees (USMSPB 1993; USMSPB 2010); the reports are titled "Whistleblowing in the Federal Government" and "Blowing the Whistle," respectively. In both studies, the proportion of federal staff members who reported the improper behavior they had observed to officials or other persons outside their own agency is very small compared to those reporting to officials within the agency, as indicated in**Table 8–1**.

Similarly, the Government Accountability Project (GAP)—a major advocacy group that supports whistleblowers—combines internal and external reporting in its standard definition of a whistleblower. Blowing the whistle may include reporting the wrongdoing to authorities in government, refusing to take part in activities that involve wrongdoing in the workplace, providing testimony in a legal proceeding, and leaking information about wrongdoing to the media.[1] The Ethics Resource Center (2012, 2) uses the terms *reporter* and *whistleblower* interchangeably even though the former term implies an internal report and the latter an external one. Thus, despite the fact that whistleblowing is often viewed as any complaint activity by staff regarding allegedly serious organizational misconduct, it is useful to keep in mind the distinction between making an internal complaint and revealing a problem outside the organization because the consequences—including eligibility for protection—can be different. In addition, a complaint is distinguishable from resisting an order to bury a negative report, even though an action of that kind can produce a similar retaliatory response from a superior, and GAP considers this behavior to be whistleblowing as well.

It is helpful to recognize one other aspect of both internal and external reporting of wrongdoing. When we discuss strategies for complaints and whistleblowing, it is assumed that there is organizational reluctance and even resistance to acknowledgment and change. The complaint is threatening to the organization, and the organization acts defensively. A concern expressed internally that is resolved through positive action will not lead to whistleblowing and may not even be perceived by either the initiator or the superiors as a complaint. This condition adds an element of uncertainty at the front end. When a problem area is identified or an idea about change is introduced, will it be welcomed or snag a trip wire that produces an explosion? What constitutes a “complaint,” therefore, is partly in the eye of the beholder. In this regard, the distinction between internal and external complaints holds up. It can be taken for granted that a report taken outside the organization—even if efforts are made to show the organization in a favorable light—is going to be considered whistleblowing, and a negative response is likely.

CONDITIONS FOR RESPONSIBLE WHISTLEBLOWING

Staff members owe loyalty to their organization. They should try to help make it strong and encourage internal improvement. Consequently, one does not casually go public with concerns about the organization. Certain conditions should be met before blowing the whistle. First, be certain that a true, serious problem exists that clearly warrants corrective action. Second, have facts about the problem, which usually means that you are close to the situation. It is not appropriate to go outside based on unsubstantiated rumors about problems that may be occurring in some other part of the organization than your work area. Third, focus on the abuse that is occurring, not the people or personalities involved. Whistleblowing is not for personal attacks on people you do not like. Fourth, be certain your motives are to serve the public, not advance your own or your unit’s agenda. Finally, exhaust internal channels to see if the problem can be solved internally before going outside of the organization with the problem.

There is one additional set of conditions: be above reproach with regard to the problem, in your work life, and possibly in your personal life. This is important for two reasons. First, it is important not to use whistleblowing to pin the blame on others if you are partly responsible for the problem. It is likely to be ineffective, because you may be singled out as the primary source of the problem. Second, when you blow the whistle, be prepared for negative reactions, which we examine later. If there are deficiencies in your work performance, these could be used as the reason for taking disciplinary action against you, and you will be in a gray area in trying to establish the claim that you were a victim of retaliation. If there are aspects of your personal life that make you vulnerable to attack or embarrassment, it is unwise to open yourself to the possibility that information will be used to discredit you or hurt your family. If you do not meet the “above-reproach” test, it is better to work on the inside even if the prospects for effective resolution of the problem are more limited.

Let us return to one of the key conditions: exhausting internal channels to correct the problem. There are strong reasons why this should be done—and unfortunately, there are also strong reasons for not doing this. The arguments for exhausting internal channels build on the condition of loyalty to the organization. You should normally alert others in the organization to give them a chance to correct the problem. One should not assume that the organization would condone the behavior or activity that you have observed and would not want to correct it. If it happens that your supervisor is involved in the problem, this does not mean that persons above him or her would allow the behavior to continue if they knew about it. It is possible that corrective efforts are already underway and bringing public attention could interfere with the actions being taken as well as embarrass the organization. Finally, exhausting internal channels may be a requirement for employees in the organization and going outside could bring about disciplinary action for failure to meet this requirement (or could be the reason given for disciplinary action). If you are clearly identified with the problem and its identification, there is no greater risk of being identified as the source of the complaint by trying the internal approach first.

On the other hand, there are also many reasons to blow the whistle outside the organization before exhausting all internal channels. The biggest unknown is how others in the organization will respond. If they are part of the problem or aware and condone the practices that created the problem, you have exposed yourself to persons who may have the power to retaliate. Alerting superiors on the inside gives time for a cover-up and possibly a counterattack that implicates you as a contributor to the problem. If there is no one who will receive your complaint other than your superior whom you believe is part of the problem, you may put yourself in jeopardy by taking the complaint to this person. Finally, pursuing the complaint inside the organization first may preclude being an anonymous whistleblower later. If information is leaked about a problem you have already raised internally, you are likely to be identified as the source.

The agonizing reality of the whistleblowing options is that you probably will not be able to have full information on which to make your choice, even if you use a systematic problem-solving model to analyze your options. You will take a chance whether you stay in or go out. It is safer to keep quiet, but that means ignoring the situation. If the problem is serious enough, you may be compelled to act. The practices of the American Society for Public Administration (ASPA) Code of Ethics related to principle 7—"promote ethical organizations"—include these obligations:

> Seek to correct instances of wrongdoing or report them to superiors. If remedies cannot be assured by reporting wrongdoing internally, seek external sources or agencies for review and action. (ASPA 2013b, Sec. 7d)

In the face of organizational refusal to correct serious problems, whistleblowing is an ethical requirement.

A method of reducing the risk to yourself is to engage in "The Art of Anonymous Activism," the title of a report from the Government Accountability Project (GAP), Project on Government Oversight (POGO), and Public Employees for Environmental Responsibility (PEER). Anonymous leaks serve the purpose of getting the word out, but they rule out any engagement by a staff member who seeks change in dialogue within the organization. The leak may cause the organization to hunker down and create an atmosphere of suspicion that affects all staff as the effort is made to identify the leaker, but at least it may be pressured by embarrassment and outside pressure to make reforms. The POGO, GAP, and PEER report (2002) equates anonymous whistleblowing with "serving the public while surviving public service"—the subtitle of their report. The three organizations support this approach to counter the likelihood of retaliation of public agencies against whistleblowers and the perceived weakness of whistleblower-protection provisions.

Take as an example the revelation of the identity of the mysterious and infamous "deep throat" of the Watergate scandal. This focused the spotlight on the anonymous whistleblower and produced a controversy about how to interpret the actions of the number two official in the Federal Bureau of Investigation (FBI) who chose to reveal information to the reporter Bob Woodward. Mark Felt's behavior also raises a question not considered up to this point: Do the motives of the whistleblower make a difference? Although there is still considerable uncertainty about the circumstances surrounding Felt's actions, these points can be made (Hitchens 2005, 8):

- Felt sought to expose abuse of power and illegal activity at the same time as a large-scale criminal investigation of the Watergate break-in was going on.
- Felt settled a score after being passed over as the new director of the FBI.
- Felt feared that the independence of the FBI was threatened by the White House, but he also resisted changes in the FBI.
- Felt assisted the media but also took advantage of it. In the words of one reviewer, his disclosure "ranks as the single most successful use of the news media by an anonymous unelected official with an agenda of his own."
- By going outside, Felt helped to prevent suppression of the investigation, which was being closely monitored by the White House. His superiors already knew the information that Felt was leaking.[2]

Ethical ambiguities surround Felt's behavior. Some contend that he acted disloyally by revealing information that undermined the president, and he had to actively conceal his behavior by lying to acting director L. Patrick Gray III (Dobbs 2005; Corn and Goldberg 2005). He carried out investigations of other FBI personnel in sham efforts to identify who was leaking information. He appears to have acted out of a combination of self-interest and protecting the public interest, but he apparently believed sincerely that the Constitution was threatened by the cover-up.[3] David Schultz (U.S. Newswire 2005) characterizes Felt as a "qualified patriot."

Generalizing from this spectacular case, the practice of anonymous leaking may be the only way to reveal problems inside an organization without risking great personal sacrifice. The practice, however, frees leakers from any accountability for the veracity of the information they reveal and increases the possibility that motives other than safeguarding the public will drive the action. The leaker may not be contributing to any internal solution of the problem because this person wants to maintain a low profile. Thus, a problem that might have been correctable internally is not alleviated and becomes a source of public embarrassment to the organization. Anonymous whistleblowers, if successful at concealing their identities, never have to justify their actions.

Despite acknowledging these reservations about anonymous activism, the likelihood and severity of retaliation often makes it a prudent act.

RETALIATORY TECHNIQUES

Whistleblower-protection groups urge officials to be aware of the risks and costs of whistleblowing. They warn potential whistleblowers to be aware of the tactics of retaliation that organizations may use against whistleblowers:

1. Spotlight the whistleblowers; make the whistleblower, instead of his or her message, the issue.
2. Manufacture a poor record.
3. Threaten them into silence.
4. Isolate or humiliate them.
5. Set them up for failure.
6. Prosecute them.
7. Eliminate their jobs, paralyze their careers, or fire the whistleblower.[4]

Although these kinds of retaliation may seem particularly relevant to government, variations on any of the tactics can be found in the nonprofit sector. The job security for nonprofit staff is low—most are at-will employees—and there are no legislated whistleblower protections like those found in government. These circumstances could mean that options 2 through 6 from the list may be bypassed and a retaliating organization would go directly to number 7 and dismiss the staff member. Although there are many nonprofit organizations, the effect of blackballing the dismissed employee could be dire, especially within a specialized mission area, such as child advocacy or the arts. It is always hard to get another job without a satisfactory recommendation from one's last employer, and top staff in organizations doing similar work are likely to know each other.

When the organization is challenged, retaliation and the ensuing battle between the organization and the whistleblower may progress through a number of stages (Truelson 1987). First, the organization closes ranks against the whistle-blower, and even peers and associates may shun the whistleblower as a troublemaker. The retaliation stage can involve the steps listed previously and result in the demotion, expulsion, and/or defamation of the whistleblower. Although in simplest terms, supervisors are not permitted to take reprisal against a staff member for whistleblowing, if managers are not punished for their retaliatory actions, they may be unrestrained in the actions they take. (This issue is explored further later in this chapter.) The effort to get back one's job or lost status often involves delayed and prolonged lawsuits. The organization has far greater resources to survive during this extended process than does the whistleblower. Even if the final court decision is positive, there may be little or no victory for the whistleblower.

"The Art of Anonymous Activism" offers a set of recommendations for considering the whistleblowing option. They are presented in **Exhibit 8–1**. Given these points of guidance, it seems unlikely that any rational administrator would choose to take the option to openly blow the whistle.

If you do become identified as a whistleblower, GAP adds some additional recommendations.[5] As noted in the list of steps in Exhibit 8–1, try to create a support network to provide both personal and professional support. Even if the organization turns a cold shoulder or worse, others likely will share your concern about the problem you have brought to light. At the same time, it is a mistake to assume that even sympathetic supporters will share the same level of intensity—the same moral indignation—that the whistleblower does, and the general public is going to be even less engaged. Keep others informed and make judicious use of public relations, but don't let your cause become a crusade that is all-consuming. It is possible to seek assistance from whistleblower support groups. In addition, be careful not to exaggerate or embellish your charges in order to gain more attention or support. If part of your story can be shown to be inaccurate, your whole position can be discredited. When working with authorities in the organization or in agencies that deal with your complaint, don't wear your cynicism on your sleeve. Staff who could be sympathetic or at least neutral may be turned against you. The experiences of whistleblowers show that you should prepare for the long haul, and you need to make wise use of your personal, professional, and financial resources.

Exhibit 8–1 Ten Tips for Potential Whistleblowers

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 document 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 whistleblowing 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.
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 to those charges.
10. **Get yourself a little career counseling.** Map out where your actions will leave you 1 year from now, 2 years from now, 5 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: Reproduced from the Project on Government Oversight (POGO), Government Accountability Project (GAP), and Public Employees for Environmental Responsibility (PEER). 2002. *The Art of Anonymous Whistleblowing*, 4–7. Washington, DC: POGO, GAP, and PEER. Used with permission of the Government Accountability Project.

A coalition of whistleblower advocacy groups (POGO, GAP, and PEER 2002, 7) presents anonymous whistleblowing as "a better way." Their preference is evident in the Chapter 1 title, "Blowing the Whistle May Be Hazardous to Your Professional Health" and subheadings like "Downsides Are Apparent," "It Is Not a Fair Fight," and "It Often Takes the Best and Brightest Out of the Agencies." Rather than drawing attention to the complainant, this approach involves leaking information in a way that will not identify the source. For these groups, the risks of public whistleblowing are simply too high: "Throwing away your entire career, particularly if there are other ways to ventilate the problem, is imprudent and counterproductive" (POGO, GAP, and PEER 2002, 7). The alleged ineffectiveness comes, in their view, from the tendency of organizations to focus on the disgruntled employee rather than the substance of the problem that has been identified. They argue that by making the employee invisible, more attention is given to the issue. Even leaks do not necessarily preserve the anonymity of a source if only a very small number of staff have access to a document that is given to the media. The methods of anonymous whistleblowing must be flexible and include the following (POGO, GAP, and PEER 2002, chapter 2):

- Stay under cover and feed information to an outside advocacy group. Using an advocacy partner who negotiates the way that the document can be used is safer than contacting the reporter directly.
- Use a collective voice such as an employee union or other employee organization as the source to raise the complaint. It is harder to retaliate against an organization.
- Publication of "white papers" that explain complex issues in understandable language is often a better approach than using the original internal documents that are full of jargon and technical language. The paper should be written by anonymous employees and edited by the staff of an advocacy partner that releases the paper and handles media relations.
- Ghost writing by agency staff tells advocacy groups or the staff of legislative committees what to ask for in requests to the agency for explanations of actions or requests for release of documents under the Freedom of Information Act.

STEPS TO PROTECT WHISTLEBLOWERS

The U.S. government and many states have enacted laws designed to protect whistleblowers from reprisal and also to define how complaints are to be made. The Whistleblower Protection Act (WPA) of 1989 (Library of Congress 1989) contained these provisions:

- Disclosures can be made to anyone inside or out of an agency of actions that the employee reasonably believes evidences (1) a violation of any law, rule, or regulation, or (2) mismanagement, a gross waste of funds, an absence of authority, or a substantial and specific danger to public health or safety.
- If the disclosure of information is prohibited by law and if the information is classified as secret by executive order, disclosure must be made to
  - special Counsel,
  - inspector general of the agency, or
  - another employee designated by the head of the agency to receive such disclosures.
- Office of Special Counsel (OSC) was made an independent agency whose mandate includes protecting whistleblowers.
- The OSC may request a delay, or "stay," of 45 days in carrying out an adverse personnel action, pending investigation of the action by the OSC.
- The burden of proof for establishing that one was a victim of reprisal was softened: the employee simply needs to show that a complaint was a "contributing" rather than a "significant" or "predominant" factor in dismissal, harassment, or other reprisal.

The central provision of the act establishes whistleblower protection as one of the key merit system principles on which the federal civil service is based. If the employee believes that he or she has been the victim of reprisal (a prohibited personnel practice), a written complaint can be filed with the U.S. Office of Special Counsel.[6] The primary mission of the OSC is to protect federal employees and applicants from prohibited employment practices, with a particular emphasis on protecting whistleblowers from retaliation.

When a claim is filed by a federal employee, the OSC investigates the allegation to determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred. If there is reason to believe that a prohibited personnel practice has occurred, the special counsel sends a report to the head of the employing agency, stating the OSC's findings and requesting that the agency remedy the illegal action. If an agency does not do so, the OSC is authorized to file a petition for corrective action with the Merit System Protection Board. The number of cases investigated is small compared to the number of complaints received. For example, in 2011, of the 3446 complaints on file, including cases carried over from the previous year, 8% (270 cases) were referred for field investigation (OSC 2011, Table 3).[7]

In response to a survey of persons who have contacted the agency for assistance and whose cases were closed during the 2011 fiscal year, over four out of five were dissatisfied with the results of the OSC service (OSC 2011, 37). Certain aspects of the WPA, as interpreted by the federal circuit court that had exclusive jurisdiction for handling WPA cases courts, limited what actions were permissible and the likelihood of receiving protection. For example, if the conduct was part of one's normal responsibilities or involved a supervisor rather than someone outside the chain of command or outside the organization, it was not protected. Elaine Kaplan (U.S. Congress 2005), a former special counsel, provided this example of the formerly prevailing interpretation:

> Suppose that a security screener at National Airport who works for the Transportation Security Administration notices that the X-ray machines are malfunctioning on a regular basis. He suspects that, because of these malfunctions, a number of passengers may have been permitted to board airlines without being screened. It is part of his job to report such malfunctions to his supervisor. The screener goes to his supervisor and tells him about the malfunctioning machines. The supervisor tells the employee not to write up a report but to go back to work—he does not want to do the paperwork and does not want it to get out that the X-ray machines at National Airport don't work properly. He tells him, don't worry, we will get the problem fixed. One week later, the employee returns and the problem has not been fixed. This time, he tells his supervisor, if nothing is done, he will report the supervisor's inaction up the chain of command, or perhaps to the Inspector General. The supervisor fires the employee.

Kaplan concluded that the employee had no recourse and was not protected from retaliation by the Whistleblower Protection Act (U.S. Congress 2005).

The Whistleblower Protection Enhancement Act (WPEA) passed in 2012 addresses these limitations. As summarized by Dylan Blaylock (2012) from the Government Accountability Project, the new act includes these provisions:

- Closes judicially created loopholes that had removed protection for the most common whistleblowing scenarios and left only token rights (e.g., only providing rights when whistleblowers are the first to report misconduct, and only if it is unconnected to their job duties) (Sec. 101, 102)
- Clarifies that whistleblowers are protected for challenging the consequences of government policy decisions (Sec. 101, 102)
- Cancels the 1999 precedent that translates "reasonable belief" to require irrefragable proof ("undeniable, uncontestable, or incontrovertible proof") before whistleblowers are eligible for protection (Sec. 103)[8]
- Protects government scientists who challenge censorship (Sec. 110)
- Suspends the Federal Circuit Court of Appeals' sole jurisdiction on appellate review of the WPA in light of its consistent track record of narrowing the law's protections (Sec. 108)

An additional limitation in the previous law pertains to the disciplining of supervisors who engage in reprisal. Just as the protection of whistleblowers seems straightforward, reprisal appears to be a clearly prohibited personnel action. Federal civil service law specifies that a supervisor may not take a personnel action against an employee because of whistleblowing.[9] The Office of the Special Counsel can negotiate disciplinary actions for retaliation with agencies. If the agency does not agree, however, the OSC can file a complaint requesting disciplinary action with the MSPB. It is necessary for the OSC to demonstrate that if the whistleblowing activity had not occurred, then that manager would not have taken the adverse personnel action (U.S. Congress 2005). It is important to note that this is not the test that is applied to the whistleblower under WPA; the whistleblower must simply show that the complaint was a contributing factor to the reprisal. The original law, however, did not address disciplinary actions. If the supervisor could offer other reasons why the whistleblower was disciplined, the action was not considered to be reprisal. As a Senate committee report concluded, the MSPB has often agreed with the whistleblower that he or she was a victim of reprisal and should get relief, but the OSC rejected the claim that the managers should be disciplined. Generally, organizations defend the action that they have taken against the whistleblower's charges of inappropriate reprisal. It is to be expected, therefore, that the agency will view the actions of their managers as appropriate, and the managers will not be penalized for their actions.

Under WPEA, it is now easier for the OSC to discipline administrators responsible for illegal retaliation because of a change in the burden of proof (Blaylock 2012). In Sec. 106(b) of the law, the Merit System Protection Board may impose disciplinary action on the supervisor for retaliation if the whistleblowing "was a significant motivating factor" leading to the retaliation, "even if other factors also motivated the decision" (Government Printing Office 2012).

The WPEA also expands the role of the OCS and provides for more active educational efforts. The act authorizes the OSC to file friend-of-the-court briefs to support employees appealing MSPB rulings (Sec. 113). It also requires each inspector general in an administrative agency to appoint an assistant inspector general to supervise auditing and investigative activities related to whistleblower protection and to designate a

Whistleblower Protection Ombudsman to educate agency employees “about prohibitions on retaliation for protected disclosures; and … who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures” (Sec. 117). The ombudsman provision does not apply to intelligence agencies.

An important limitation of whistleblower protection is restrictions on the kinds of material that can be released. Classified material may not be released, and the disclosure of other kinds of reports is restricted by law as well. If the disclosure of information is prohibited by law, and if the information is classified as secret by executive order, disclosure must be made to special counsel, the inspector general of the agency, or another employee designated by the head of the agency to receive such disclosures. Under these restrictions, the release of secret files, such as the transfer of over 700,000 files to WikiLeaks by Pfc. Bradley Manning in 2009 or the revelations of secret National Security Agency operations by analyst Snowden in 2013, are not protected actions.

Although little systematic research has been done on state whistleblower-protection laws, it is likely that similar limitations would apply to their coverage and effectiveness as well.

WHO ARE WHISTLEBLOWERS?

Some observers criticize ethics reform on the grounds that it makes government even more complex and impairs effective performance. The critics are likely to see whistleblowing as a disruptive activity and whistleblowers generally as malcontents who exploit efforts to protect them. Frank Anechiarico and James Jacobs (1996) argue that the benefits of disclosing information are immeasurable but the negative impact of protection provisions in undermining the disciplinary process are obvious. The “apparent premise” that supports provisions to protect staff “is that whistleblowers’ allegations are generally true,” but Anechiarico and Jacobs (1996, 66) have doubts about this. Whistleblower-protection provisions may provide an incentive to employees with performance problems to protect themselves from disciplinary action by filing a complaint about an organizational problem.

Former special counsel Kaplan (U.S. Congress 2005) notes this rationale but refutes it as follows:

> As the head of OSC I frequently heard this old canard trotted out—that the law protects bad employees or that employees cynically invoke the law’s protection in order to make themselves immune from legitimate personnel actions. This is pure urban legend. The fact is, weak claims pressed by bad employees are weeded out through the administrative process. The majority of the cases filed with OSC get closed because the law is clear that it is not illegal to take appropriate action against bad employees, even if they are whistleblowers.

Despite these possibilities of self-serving behavior, the overwhelming evidence is that whistleblowers and internal critics are conscientious and public serving in their motivation (Jos, Tompkins, and Hays 1989; Brewer and Seldon 1998). Indeed, they are likely to suffer negative consequences for their action despite the presence of whistleblower-protection provisions. Their behavior can be viewed as contrary to their own self-interest. As noted earlier, whistleblower-advocacy groups take the position that alternatives to whistleblowing should be found so as not to endanger one’s career. They do not have faith in the protection process.

Responsible whistleblowing and internal complaining provide dramatic examples of behavior based on duty, adherence to principle, and personal and professional integrity. Whistleblowers may also feel that they are preventing negative consequences and helping the organization avoid the higher level of public opposition that comes from covering up problems rather than acknowledging and correcting them. Whistleblowers and internal critics accept a personal responsibility to act and stress their accountability to the public rather than organizational superiors. They are inspired by duty and are reinforced by each of the philosophical perspectives. This reinforcement includes the virtue of courage to act.

The Ethics Resource Center (2012, 2) concluded from a 2011 survey of employees in private business that “reporters” and “whistleblowers” are blended roles.

> The current stigma assigned to a “whistleblower” as a rogue and disloyal employee is inaccurate. Only one in six reporters (18 percent) ever chooses to report externally. Of those who do go outside their company at some point, 84 percent do so only after trying to report internally first. Furthermore, many of those who are “whistleblowers” in the narrowest sense of the word still try to address the problem within their own company; half of those who choose to report to an outside source initially later report internally as well. Only two percent of employees solely go outside the company and never report the wrongdoing they have observed to their employer.

Employees who are trying to correct problems in their organization are often forced to go outside because of the negative internal response.

One must wonder whether it is inevitable that the individual must be pitted against their organization in serving the public. Meaningful protections should be put in place so that staff members do not have to face this choice. Despite these possibilities of self-serving behavior, most whistleblowers and internal critics seek to serve and protect the public. They choose to take an action that experience should tell them is not in their self-interest and that may lead to reprisal—large or small, formal or informal—even when there are whistleblower protections in place. If there is sincere concern about the negative effects of having an outside body investigate the possible wrongdoing that gives rise to blowing the whistle or alleged retaliation against whistleblowers, it is important for organizational leaders to create open and responsive organizations that renew themselves from within. This comes in part by being receptive to those who identify problems and by being committed to taking positive corrective action. This is part of the approach to elevating the ethical climate examined in the next chapter.

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[1] For the GAP's definition of a whistleblower, see www.whistleblower.org/about/what-is-a-whistleblower.

[2] He did take inside action when he persuaded acting FBI director Gray not to accept the White House demand that the Watergate operation be linked to the CIA, which would have put it off-limits to the FBI (Dobbs 2005).

[3] At the same time he was providing information to Woodward, Felt was authorizing nine illegal entries at homes of persons suspected to be Weather Underground sympathizers in the New York area. In 1980, Felt was convicted on a conspiracy charge for this action. He was pardoned by President Ronald Reagan in 1981. Felt resigned from the FBI in June of 1973. He left following a dispute with new FBI director William Ruckelshaus, who accused Felt of leaking information about illegal wiretaps to the *New York Times*, but not the leaks to Robert Woodward. Felt did not go public at that time. In fact, he continued to rely on inside sources and fed additional information about erasures from the secret White House tapes to Woodward in November 1973. See Dobb (2005) and Corn and Goldberg (2005) for details about Felt's double life.

[4] Originally presented by the Government Accountability Project at www.whistleblower.org/www/retaliation.htm. This web page is no longer active.

[5] These points are adapted material presented by the Government Accountability Project at www.whistle-blower.org/content/press_detail.cfm?press_id=59. This web page is no longer active.

[6] See www.mspb.gov/ppp/ppp.htm.

[7] The OSC offers the comment that the office "is called upon to exercise its discretion about whether referring the matter for mediation, or for an in-depth investigation and possible prosecution, would effectively advance the merit system or the purposes of the statutes. However, more often than not, for a number of reasons beyond OSC's control, complaints do not meet these thresh olds and OSC must close such cases. Understandably, the complainant is frustrated and unhappy when their case is closed" (OSC 2011, 31).

[8] In a 1999 decision, the U.S. Federal Circuit Court appeared to require that the complainant have irrefutable evidence—irrefragable proof—of serious misconduct to receive protection from reprisal. The MSPB applied an objective reasonable-belief test to complaints: Could a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee reasonably conclude that the actions of the government evidence gross mismanagement? See U.S. Congress (2005).

[9] The prohibition of reprisal is contained in 5 U.S.C. §2302(b)(8).

CHAPTER 9

Elevating Ethical Behavior in the Organization

In this chapter, the attention shifts from challenges and choices that individuals face regarding their own behavior to how they can enhance the prospects of ethical behavior from others in the organization. There are many organizational features that contribute to unethical behavior. How can these be removed or reduced, and how can a positive climate be created?

The discussion is obviously directed to the leaders of the organization who have broad-ranging opportunities for setting direction and priorities. It also applies to individual staff members at all levels as they take actions and exert responsibilities that have an impact on others. You may be a midlevel manager who can shape the conditions for a work group and guide how staff members interact with citizens, a supervisor who assesses and helps shape the performance of subordinates, or an analyst who develops proposals or procedures or evaluates how the organization performs. Street-level administrators of all kinds who have face-to-face contact with citizens and clients in delivering services—teachers, social services eligibility specialists, inspectors, police officers—and staff members in nonprofit organizations who conduct outreach efforts or evaluate grant proposals are the public face of their organization. Their actions shape the operational meaning of concepts for openness, fairness, and public service and impact public perceptions of the integrity of the organization.

There are five major approaches to leadership and management that elevate the ethical climate in public organizations,[1] each of which will be examined in depth:

1. Strong organization and management culture
2. Clear expectations, effective training, and mechanisms for control
3. Positive management practices
4. Channels for complaints and values that encourage dissent
5. Commitment to equity and involvement in dealings with the public

It is not assumed that the task of creating a coherent organizational approach to enhancing ethics is an easy task to accomplish. In assessing ethical approaches in the organizations of a sample of American Society for Public Administration (ASPA) members in 1996, James Bowman and Russell Williams (1997, 519) found that only 1 in 10 felt that most organizations have a "proactive, human-development, problem-solving approach that focuses on encouraging ethical behavior and deterring unethical behavior." Over 1 in 5 views organizations as taking a reactive, legalistic, and blame-punishment approach, whereas a majority—58%—felt that most organizations have no consistent approach (Bowman and Williams 1997), a slight improvement from the 64% who held this view in 1989 (Bowman 1990, 347).

Another survey of government employees by the Ethics Resource Center (ERC) in 2007 found that almost one-quarter of the respondents work in settings that were classified as "conducive to misconduct" (ERC 2008, 5). According to the classification in the study, these situations include at least two of three factors: encountering situations that invite misconduct, conflicts between personal values and the job, and pressure to compromise ethical standards. The findings for each of the factors is as follows (ERC 2008, 5–6):

- Nearly half (48%) of government employees encounter situations that they say invite misconduct. The occurrence of such situations is on the rise since 2005, when the rate was 41%.
- More than one in four (29%) say their job conflicts with personal values. When employees feel their values are different from their employers' values, ethical decisions are more difficult. Employees are sometimes forced to choose between their own standards and directives from the job.
- Pressure is on the rise. One in seven government employees say they need to compromise ethics standards in the course of their jobs. This number is on the rise and higher than the U.S. average, returning to levels not reported since 2000.

The challenge to the managers in public organizations is to develop consistent and positive approaches to eliminate these negative conditions.

STRENGTHENING ORGANIZATION AND MANAGEMENT

CULTURE

The Office of the Public Sector Standards Commissioner in the state of Western Australia offered this observation about leadership:

> An important contributing factor to an agency's ability to build public trust and enable employees to better serve the public interest is a strong and demonstrable ethical base. Whilst all employees, including managerial staff, are contributors to building a strong ethical base, it is the managers who have a key role in making explicit the organisation's values and modeling the behaviour implicit in the ethical codes. In this sense, managers have greater scope and capacity to effect the cultural and systemic changes necessary to build public trust. (Commissioner for Public Sector Standards 2005, 48)

It can be argued that nothing is more important to enhancing the ethical climate of an organization than strong principled leadership that is credible and visible or, in other words, "management by example" (Bowman and Williams 1997, 519). These qualities are based on the personal example of the top administrator and supervisors at every level in the organization. These qualities reinforce the behavior of the vast majority of staff in public organizations who have a respect for leadership and a basic sense of duty and commitment to ethical practice. It is likely, as discussed at several points, that typical public service staff members experience conditions that limit their capacity for ethical action even though they have positive inclinations. Their ethical inclinations are embedded in a rule-oriented approach and constrained by the expectations of superiors and coworkers. Principled leadership provides a positive influence just as unprincipled leadership has a negative impact. An organizational culture that reinforces taking responsibility for actions, honesty, integrity, fairness, and openness in effect creates a tailwind that pushes staff in the positive direction they are generally inclined to go.

The idea of organizational culture suggests that there are widely perceived and shared norms that shape the way members interact with each other and guide behavior for good or ill.[2] It is a mix of formal policies and procedures and the unwritten "rules" that can be particularly powerful because they are not made explicit. All divisions in the organization may be equally important on the organization chart, but one may be actually dominant because more of the resources and top officials tend to be drawn from it. There are specified standards and processes for promotion and salary, but some people may get ahead more than others based on factors that are not part of the formal criteria. Official standards and actual decisions are not necessarily at odds with each other in an organization. Indeed, the level of consistency between policy and practice is a key indicator of the kind of organizational culture that exists with an agency. When there is a discrepancy, however, staff members tend to pay more attention to actions than to the rules, and cynicism is likely to be pervasive. For staff members who operate within the boundaries of rules, a culture in which the rules are variable or slippery encourages ethical relativism. It is easy to conclude that actions are OK if …. You can fill in your own rationalization: if the organization gets ahead, if you make your superior look good, if you shield the organization from criticism, and so forth.

To provide a positive and supportive culture, leaders and supervisors must seek in their public statements and policies and also in their day-to-day actions to promote positive norms. The leaders must follow the same rules and hold themselves to the same standards that others are expected to meet. They obviously enjoy enhanced power, prestige, and benefits by virtue of their position, and it is easier for them to bend the rules for still more benefits, shift blame to others, and claim credit for themselves that should be given to others. Furthermore, they may seek to be kept informed about what is really going on in the organization. Top-level officials cannot know everything that happens, but they can be more or less committed to openness and accepting of bad news as well as good. If leaders make negative choices, others see these behaviors as validated and look for the opportunity to behave in the same way themselves. Powerful signals are sent, such as who gets ahead in the organization and what kinds of behavior are rewarded. If success at any cost gets one promoted, a higher salary, better assignments, or greater recognition, this is the behavior that will be emulated, and actions that benefit others or put public interest over organizational interest will be slighted. If real accomplishment, sharing credit, helping out when you don't have to, and other positive behaviors are recognized, they will be encouraged.

Top officials should not simply avoid breaking the rules or making unjustified exceptions to policy. They should also be positive role models. Admired leaders do not have a shining image because it has been buffed by public relations specialists. They are ethical exemplars (Cooper and Wright 1992) who offer guidance and inspiration to others in the organization (and often to persons outside as well). They represent the best expression of the ideals to which the organization is committed. The exemplar is not on a pedestal; indeed the opposite is often the case. They are engaged in the same kinds of activities and deal with the same challenges as other staff members. Although a hackneyed expression, the illustrious leader will not ask others to do things he or she would not do him- or herself. By extension, such leaders also would not apply different standards to themselves and to others. From research in businesses, the ERC concludes that there are three key "ethics related actions" that impact the ethical climate of the organization: "setting a good example; keeping promises and commitments; and supporting others in adhering to ethics standards" (Seligson and Choi 2006, 1).

Leaders must also focus on the social responsibilities of their organzation. After a period as a top-level university administrator and then as a school director, Barth, a faculty member in public affairs, observed that it is easy for goal displacement to occur among leaders in the university (2012, 635). He noted that "conversations focused primarily on budgets and business," and it was rare to have a "meaningful discussion about the core mission of the university." It was easy for him to see how organizations like the Catholic Church and Penn State University could fail to respond to reports of child abuse among staff members and think that they could handle the problem internally and avoid public embarrassment and loss of support. However, "like the Catholic Church, Penn State has discovered that the failure to take appropriate action is almost as distasteful as the sordid acts themselves" (635). Barth also concluded that a high-level position and office in the administration building can distance the administrator from faculty and students, not to mention other persons who might be harmed by the actions of persons in the organization. Staff members at all levels of the organization, including those at the top, must take responsibility for the actions of the organization.

The ERC identifies four indicators of ethical culture (ERC 2008, 12):

- Ethical leadership: Tone at the top and belief that leaders can be trusted to do the right thing
- Supervisor reinforcement: Individuals directly above the employee in the agency hierarchy set a good example and encourage ethical behavior
- Peer commitment to ethics: Ethical actions of peers support employees who "do the right thing"
- Embedded ethical values: Values promoted through informal communication channels are complementary and consistent with a government agency's stated values

When all four indicators are present, the measures of ethical behavior are enhanced. A positive culture provides the supportive environment for organizational measures to promote ethics covered in the next section. When a strong ethical culture is in place within a government organization, misconduct is reduced by 52%, retaliation is as much as 89% lower, and pressure to compromise standards is virtually nonexistent. The ERC survey results indicate, however, that there are few governmental organizations with consistently strong ethical cultures. These qualities are found in only 8% of government workplaces (ERC 2008, 12).

Providing leadership by example and promoting positive norms are behaviors that persons at all levels of the organization can encourage.[3] Anyone with supervisory responsibilities is a leader to those who report to him or her and can provide guidance. Staff members who encourage peers to maintain high standards are making a positive contribution to the ethical climate of the organization. Simply filling one's responsibilities in a conscientious way and refusing to cut corners or deviate from expectations set examples for others. Demonstrating the initiative to behave in this way without depending on the direction of superiors or the influence of coworkers presumes that the individual official, whether director or member of the rank and file, has and acts on a sense of ethical autonomy based on universal grounds, such as those summarized in the ethics triangle.

Thus, we come full circle. Positive organizational culture reinforces ethical behavior by the members of the organization, but it ultimately depends on individuals at all levels in the organization who are willing to assert their own values to help shape that culture.

CLEAR EXPECTATIONS, EFFECTIVE TRAINING AND ADVICE, AND MECHANISMS FOR CONTROL

In the classification of practices developed by the ERC (2008, 10), a "comprehensive ethics and compliance program" includes all six of the following:

- A code of conduct
- A way to report observed violations anonymously
- A mechanism for employees to seek advice on ethical matters
- Training for all employees on code of conduct and ethics policies
- A mechanism to discipline employees who violate the code or ethics policies

- Evaluation of ethical behavior as a part of regular performance appraisals

In the view of the ERC, the combination of a strong ethical culture and a comprehensive ethics and compliance program have the most positive effects of the level of ethical behavior in the organization. In this section, we will discuss an organizational code, training, and controls. Reporting channels will be discussed separately.

A question for organizational leaders to consider is whether it is useful to have an organizational code of ethics. Over the past decade, there appears to be a substantial increase in the adoption of codes of ethics by organizations as well as expanded emphasis on existing codes and standards.[4] Between 1992 and 2002, the proportion of city governments over 50,000 in population with codes increased two in five to three in five (West and Berman 2004, 195) although it appears that codes were less common in smaller cities. In 2012, 86% of city governments responding to a survey by the International City/Council Management Association (ICMA) report having a code of ethics with no variation by size of city.[5] The Independent Sector promotes the adoption of codes in nonprofit organizations and provides guidelines and a suggested set of values and standards. The United Way requires that its affiliates adopt and adhere to a locally developed code of ethics for volunteers and staff, and all of the members in the two highest categories of contributions must submit a copy of their current code of ethics to the national United Way.

Can a code contribute to widespread awareness of and commitment to ethics in the organization? Administrators generally feel that an agency-specific code is needed to supplement the ASPA code to make it effective (Bowman and Williams 1997, 521). The ASPA Code of Ethics principle to promote ethical organizations includes the practice to "encourage organizations to adopt, distribute, and periodically review a code of ethics as a living document that applies principles of this code and other relevant codes to the specific mission and conditions of the organization" (ASPA 2013b, Sec. 7g).

Presumably, the impact of having an organizational code would depend on its content. As noted in the discussion of professional codes of ethics, if a code is negative and focuses narrowly on microethical issues, it does little to elevate ethical thinking or behavior. It seems more appropriate to put specific rules of conduct into a personnel handbook. A code of ethics should be used to convey shared values, responsibilities, and expectations. LRN, a consulting firm for private industry, reports that corporations are increasingly changing their codes to shift from a comprehensive set of rules to control conduct to "a values-based code that inspires principled performance among employees, management and executives" (LRN 2006, 2). In a survey of employees in business, approximately three out of four respondents from organizations with a written code of conduct or code of ethics report that the code "helps them understand the conduct that the organization values" and "makes the organization a better place to work," and over 80% "apply their understanding of the code frequently on the job" (LRN 2006, 3). A code of ethics as part of a comprehensive ethics program can help staff members move into a universal-values level of ethical thinking with specific reference to the organization for which it is created.

The way the code is developed is probably as important as its content. The process should include extensive discussion by staff members. Rather than having a code imposed on them, the members of the organization should be involved in its creation. If one accepts the logic of this approach, however, there is another challenge. How do you make the code relevant to those who inherit it after the period of formation, and how do you keep it current? Part of the answer is to periodically repeat general discussions of what the code is and what it means. As in the original process of forming the code, small focus groups can be used to generate ideas and solicit input. It might be useful to start with a blank slate and ask again: What should be included in the code of ethics for members of this organization? When the answers have been compiled, they could be compared to the existing code. Discrepancies or additions could be identified and collected for a summary discussion that might lead to revision of the code. A process such as this could promote a sense of ownership by current staff.

The other way to make the code relevant and current is effective training. Stuart Gilman (2002), former president of the ERC, argues that if "codes are simply written and posted on a wall, or stuck in a drawer they create more skepticism and cynicism among employees than if they had never been written at all." Standards of integrity and excellence can be explicitly articulated and disseminated by means of formal training within the organization whether or not the organization has its own code. Organizations without their own code would rely on general themes in ethics awareness and examination of the codes of appropriate professional associations. Organizations with a code would integrate examination of it with these other topics.

The extent of ethics training in governments and nonprofits is somewhat hard to estimate. Only slightly more than half of the local governments responding the ICMA State of the Profession survey offer ethics training, and most of these provide it on an "as needed" basis.[6] Only one in five of all governments provide annual training on ethics. On the other hand, there are examples of organizations with large-scale training efforts in cities and counties such as Chicago, Tampa, King County in Washington, and Utah's Salt Lake County (Menzel 2006). The National Institutes of Health (NIH) requires online training for new employees and additional annual training for all staff. In 2005, all NIH employees were required to complete online modules that spell out standards regarding outside activities, awards from outside organizations, and prohibited financial interests (National Institutes of Health 2006).[7] Other organizations avoid these kinds of efforts. Whether they are embarrassed with the topic, assume it is not necessary to address the topic, or do not think that it will do any good, some organizations spend little time talking about ethics.[8]

A useful preliminary step to designing a training program is to conduct an ethical climate survey. A survey of this kind uncovers what staff members think about organizational practices and standards, the personal qualities regarding integrity and honesty of themselves and others in the organization, the commitment of organizational leaders to ethics, and the levels of trust, fairness, and responsiveness. The results could be used to guide the development of training and repeated periodically to monitor progress. The Australian Public Sector Standards Commission has this type of comprehensive program of monitoring and training. The compliance report for 2004–2005 provided comparison of survey results collected annually since 1999 (Commissioner for Public Sector Standards 2005). It appears, however, that the use of such surveys to guide training and support monitoring is rare. For example, it was found in less than 10% of U.S. cities (West and Berman 2004, 197).

Effective training should address conditions within the organization—possibly guided by a climate survey—and include agency-specific cases.[9] Simply providing drills on the content of law and regulations pertaining to employee conduct is a narrow approach that reinforces a rule-based orientation. It provides a useful foundation of knowledge, but it does not promote judgment and problem solving.[10]

Case studies broaden the scope of training and increase its relevance. Cases from the organization itself can be drawn from a number of sources. Supervisors can identify areas that have been particularly important in disciplinary actions with staff, and elected officials or board members can be asked about elements of organizational performance that have ethical implications. In addition, individuals in focus groups can be asked to anonymously identify a situation in which they experienced an ethical dilemma in the organization and describe it without revealing the identity of the unit or the persons involved. The group can then discuss the situations and decide which ones are most important. These cases then are available for use in the training session.

In addition, staff members should have the opportunity to submit questions anonymously about any matter concerning standards and expectations in the organization. Officials from various levels in the organization should be available to provide answers commentary and encourage discussion in training sessions or one-on-one sessions, or via messages that offer ethics advice to individuals. Finally, effective training requires assessment by the participants to determine whether the experience expanded their knowledge, awareness, and ability to handle ethical problems.

The content of training should include legal emphases, the behavior of public administrators, and policy and service area linkages for staff from specific departments; for instance, what are the ethical dimensions of a community development program or a fiscal policy, and what are the ethical issues in law enforcement (West, Berman, Bonczek, and Kellar 1998, 6–8)?

Despite the importance of creating a positive culture and providing effective training, measures to ensure internal control are also needed. West and Berman (2004) find that in city governments it is not the presence of a code but rather monitoring adherence to a code and the use of relevant ethics training that contribute to a greater sense of commitment and openness by staff. It is essential that reports of ethical violations be investigated in a fair and thorough way and that employees who violate the code be disciplined. In addition, the old adage that "you expect what you inspect" is consistent with the generalization that reducing the prospect of detection increases the likelihood that some officials will choose to act unethically. Accounting and audit systems are needed to do routine checks on performance and behavior, and the capacity for surveillance and investigation must be available to ensure that suspicions of corrupt behavior are not ignored.

Supervisors should consider what kinds of ethical problems can arise in their area of responsibility and develop appropriate mechanisms for checking and controlling staff. They need to examine the potential for corruption and unethical behavior within their units and to consider how common a potential problem is and how serious it could be. A basic concern is whether staff members are failing to perform at acceptable levels (shirking). The supervisor needs to make certain that reporting systems accurately reflect their level of activity in accomplishing key tasks.

Less common but moderately to very serious areas include conflict of interest and taking favors in exchange for providing services or favorable decisions. A screening and disclosure approach can be used to identify any staff members who may have a potential conflict (for instance, interest in a company that has contracts with the organization) and then focus attention on these staff members to ensure that proper safeguards are in place. Serious ethical lapses include favoritism or lower-quality service based on bias, slanting evidence to push a preferred policy position, or succumbing to partisan pressure or giving partisan advantage. Specialized areas with potential problems include staff positions that receive money and disperse funds. The list could go on. Supervisors need to consider what activities of these kinds occur within their area of responsibility, and what kinds of reports and checking are needed to control them or prevent unacceptable deviations for standards.

An unethical practice such as favoritism in dealing with clients and citizens has consequences that are serious enough that special efforts such as spot checks through soliciting feedback from randomly selected clients are appropriate, even though it is a costly procedure. Supervisors should be mindful of the impact of checking certain actions and not checking others and possibly shift the areas of emphasis over time.

It is also useful for supervisors to assess their staff members and their ethical orientation and behavior. Some staff members seek to evade the rules and will do whatever they can get away with. Most are rule oriented and will comply unless they conclude that no one pays any attention. With very low risk of repercussions, not much of a reward is needed to convince some to violate the rules. Finally, the principled or value-based staff member would normally be expected to adhere to the spirit as well as the letter of the rules. They may be offended by intrusive surveillance. Still, even this group, as seen, may come to conclude that noble ends permit inappropriate means, especially if no one is checking.

More far-reaching mechanisms for control and investigation are needed to address instances of pervasive corruption. The Public Integrity Division (PID) was launched in 1995 to combat endemic corruption in the New Orleans Police Department (NOPD). The underlying philosophy was early warning and intensive surveillance (Walker, Alpert, and Kenney 2001). Established in a partnership between the Federal Bureau of Investigation (FBI) and Louisiana law enforcement officials, it represents a high-control strategy with three elements. First, there are aggressive criminal and administrative investigations of any complaints received using undercover personnel to detect wrongdoing. Second, as early intervention, intensive training is offered to any officer who receives multiple complaints. Finally, there are random integrity “stings” aimed at the police department itself to ensure officers are complying with the department’s policies and procedures as well as state and federal laws. This is an extreme example of using checks and controls, presumably compelled by circumstances that led the leadership in the department to want everyone in the department to know that they were being checked.

When “bad” persons are rare, less punitive approaches are more appropriate as long as there is not the general perception that no one ever checks. Even though control mechanisms create a mild atmosphere of mistrust, this may help to prevent rule-abiding employees from developing the corrosive attitude that some staff members are getting away with flaunting the rules.

POSITIVE MANAGEMENT PRACTICES

Elevating the ethical climate is promoted by using positive management practices. In part, using positive practices reflects the values of the leaders and shapes an engaged organizational culture. Beyond simply setting the tone for the organization, the specific components of positive management reinforce the qualities that promote ethical behavior. Effective management practices are the topic of many courses in an MPA degree and the focus of a wide array of continuing professional development activities. There is wide support among public administration scholars for using participative management techniques, improving productivity, organizational innovation, focusing on results and performance measurement, and human resource development. A commitment to sound management is linked to the ethical value of stewardship. In the ASPA code, a practice to guide the promotion of ethical organizations is to “act as stewards of public funds by the strategic, effective, and efficient use of resources; by regularly reexamining the efficacy of policies, programs, and services; and by seeking to prevent all forms of mismanagement or waste” (ASPA 2013b, Sec. 7b).

One could argue that good management supports a strong ethical climate. Giving staff members a voice in making decisions and setting objectives reinforces the realization that they are responsible for their actions. These measures give staff a sense of ownership of their work even in a large organization. Reducing inefficiencies and wasted effort makes better use of scarce resources and fosters a sense of stewardship. Incorporating successful practices from other jurisdictions can improve performance and effectiveness and elevate morale. Staff members who receive appropriate training and have opportunities for professional development expand their sense of competence and control. Finally, using the performance-appraisal process to promote development of staff rather than simply to reward or punish them encourages staff to identify weaknesses and pursue training. If staff members feel that they have a say in what the organization does and how they can expand their capabilities, they are more likely to play an active rather than passive role in dealing with ethical issues.

The linkage between management practices, ethics, and organizational climate has been examined by West and Berman (2004) in their research on city government. It is a rare quantitative analysis of the origins and impact of ethics training. They find an association between providing training and developing other innovative programs within the organization. Strong moral leadership by top managers is a key starting point to finding other important attributes of a commitment to ethics including monitoring adherence to a code of ethics (which presumes that the organization has a code), examining ethics in hiring and promotion, and applications-oriented ethics training.[11] This kind of training is related to positive labor–management relations. Training is also one contributor to a more positive organizational culture that stresses putting forth one's best effort, creativity, openness and dialogue, taking on new challenges, and rewarding commitment to accomplishment. Finally, the positive organizational culture—on a path that starts with leadership and training—is linked to higher employee productivity, which in turn is related to citizen trust. Their results suggest that the theoretical connection between positive management practices that incorporate ethics and improved organizational climate and performance can be demonstrated with quantitative evidence. The thrust of this discussion is that a commitment to ethics plays a key role in the overall approach to management.

ADEQUATE CHANNELS FOR COMPLAINTS AND VALUES THAT ENCOURAGE DISSENT

If a lack of awareness on the part of managers and supervisors is a condition that allows unethical behavior, learning to listen can help to promote a higher level of ethics. It is important to have honest open-door policies and encourage staff to come through them, even if they are bringing bad news. Getting out to observe firsthand what is going on in the organization can both help to make a supervisor aware of problems and also encourage openness and sharing by staff. The practice labeled "management by walking around" (Peters and Waterman 1982) helps to ensure that officials at any level in the organization are not limited to information and reports received through official channels.

There should be multiple channels for complaints as well as the option of anonymous complaints so that a staff member does not have to report problems to his or her supervisor or others in the chain of command if he or she feels that these direct superiors are contributing to the problem. It is critical that leaders pay attention to and act on complaints. In federal studies of internal complaints, the most common reason for not reporting a problem, noted by 54% of officials, was the feeling that it would do no good because nothing would be done about it (U.S. Merit Systems Protection Board 2011), only slightly lower than the 59% reported almost 20 years earlier (U.S. Merit Systems Protection Board 1993).

Leaders should be committed to protection of complainants, because fear of retaliation is the other leading reason for not reporting problems. It is natural that organizational leaders want to prevent whistleblowing because it brings public criticism, and internal relations are strained when the organization must deal with an external investigation. The best strategy for dealing with whistle-blowing seems to be a proactive one of making it unnecessary to go outside the organization with complaints. Despite the inconvenience and embarrassment that may come from whistleblowing, when it does occur, it is still important to protect those who go outside the organization. This includes a clear message that supervisors who harass staff members who expose problems to outsiders will be punished. As part of promoting ethical organizations, a practice of the ASPA code is to take a proactive approach to reporting:

> Encourage open expression of views by staff members within the organization and provide administrative channels for dissent. Protect the whistleblowing rights of public employees, provide assurance of due process and safeguards against reprisal, and give support to colleagues who are victims of retribution. (ASPA 2013b, Sec. 7c)

It is also important that the same protection should be given to internal complaints that are available to external disclosures. It appears that the Whistleblower Protection Enhancement Act (WPEA) will support this approach. Organizational leaders must avoid the practice of "killing the messenger" and encourage active participation by staff members both in the form of positive proposals and also through dissent.

EQUITY AND INVOLVEMENT IN DEALINGS WITH THE

To reinforce positive interactions with citizens, leaders can adopt a two-pronged strategy by promoting equity and encouraging citizen participation. Fairness and the absence of discrimination are important not only as aspects in the behavior of individual staff members. It is important for the organization to model a commitment to social equity and ensure that it is meeting standards of equity in its practices. The following is a definition of social equity:

> Social equity is the active commitment to fairness, justice, and equality in the formulation of public policy, distribution of public services, implementation of public policy, and management of all institutions serving the public directly or by contract. Public administrators, including all persons involved in public governance, should seek to prevent and reduce inequality, unfairness, and injustice based on significant social characteristics and to promote greater equality in access to services, procedural fairness, quality of services, and social outcomes. Public administrators should empower the participation of all persons in the political process and support the exercise of constructive personal choice. (Johnson and Svara 2011, 282)

Social equity is not just preventing inequality in the future; it requires correcting accumulated inequalities in society. Furthermore, it is not based on the actions of government alone; it requires the engagement of those who seek a better life.

Criteria for measuring equity are divided into four areas: procedural fairness, access, quality, and outcomes (Johnson and Svara 2011). Procedural fairness involves examination of problems or issues in procedural rights (due process), treatment in procedural sense (equal protection), and application of eligibility criteria (equal rights) for existing policies and programs. This criterion includes examination of fairness in management practices involving areas such as hiring, promotion, and award of contracts. Access—distributional equity—involves a review of current policies, services, and practices to determine the level of access to services/benefits and analysis of reasons for unequal access.[12] Quality—process equity—involves a review of the level of consistency in the quality of existing services delivered to groups and individuals. Process equity requires consistency in the nature of services delivered to groups and individuals regardless of the distributional criterion that is used. Finally, equity in outcomes involves an examination of whether policies and programs have the same impact or achieve equal results for all groups and individuals served.

Part of the difficulty of achieving equal results is that government action is not the sole determinant of most important social outcomes. Social and economic conditions (e.g., poverty) that are broader than the policy problem being examined may explain the differences in outcomes in areas such as education or health. Furthermore, individual behavior is often a critical element in explaining social outcomes. Still, critical issues in the consideration of equity at this level are how much inequality is acceptable, and to what extent government can and should intervene to reduce the inequality in results. The focus on performance management is an effort to align the use of organizational resources with achieving intended outcomes.

Department directors or the heads of small agencies can examine the ways that their organization addresses equity issues. Using the input of staff and citizens or clients served, the director can uncover actual or potential problem areas and identify corrective strategies. Equity is a key ethical principle and managers should pay attention to whether it is being incorporated into organizational practices. The steps in **Exhibit 9–1** offer guidelines for conducting an equity inventory.

The results of an equity inventory can be varied in scope and the nature of remedial action that would be required to address the problems identified. For example, if the department identified lapses in procedural fairness and failure to distribute a service to all those entitled to receive it (or differences in the quality of the service provided), the department director should be able to initiate corrective actions within his or her existing policy mandate and administrative authority. If the problems involved inappropriate distributional criteria to achieve equal results[13] or a deficiency in the number and training of staff members who were capable of communicating competently with a minority group, the department director would need to raise these issues as matters that should be taken to elected officials in order to change existing policy or be considered in developing the budget for the organization as a whole. The ethical requirement for the administrator is to be committed to social equity and to find meaningful ways to incorporate that commitment into management practices.

Exhibit 9–1 Equity Inventory at the Departmental or Agency Level

1. What is the purpose of the department, what services does it provide, and whom does it serve? Identify any equity issues that have arisen recently. Meaningful citizen input should be included in the assessment process. What are the equity areas that are likely to be relevant to the department and

its programs?
- Procedural equity
- Access and distributional equity
- Quality and process equity
- Equal outcomes

2. Assess agency *procedures* to identify any equity issues.
   - How well does the agency meet the procedural fairness standard in its current operations?
   - What changes are needed to improve procedural fairness?

3. Assess the nature and *distribution* of benefits and services distributed externally (services, benefits, enforcement activities, etc.) or internally (hiring, promotions, access to training, etc.).
   - What criteria for distribution equity are currently followed: equal distribution, distribution to compensate for special needs or conditions, or distribution oriented to achieving the results?
   - What criteria should be followed? Can the criteria be changed within existing policies?
   - How well is the agency performing in terms of the preferred criteria?
   - What impact is the agency having on equity outcomes relevant to its purpose?

3. Assess the *quality* of services provided.
   - Are there differences in quality by area of the city or characteristics of the client?
   - What changes are needed to improve the uniformity in quality?

4. Assess the outcomes impacted by the department's performance (sense of security, cleanliness of area, job placement, or health).
   - Are there systematic differences in outcome indicators?
   - What changes are needed to reduce disparities in outcomes?

Source: National Academy of Public Administration (NAPA). 2005. *Sounding the Call to the Public Administration Community: The Social Equity Challenges in the U.S.* Washington, DC: National Academy of Public Administration, Panel on Social Equity, Research Committee. Used with permission of the National Academy of Public Administration.

The organizational inventory is one way to do that. The ASPA code includes the principle to advance social equity by using affirmative action and cultural competence to correct disparities in outcomes and to promote the ethical organization by promoting "proactive efforts to increase the representativeness of the public workforce and the full inclusion of persons with diverse characteristics" (ASPA 2013b, Sec. 4c and 7f).

Organizational leaders at all levels should also take measures to encourage public engagement in the policy-making process and in the other work of the organization. Citizen participation "closes the loop" of public service by encouraging citizen suggestions and feedback, and engagement provides the opportunity for interaction that permits citizens and officials to learn from each other through dialogue or joint action. Organizations should consider how they can meaningfully incorporate citizens in developing policies, guiding implementation, solving problems, and evaluating results. Citizens can be systematically surveyed, invited to meetings, included in task forces or advisory committees, and given the opportunity to make decisions (Thomas 1995). In addition, engagement opens the opportunity for partnerships between officials and citizens to develop goals and solve community problems (Svara and Denhardt 2010). Not all decisions necessitate full involvement. For example, sometimes simply soliciting needed information from citizens is sufficient. If officials, however, want to be fully informed and get support from citizens for a decision, they should open the process to permit citizens to help define the problem, make the decision, and contribute to addressing the need or solving the problem, not simply provide input about needs and preferences. The ASPA code obligates public administrators to "inform the public and encourage active engagement in governance" by "involv[ing] the community in the development, implementation, and assessment of policies and public programs, and seek[ing] to empower citizens in the democratic process, including special assistance to those who lack resources or influence" (ASPA 2013b, Sec. 3c). The active interchange with citizens reinforces the service commitment that administrators make to the public and makes the relationship reciprocal.

In sum, strong leadership, clear standards, effective training, targeted control and investigation, sound management practices, and equitable and inclusive management build a positive climate for ethics and reinforce the best inclinations of staff members. There is evidence that staff members in public service and nonprofit organizations were attracted to their work by a sense of duty to serve the public (Perry and Wise

1990). By themselves, they are likely to have a correct but confined set of ethical standards. Individual staff members are strongly influenced by their organization setting—the behavior of superiors, attitudes of peers, organizational policies and procedures, and the pervasive attitudes about how to relate to citizens and clients. The approaches discussed in this chapter use these factors to promote the development of individual staff members and broaden their ethical competence and autonomy. A local government official summed up his perception of what ethics training can accomplish, and his conclusion can be extended to cover all areas of organizational practice (West, Berman, Bonczek, and Kellar 1998, 6):

> Ethics trainings helps to move the passive majority of workers in the middle into a more active posture, in which they are more willing to notice and report unethical conduct and to model ethical behavior.

This kind of movement to a higher level of ethical development is enhanced by a positive ethical climate and helps to strengthen it.

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[1] Steinberg and Austern (1990, chapter 7) suggest four essentials for fostering an organizational and management culture that is positive: training, audit of management, investigation, and management control.

[2] For a review of organizational culture, see Edgar H. Schein (1992).

[3] Seligson and Choi (2006, Figure 1) identify ethics related actions for top management, middle management, supervisors, and coworkers.

[4] There is evidence that administrators saw the need for this development and supported it. In his 1989 survey, Bowman (1990, 348) found that almost two-thirds of the respondents felt that an agency-specific code would be needed to supplement the ASPA code and make it more effective.

[5] This figure is from the State of the Profession Survey conducted by ICMA in 2012.

[6] Unpublished data from the State of the Profession Survey (ICMA 2012b).

[7] See http://ethics.od.nih.gov/cbt.htm. Staff members were instructed to log on to the online program. The employee's supervisor and the NIH ethics office were notified when the training was completed.

[8] West and Berman (2004) offer reasons why government might not engage in training, and Geuras and Garofalo (2002, 43–46) describe what they call the ethics aversion syndrome. In my own teaching experiences, practitioners, who represent about half of the students in my master of public administration (MPA) classes, virtually all report that their organizations do not conduct ethics training and devote little time to talking about ethics.

[9] West and Berman (2004) stress the importance of following an adult learning model of training. Targeted elements in training stressed application of knowledge and "emphasized the warning signs of unethical behavior, the importance of getting facts, dealing with inadvertent ethical missteps, addressing ethical complaints, consequences of ethical violation, and ethical issues in specific areas (e.g., law enforcement)" (West and Berman 2004, 198).

[10] West, Berman, Bonczek, and Kellar (1998, 6) report a different kind of shortcoming. Training consultants often avoid offering a "lecture-based compliance course" for fear of receiving poor evaluations and because knowledge retention may be low. Trainers need to find creative ways to make this important material engaging.

[11] West and Berman (2004) use a statistical method called simultaneous equations modeling, which clarifies the sequential and causal relationships among a group of variables. The model is summarized in Figure 1 in their article.

[12] *Equal distribution* means that all receive the same level and quality of service or all that request a service receive it. *Compensatory distribution* provides services to those who meet a need or criteria (e.g., the poor) or are directed to geographical areas with greater need. Distribution to achieve equal results is rare because of high costs and the inability of the government to control all the social, economic, and behavioral factors that affect outcomes. As an example, however, the No Child Left Behind program requires extra efforts if equal results are not being achieved. Also, some public health programs are permitted to use any resources required and extraordinary means to stop the spread of a deadly epidemic.

[13] Sylvester Murray (in Gooden and Myers 2004) offered this example. In the seemingly straightforward case of solid-waste collection, there are income differences in the ability of a household to compact and securely store debris. Once-a-week garbage pickup may work adequately in higher-income areas but lead to unacceptable outcomes in poor communities in densely populated areas.

CHAPTER 10

Mandating Duty: External Measures to Promote Ethics

Structural features and legal requirements have been established in national, state, and local government to promote ethics and reduce unethical behavior. These approaches represent measures developed outside the organization designed to set standards and control activities, review operations, and open up operations for external review. The effort is an attempt to mandate adherence to duty from the outside. In this chapter, three approaches are reviewed: open meetings laws and freedom of information requirements, inspectors general, and ethics laws. After describing the approaches, the issue of their likely effectiveness and limitations will be considered.

OPEN MEETINGS LAWS AND FREEDOM OF INFORMATION REQUIREMENTS

There is ongoing tension between the public and organizations over access to information about the internal affairs of organizations. Principle 3 of the American Society for Public Administration (ASPA) Code of Ethics states that administrators should “inform the public” and “be open, transparent and responsive” (ASPA 2013a, Sec. 3). Despite the broad expectation that officials should inform the public, there is disagreement about how much information should be made available and when it should be provided. Sharing information is a basic duty and essential to supporting the democratic process. Citizens cannot participate meaningfully if they do not know what public organizations are doing and how they are doing it. This is also an important responsibility for nonprofits as they seek to maintain public trust through transparency and responsiveness to requests for information. The legal requirements for disclosure of information are limited to the information needed to complete forms required by the Internal Revenue Service (the 990), but the ethical expectation of openness is much broader.[1]

The public information requirements of federal government agencies are quite extensive. In general, the requirements seek to promote a culture of openness and accountability across the federal government. Among other types of information, each agency shall make available to the public information about the agency’s organization, rules of procedure, generally applicable substantive rules, and statements of general policy adopted by the agency. They shall make available for public inspection and copying key documents such as administrative staff manuals and instructions to staff that affect a member of the public. Furthermore, agencies should make available other records that are requested in a reasonable period of time.

There are exceptions. Information that is protected for national security reasons can be withheld. When giving names would invade personal privacy, they can be deleted from documents, although a justification for the deletion is to be explained fully in writing. More troublesome are restrictions that can be interpreted in such a way that information the public may feel it has a right to know is withheld. In local government, details about personnel matters generally should not be revealed, but the factors that led to a city council’s decision to dismiss a city manager may be important for the public to know—either because the details shed light on the city manager or on the council members who made the decision. Negotiation of contracts is protected for good reason, but should the public be able to know what economic incentives were provided by a government agency in order to persuade a company to come to a particular state or city? Citizens may have to take legal action to get records released, and even if the citizens win the lawsuit, a judge may not require the government agency to pay the legal bills.

The Obama administration signaled a commitment to openness in an executive order issued by the new president on his inauguration day in 2009. It sets forth the elements that should accompany a full and proactive commitment to transparency (see **Exhibit 10–1**). Despite this ringing endorsement of openness, however, assessments of the record of the Obama administration identify substantial shortcomings. After progress in 2009 and 2010, the *Washington Post* reviewed agency reports and reported this conclusion:

Exhibit 10–1 Freedom of Information Act

Memorandum for the Heads of Executive Departments and Agencies

A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote, "sunlight is said to be the best of disinfectants." In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in the interest of the Government and the citizenry alike.

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.

The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.

Source: Memorandum of President of the United States, Jan. 21, 2009, 74 F.R. 4683.

> Progress has stalled and, in the case of most departments, reversed in direction. The analysis showed that the number of requests denied in full due to exemptions rose more than 10 percent in 2011, to 25,636 from 22,834 the previous year. (Ball 2012)

Similarly, the pledge to declassify archived material has run into major delays. The Obama administration has also made more extensive use than previous administrations of harsh legal actions against persons suspected of leaking information to the media that was deemed to be secret by the administration (Carr 2012).

The tension between openness and protection of critical information continues. Public administrators should act on the presumption of openness and press superiors to make a clear legal case that withholding information is required.

INSPECTORS GENERAL AND AUDITORS

In 1978, the Inspector General (IG) Act was approved. Independent audit and investigative offices were created originally in 12 federal agencies. They are now present in 73 federal agencies, and comparable offices with an auditing function are found in many state and local governments. The Council of the Inspectors General on Integrity and Efficiency (CIGIE) was established as an independent entity within the executive branch to (1) address integrity, economy, and effectiveness issues that transcend individual government agencies; and (2) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.[2]

It is noteworthy that inspectors general focus on the integrity of government operations as well and their economy and effectiveness. They are committed to maintain high standards and promote professional development as a specialized group of public administrators.

The offices of IG and auditor represent an external check on the operation of a public agency. According to the Inspector General Act of 1978, as amended, the inspector general's mission is to conduct independent and objective audits, investigations, and inspections; prevent and detect waste, fraud, and abuse; promote economy, effectiveness, and efficiency; review pending legislation and regulation; and keep the agency head and Congress fully and currently informed. Similar to these independent audit offices at the national level is the Government Accountability Office (GAO), which serves as an independent, nonpartisan agency that works for Congress and investigates how the federal government spends its money and performs. Offices of this kind and their counterparts at the state and local level—sometimes with the title of auditor—can be a powerful ally to citizens in knowing how well government is performing. Mark Funkhouser, the former city auditor of Kansas City, Missouri, observes that auditors deal with "real people being hurt by a poorly performing government program, the difficulty of changing the situation, and the role of successful performance auditing in making a positive difference in people's lives" (National Association of Local Government Auditors 2005).

At the federal level, inspectors general are appointed on the basis of ability in accounting, auditing, and financial analysis as well as the general fields of law, management analysis, and public administration.[3] They are to be nonpartisan and supposed to be persons of integrity. The president nominates the IGs in cabinet-level departments and major agencies with confirmation by the Senate. These IGs can only be removed by the president. In 28 other federal agencies (e.g., Amtrak, National Science Foundation, and the U.S. Postal Service), the IG is appointed by and can be removed by the agency head. It is required by law, however, that both houses of Congress must be notified if an IG is removed by the president or an agency head.

The IG system is designed to ensure independence. IGs have in-depth knowledge of their organization and work under the general supervision of the head of the agency. Still, no one in the agency can prevent or prohibit an IG from conducting an audit or investigation. By law, IGs report independently both to the agency head and to Congress. The IGs have broad authority to inspect all records and information of the agency, issue subpoenas for information and documents outside the agency, administer oaths for taking testimony, and hire and control their own staff and contract resources. The IGs conduct such investigations and issue such reports as the IG thinks appropriate (with limited national security and law enforcement exceptions). Any allegations of misconduct against an IG are referred to the Integrity Committee of the President's Council on Integrity and Efficiency (PCIE) rather than to the agency head.

The GAO and most state and local level inspectors general or auditors are usually linked to the legislature or city council rather than to the executive or operate as an independent official directly elected by the voters (e.g., in Idaho, Michigan, New Mexico, and North Carolina).

In the nonprofit sector, financial auditing is a standard practice. There are some distant analogues to external reviewing bodies in the form of watchdog groups that rate nonprofits such as the Better Business Bureau's Wise Giving Alliance (www.give.org). Outcomes measurement has become an important theme in nonprofits as well as in governments and is encouraged by umbrella organizations such as United Way.[4] Organizations that receive funds from government agencies can expect to have external scrutiny of how they use the funds and what they accomplish.

An important question for administrators is what kinds of external-review agencies may examine the work of their organization. Officials should avoid a cautious and reactive approach, holding onto information unless and until it is required by the reviewing office. These offices provide a check on the operation of public organizations and can use the law or public opinion to subject organizations to scrutiny. The process is not necessarily pleasant or easy, but administrators should remind themselves of the importance of transparency and the commitment they should have to sharing information with the public. The American Society for Public Administration (ASPA) Code of Ethics obligates public administrators to "work to establish procedures that hold individuals and the organization accountable for their conduct and support these procedures with clear reporting of activities and accomplishments" (ASPA 2013b, Sec. 7a).

STATE ETHICS LAWS

All states (and countless local governments) have sought to promote ethics of government officials by passing ethics laws (National Conference of State Legislatures 2013). The provisions differ, but they usually apply to elected officials, administrative staff, and, in some states, lobbyists. In the laws covering officials as opposed to lobbyists, there are certain areas that are commonly included.

Those Covered by Provisions

The ethics law may be limited to state-level elected officials and members of appointed boards along with employees of the executive branch (e.g., North Carolina). The laws in other states apply to local government officials as well (e.g., Colorado). One consideration in deciding on coverage is that the larger and more diverse the scope of employees covered, either the more resources that will be required for an ethics commission to do its work or the less work the commission will be able to take on and the less depth the commission will be able to achieve. For example, an underfunded commission relative to the number of staff members to cover may do fewer self-initiated investigations and less staff education (assuming these are allowed functions—see the section on administration and enforcement later). The state of Tennessee requires that local governments develop their own ethics law consistent with the standards of the state, but the Tennessee Ethics Commission does not have any direct authority of enforcement or regulation of local government officials except for the filing of a disclosure statement.[5]

Conflict of Interest

Ethics laws identify conflict of interest as a potentially harmful influence on the behavior of officials and attempt to restrict it. The New Jersey act states that officials

> are prohibited from acting in your official capacity in any matter in which you have a direct or indirect personal or financial interest that might be expected to impair your objectivity or independence of judgment. As a practical matter, this means that you should not participate, even informally, on a matter in which you have a personal or financial interest. (New Jersey State Ethics Commission 2009, 10)

In addition, the New Jersey Conflict of Interest statute spells out these restrictions: No State officer or employee or special State officer or employee should

- have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, that is in substantial conflict with the proper discharge of his duties in the public interest;
- engage in any particular business, profession, trade, or occupation that is subject to licensing or regulation by a specific agency of state government without promptly filing notice of such activity;
- use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;
- act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment; or
- undertake any employment or service, whether compensated or not, that might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.[6]

The New York law has a similar intent but broadens the scope beyond the individual official to include the official's relatives defined as "any individual shall mean any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant."[7]

If an actual or potential conflict is present, the official is expected to abstain from participating in the discussion and voting on any official action (recusal or removing themselves from the decision). The New Jersey guide to ethics indicates that when a personal relationship, financial circumstance, or prior work commitment affects your impartiality, "you must formally recuse yourself from the review by assigning another individual to handle the matter (or advising your supervisor of the need to do so), and by ensuring that you are screened from any communications about the review" (New Jersey State Ethics Commission 2009, 14–15).

DISCLOSURE

Financial disclosure complements conflict-of-interest restrictions. By publicly disclosing interests and holdings, it is possible for third parties to make a judgment about whether a potential conflict may exist. The ethics commission can be asked to provide an advisory opinion about whether the official should participate in the decision based on analysis of the disclosed information. The New York act requires annual statements of financial disclosure by staff members who occupy policy-making positions and of those who—unless exempted by the commission—are in a salary grade that pays more than $73,850, as of 2010.[8] The disclosure statement lists major assets, sources of income, employment, liabilities, and names of spouse and children. The New York disclosure also asks whether the official (and in most cases his or her spouse or "unemancipated children") is licensed by or does business with a state agency or holds an office within a political party. In addition, the disclosure must include a list of gifts (excluding campaign contributions) in excess of $1000 received during the reporting period (excluding gifts from a relative) and "describe the terms of any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position."[9]

Prohibitions and Controls

Ethics laws usually prohibit certain activities or impose controls on others. Prohibited activities may include use of public position for private gain, representing persons or organizations before your agency, nepotism, and disclosing confidential information or using it for private gain. "Honest graft" based on insider information is not permitted.

Outside activities or honoraria fall into the controlled category. In New York, the commission's regulations restrict certain high-level officials, including all policy makers, from serving as an officer of any political party or organization or as a member of a political party committee. The commission also requires either agency approval or ethics commission approval before earning outside income. No salaried state officers or employees may engage in any outside activity that interferes or is in conflict with their duties. To avoid conflicts of interest and the appearances of such conflicts, state officers and employees may accept reimbursement of travel expenses or honoraria only under certain circumstances.

The controls over accepting gifts vary widely. In New Jersey, the ethics commission has adopted a “zero tolerance policy for acceptance of gifts offered to you, your spouse, immediate family member, partner or associate, that are related in any way to your official duties” (New Jersey State Ethics Commission 2009, 5).

North Carolina appears to take a similar position when it states that persons covered by the ethics law “shall not knowingly, directly or indirectly, ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive anything of value… in return for being influenced in the discharge” of their official responsibilities. They shall not “knowingly accept a gift from a lobbyist” or from a person who “is doing or is seeking to do business of any kind with the public servant’s employing entity.” The restrictions, however, do not apply to certain gifts. First, this does not apply to food and beverages for an open meeting of a public body “provided that a sign or other communication containing a message that is reasonably designed to convey to the general public that the gathering is open to the general public is displayed at the gathering” or a meeting to which all the members of a legislative body or committee are invited and actually attended by 10 or more of these members. Second, it does not apply to “reasonable actual expenditures of the legislator, public servant, or legislative employee for food, beverages, registration, travel, lodging, other incidental items of nominal value, and entertainment, in connection with…attendance at an educational meeting for purposes primarily related to the public duties and responsibilities of the legislator, public servant, or legislative employee.”[10]

Postemployment Restrictions

Another prohibited or controlled activity of special importance in the public sector is work after leaving a government position. There is a pervasive concern about the “revolving door” between government and business or special interests based on two practices. Those practices include (1) officials making decisions in government in order to curry favor from a future employer, and (2) former officials using their insider knowledge and contacts to give special advantage to their private employer. Still, it is difficult to determine the proper balance between controls that are necessary to protect the public interest and what is fair and reasonable. Postemployment restrictions should not be so broad and punitive that public officials have no possibility of leaving a government job and going into an area that is somewhat related to the work that was done on the public payroll. Another question in designing postemployment provisions is whether the same restrictions should apply to administrators and elected officials.

In New York, employees in policy-making positions who leave state service may not, for 2 years, appear or practice before their former agency or receive compensation for rendering services on a matter before their former agency. In addition, the former employee may not ever attempt to influence a state agency “in relation to any case, proceeding, application or transaction with respect to which you were directly concerned and in which you personally participated during your State service, or which was under your active consideration.”[11]

The restrictions in California are similar. There is a 1-year ban on “representing any other person by appearing before or communicating with, for compensation, their former agency in an attempt to influence agency decisions” on general rules or proceedings involving “a permit, license, contract, or transaction involving the sale or purchase of property or goods.” There is also a permanent ban on “switching sides” that “prohibits former state officials from working on proceedings that they participated in while working for the state.”[12]

Whistleblower Protection

Whistleblower protection may be another feature of an ethics law or separate legislation. A systematic analysis and rating of provisions has been conducted by the Public Employees for Environmental Responsibility (PEER), a national alliance of local, state, and federal natural resource professionals. All states have some whistle-blower protection law except South Dakota, which under the Career Service Personnel Management statute permits an employee to file a grievance with the career service commission “if the employee believes that there has been retaliation because of reporting a violation of state law through the chain of command of the employee’s department or to the attorney general’s office” (Public Employees for Environmental Responsibility 2012a). Thus, only reports of the violation of a state law made through offices in state government are protected. The highest rated state is California, where several laws protect complaints regarding the violation of laws, rules, or regulations, and also reports about mismanagement and waste of public funds or resources (Public Employees for Environmental Responsibility 2012b). Complaints can be made to any person or organization including the media. In addition, protection is extended to employees of local as well as state government.[13] All other states fall somewhere between these two extremes in whistleblower protection.

Administration and Enforcement

The final element of an ethics law is the provision for an ethics commission. Questions concerning this provision include: How will members be appointed and supported, what duties and authority will it have, and what sanctions can it impose? The appointment process is usually designed to ensure impartiality. The governor and legislature may share appointments and partisan balance may be required.

The duties of an ethics commission can range widely from offering advisory opinions only to being both educator and investigator. In New York, the commission provides guidance to state officers and employees and to lobbyists and clients concerning ethics and lobbying laws. It provides training and education to elected officials and administrators as well as to registered lobbyists and their clients. The commission investigates potential violations of the state's ethics laws and the Lobbying Act by state legislators, candidates for the legislature and legislative employees, statewide elected officials, candidates for those offices, executive branch state employees, certain political party chairs, and lobbyists and their clients. The commission may impose civil penalties for violations by state officers and employees and lobbyists and clients. Commission findings with respect to legislative branch officers, employees, and candidates are required to be referred to the Legislative Ethics Commission for enforcement.[14]

In New Jersey, if a person is found to have violated the state ethics laws or an agency's supplemental code of ethics, the commission can levy fines ranging from $500 to $10,000 and may order restitution, demotion, censure, or reprimand. The commission is also authorized to order that the violator be suspended from office or employment for a period of 1 year. In addition, if the commission finds that a person has "willfully and continuously disregarded the provisions of the Conflicts Law, the Uniform Ethics Code or an agency's supplemental code of ethics, the Commission may order that the person be barred from holding any public office or employment in this State, in any capacity whatsoever, for a period of up to five years" (New Jersey State Ethics Commission 2009, 16).

ASSESSMENT OF ETHICS LAWS

In view of this description of ethics laws, what value are such laws? They can codify and clarify expectations, including expectations of administrators about what is acceptable practice. They can raise awareness among officials and the public. They can send a positive message to the public about the importance of standards and the consequences of violating them, although it is not clear whether this message is reassuring or simply confirms public suspicions that unethical behavior is widespread. The chief limitation is that ethics laws are essentially negative in approach and do not do much to raise the level of ethical behavior. These measures might be more properly called anticorruption or anti-abuse laws rather than ethics laws because the focus is a negative one and the purpose is to prevent abuse of office. This has been the explicit focus of laws passed in many other countries (Menzel 2005, 158).

An ethics law may be well-matched with Stage 4 ethical reasoning (Kohlberg 1981). By elevating ethics to the level of law, ethics may have greater validity for these administrators. The legal approach may offer little, however, to administrators who demonstrate universal-values reasoning. The common criticisms of codes of ethics are more appropriately directed at ethics laws: they tend to be narrow and negative. They are also extremely detailed, legalistic, and often very lengthy. Officials and ethics commissioners alike may focus on determining whether one has violated a specific provision of the law rather than the ethical meaning of an action.

In conclusion, external measures can be important as protection for the public and a check on the behavior of public officials. Public administrators must be knowledgeable about these factors. What are the legal requirements for transparency that apply to my organization? What external agencies examine the work of my organization, and how can I support their review? What are the federal, state, and local ethics laws that apply to my organization and my position? It is important, however, for these measures to be integrated with ethical principles and values and combined with positive organizational strategies that promote a strong ethical culture and supportive practices.

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[1] Organizations with annual incomes of $25,000 or less, most faith-based organizations regardless of size, and nonprofits that have not applied to the Internal Revenue Service (IRS) for exemption from federal income tax do not have to file a 990. All private foundations and most other nonprofits that (1) have incomes of more than $25,000 and (2) are tax exempt under tax code provisions including Section 501(c) must file a 990 or 990-EZ. See www.guidestar.org/news/features/990_myths.jsp.

[2] The Council of the Inspectors General on Integrity and Efficiency website can be found at http://www.ignet.gov/cigie1.html.

[3] See www.ignet.gov/igs/faq1.html.

[4] See http://www.unitedway.org/pages/organizational-background/.

[5] See http://tn.gov/sos/tec/local_government.htm.

[6] See http://www.nj.gov/ethics/statutes/conflicts/index.html.

[7] See http://www.jcope.ny.gov/about/ethc/PUBLIC%20OFFICERS%20LAW%2073%20JCOPE.pdf, Section 1(m).

[8] See http://law.onecle.com/new-york/civil-service/CVS0130_130.html.

[9] See http://www.jcope.ny.gov/about/ethc/PUBLIC%20OFFICERS%20LAW%2073a.pdf.

[10] See North Carolina, Chapter 138A, State Government Ethics Act, Section 32, Gifts. The section on gifts is over 2100 words long.

[11] See http://www.jcope.ny.gov/about/ethc/PUBLIC%20OFFICERS%20LAW%2073%20JCOPE.pdf.

[12] See http://www.fppc.ca.gov/factsheets/Leaving_State_Employment_08-2010.pdf.

[13] See http://www.dir.ca.gov/dlse/whistleblowersnotice.pdf.

[14] See http://www.jcope.ny.gov/about/ethc/PUBLIC%20OFFICERS%20LAW%2074.pdf.

CHAPTER 11

Conclusion: The Duties of Public Administrators

At the end of this text, we revisit the definition of administrative ethics offered at the beginning:

> Administrative ethics refers to well-based standards of right and wrong that prescribe what public administrators ought to do in terms of duty to public service, principles, virtues, and benefits to society.

The highest duty of public administrators is to embrace a broad set of obligations and responsibilities that promote the public interest, demonstrate character, advance justice, and seek the greatest good.

Various ways exist to articulate these obligations and responsibilities. The statements that follow reflect my own approach drawing on the themes developed in this text. They do not describe how all public administrators typically behave, although I believe that most administrators incorporate many of these recommendations in their behavior. The list is presented as a set of obligations, responsibilities, and values that summarize the ethical framework in which public administrators work.

Public administrators should:

1. Be accountable to the law and organizational mission
   - Obey and implement the law
   - Protect constitutional principles
   - Be accountable to the organization of which they are a part and seek to advance its mission
2. Defend the integrity of public service
   - Do not use public office for personal gain or to advance personal or private interests
   - Avoid conflict of interest, recognizing that their own view of what constitutes a conflict may be more narrow and self-serving than would an objective observer's view
   - Disclose any interests that may affect objectivity in making decisions and recuse themselves from participation in those decisions
3. Be dedicated to the public interest
   - Advance the public interest following basic precepts of public administration, including fairness, consistency, impartiality, neutrality, and equity
   - Seek to create the greatest good for the greatest number over the long term while protecting the rights of minorities
4. Serve the public in their one-on-one interactions with individuals and in their commitment to service over self
5. Accept individual responsibility for their actions and the consequences of their actions
6. Provide leadership in ways appropriate to their position to improve policy, programs, methods, and procedures
7. Respect and strengthen the democratic process and the values of the democratic system in ways appropriate to their position
   - Offer complete and unbiased information in support of recommendations
   - Support political superiors with honesty and independence
   - Be honest, open, and responsive to the public
   - Strengthen citizen participation in the development, implementation, and assessment of programs
8. Promote ethics in their organization
   - Set a good example and pursue excellence
   - Encourage and support ethical behavior by others
   - Report wrongdoing and correct problems that are brought to their attention
   - Support criticism and organizational renewal
   - Seek to strengthen the ethical climate in their organization through positive management practices and equitable treatment of the public
9. Identify the codes of ethics that cover their professional work and commit themselves to observe them; support the enforcement of these codes of ethics
10. In a balanced way, be virtuous, act on principles, and promote positive consequences
11. Approach problems with informed ethical reasoning; think through a dilemma and make a morally reasonable decision

- Get all the facts and interpret them objectively
- Identify all potential stakeholders
- Balance the requirements of law and policy, organizational expectations, and professional standards
- Apply considerations drawn from distinct ethical approaches
  - What would a person of character do in this situation?
  - What principles apply to the situation?
  - How does one promote the best consequences for the greatest number?

You are encouraged to develop a list and incorporate these items, along with organizational codes and the codes of ethics of associations to which you belong, into your own professional code of ethics. It should be organized in ways that are most useful to make it accessible and meaningful as you encounter specific situations. You may choose to drop some of these items, although you should provide a thoughtful basis for doing so and think about how those responsibilities are met in different ways. You may choose to add additional responsibilities or more specific indicators. The purpose of constructing a list is to elevate and expand your own individual capacity for ethical commitment and action.

I hope that you will find it useful to reflect on the general themes that were developed in this text. Ethical public administrators do their duty. They encounter pressures to curtail their duty or experience temptations to exceed the appropriate bounds of duty. They are often isolated in wrestling with ethical issues and feel at odds with the prevailing culture and standards of their organization. Ethical administrators are guided and sustained by their understanding of what ethics means. They have refined their understanding of what duty entails to encompass a broad range of responsibilities and balance the inherent tensions between the accountability owed the public and superiors and the independence that must be preserved to be an ethical agent. This approach to duty goes far beyond simple adherence to the law or narrow accountability to one's superiors that would be part of a law-and-order level of ethical reasoning. Their sense of duty is further broadened and elevated by virtue, adherence to principles, and a commitment to positive consequences for the greatest number. These perspectives expand the meaning of duty and reinforce it with ideas from outside the world of public affairs. Taken together, these approaches shape universal ethical values for administrators by blending a definition of role that transcends a specific position or organization and standards of right and wrong that are grounded in philosophical traditions.

The ethics triangle provides a graphic representation of this complete model of administrative ethics. Operating within the triangle helps to ensure that a comprehensive and balanced approach is taken in dealing with ethical opportunities and ethical challenges. Questions such as the following focus attention on the ideals derived from duty, virtue, principle, and consequences:

- How can the public interest be advanced in general and in particular situations? What are my responsibilities to the organization, my political superiors, and to the public? Is my definition of the public interest compatible with the expectations of principle, virtue, and the greatest good?
- What does it mean to display character? What virtues should public administrators or persons working within a specific field or agency have? What do these virtues mean? How does one act in terms of each? How do the dictates of conscience match with serving the public, advancing principle, and achieving the best consequences?
- What should one do to promote justice, fairness, and equity? What are the most important principles that should guide any public administrator or person working in a specific field or agency? How would one "order" the principles? Are there any which can never be set aside to advance another principle? What does it mean to apply these principles to specific situations? Is my use of the chosen principle guided by public interest, virtue, and consequences?
- How can the greatest good for the greatest number be achieved in making a specific decision? What ends should public administrators or persons working within a specific field or agency seek to advance? How should one ensure that all stakeholders have been identified and that the calculation of benefits and costs is universal, equal, and complete? Do the means chosen stand up to the standards of the public interest, virtue, and principle?

These questions help to focus attention on the requirements of each approach and also suggest how each approach may be expanded and modified by considering the other approaches. This is the essence of what it means to operate within the ethics triangle.

The ethics triangle consists of approaches that differ in the content of ethical thinking. In addition, a different orientation and mode of action are associated with each approach. Promoting the public interest entails reflection: What is in the public interest, both in the abstract and within the constitutional and legal institutions in which I work? Developing virtue and expanding character requires practice; by being virtuous, one becomes more virtuous. Advancing justice and acting on principle is based on the expansion of knowledge about principles and discernment of how to apply principles in specific situations. Advancing good ends requires analysis to determine what would constitute the greatest possible benefits for the society along with recognition that this question cannot be answered definitively. Put simply, the ethics triangle combines reflecting, feeling, reasoning, and analyzing. All presuppose an inclination that is elevated into commitment. One must want to—and become dedicated to—incorporating each of the approaches into one's practice as a public administrator.

Public administrators have a duty to act in a public-serving, virtuous, and principled way. As this text ends, I hope that you have a better understanding of how much is encompassed by this statement. Most important, I hope that you have an expanded commitment based on a broader range of values to put duty into action.

Let us end by returning to an extension of John Gaus' (1950) views about the political nature of public administration noted in the preface. I suggested that a theory of public administration in the political process is also a theory of ethics. This has been true since the origins of modern, democratic administrative practice in the 19th century. For professional staff members to fulfill their part of the relationship with elected officials and with the lay leaders of nonprofit organizations, they must have an independent commitment to serve the public, promote democracy, and achieve the highest possible level of ethical attainment, balancing virtue, principle, and beneficial consequences. They use this commitment to universal values not to supplant political leaders but to challenge them to govern wisely and to do their best to accomplish the goals that political leaders have set. Without ethics, public administration is merely an instrument, and administrators are simply the tools of their political masters. The founders of public administration would never have accepted these characteristics, nor should we now. Without a dedication from public administrators to advance the public interest, the public loses the benefits of the distinctive expertise and values that administrators bring to the political process. When administrators have a dedication to duty and independent ethical standards, government and nonprofit organizations are better able to govern and to serve the public.

Appendix 1

Standards of Ethical Conduct for Employees of the Executive Branch

(a) **Public service is a public trust.** Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) **General principles.** The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

  (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
  (2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.
  (3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
  (4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
  (5) Employees shall put forth honest effort in the performance of their duties.
  (6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
  (7) Employees shall not use public office for private gain.
  (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.
  (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
  (10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
  (11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
  (12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
  (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
  (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Source: Code of Federal Regulations, Title 5, Administrative Personnel, Chapter XVI, Office of Government Ethics, Part 2635. Standards of Ethical Conduct for Employees of the Executive Branch, Subpart A, General Provisions, Sec. 2635.10. Revised as of January 1, 2004. http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=5:3.0.10.10.9&idno=5#5:3.0.10.10.9.1.50.1 (accessed 8/8/2013).

Appendix 2

Code of Ethics for Government Service

Resolved by the House of Representatives (the Senate concurring), that it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders.

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to Government persons, party, or department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

(Passed July 11, 1958)

Source: Code of Ethics for U.S. Government Service. 1958. http://usgovinfo.about.com/blethics.htm.

Appendix 3

American Society for Public Administration's Code of Ethics with Practices
The American Society for Public Administration (ASPA) advances the science, art, and practice of public administration. The Society affirms its responsibility to develop the spirit of responsible professionalism within its membership and to increase awareness and commitment to ethical principles and standards among all those who work in public service in all sectors. To this end, we, the members of the Society, commit ourselves to uphold the following principles:

1. **Advance the public interest.** Promote the interests of the public and put service to the public above service to oneself.
2. **Uphold the Constitution and the law.** Respect and support government constitutions and laws, while seeking to improve laws and policies to promote the public good.
3. **Promote democratic participation.** Inform the public and encourage active engagement in governance. Be open, transparent, and responsive, and respect and assist all persons in their dealings with public organizations.
4. **Strengthen social equity.** Treat all persons with fairness, justice, and equality and respect individual differences, rights, and freedoms. Promote affirmative action and other initiatives to reduce unfairness, injustice, and inequality in society.
5. **Fully inform and advise.** Provide accurate, honest, comprehensive, and timely information and advice to elected and appointed officials and governing board members, and to staff members in your organization.
6. **Demonstrate personal integrity.** Adhere to the highest standards of conduct to inspire public confidence and trust in public service.
7. **Promote ethical organizations.** Strive to attain the highest standards of ethics, stewardship, and public service in organizations that serve the public.
8. **Advance professional excellence.** Strengthen personal capabilities to act competently and ethically and encourage the professional development of others.

PRACTICES TO PROMOTE THE ASPA CODE OF ETHICS

The ASPA Code of Ethics is a statement of the aspirations and high expectations of public servants. These practices serve as a guide to behavior for members of ASPA in carrying out its principles. The Code and these practices are intended to be used as a whole and in conjunction with one another. An ethical public servant will consider the full range of standards and values that are relevant to handling a specific matter and be committed to upholding both the spirit and the letter of this code.
ASPA members are committed to:

1. **Advance the public interest.** Promote the interests of the public and put service to the public above service to oneself.
    a. Seek to advance the good of the public as a whole, taking into account current and long-term interests of the society.
    b. Exercise discretionary authority to promote the public interest.
    c. Be prepared to make decisions that may not be popular but that are in the public's best interest.
    d. Subordinate personal interests and institutional loyalties to the public good.
    e. Serve all persons with courtesy, respect, and dedication to high standards.
2. **Uphold the Constitution and the law.** Respect and support government constitutions and laws, while seeking to improve laws and policies to promote the public good.
    a. Recognize and understand the constitutional, legislative, and regulatory framework in which you work and fully discharge your professional roles and responsibilities.
    b. Promote constitutional principles of equality, fairness, representativeness, responsiveness, and due process in protecting citizens' rights and promoting the public good.
    c. Develop proposals for sound laws and policies and for improving or eliminating laws and policies that are unethical, counterproductive, or obsolete.

   - d. Respect and safeguard protected and confidential information.

3. **Promote democratic participation.** Inform the public and encourage active engagement in governance. Be open, transparent, and responsive, and respect and assist all persons in their dealings with public organizations.
   - a. Be open and transparent while protecting privacy rights and security. b. Recognize and support the public's right to know the public's business.
   - c. Involve the community in the development, implementation, and assessment of policies and public programs, and seek to empower citizens in the democratic process, including special assistance to those who lack resources or influence.
   - d. Assist members of the public in their dealings with government and respond to the public in ways that are complete, clear, and easy to understand.
   - e. Promote timely and continuing dissemination of information about government activities to the community, ensuring a fair and transparent process and educating citizens to make effective contributions.
4. **Strengthen social equity.** Treat all persons with fairness, justice, and equality and respect individual differences, rights, and freedoms. Promote affirmative action and other initiatives to reduce unfairness, injustice, and inequality in society.
   - a. Provide services to the public with impartiality and consistency tempered by recognition of differences. Ensure that all persons have access to programs and services to which they are entitled under the law and maintain equitable standards of quality for all who receive the programs and services.
   - b. Provide equal treatment, protection, and due process to all persons. c. Oppose all forms of discrimination and harassment and promote affirmative action, cultural competence, and other efforts to reduce disparities in outcomes and increase the inclusion of underrepresented groups.
5. **Fully inform and advise.** Provide accurate, honest, comprehensive, and timely information and advice to elected and appointed officials and governing board members, and to staff members in your organization.
   - a. Provide information and advice based on a complete and impartial review of circumstances and needs of the public and the goals and objectives of the organization.
   - b. Be prepared to provide information and recommendations that may not be popular or preferred by superiors or colleagues.
6. **Demonstrate personal integrity.** Adhere to the highest standards of conduct to inspire public confidence and trust in public service.
   - a. Exercise integrity, courage, compassion, benevolence, and optimism. b. Maintain truthfulness and honesty and do not compromise them for advancement, honor, or personal gain.
   - c. Resist political, organizational, and personal pressures to compromise ethical integrity and principles and support others who are subject to these pressures.
   - d. Accept individual responsibility for your actions and the consequences of your actions.
   - e. Guard against using public position for personal gain or to advance personal or private interests.
   - f. Zealously guard against conflict of interest or its appearance. Disclose any interests that may affect objectivity in making decisions and recuse oneself from participation in those decisions.
   - g. Conduct official acts without partisanship or favoritism.
   - h. Ensure that others receive credit for their work and contributions.
7. **Promote ethical organizations.** Strive to attain the highest standards of ethics, stewardship, and public service in organizations that serve the public.
   - a. Work to establish procedures that hold individuals and the organization accountable for their conduct and support these procedures with clear reporting of activities and accomplishments.
   - b. Act as stewards of public funds by the strategic, effective, and efficient use of resources; by regularly reexamining the efficacy of policies, programs, and services; and by seeking to prevent all forms of mismanagement or waste.
   - c. Encourage open expression of views by staff members within the organization and provide administrative channels for dissent. Protect the whistleblowing rights of public employees, provide assurance of due process and safeguards against reprisal, and give support to colleagues who are victims of retribution.
   - d. Seek to correct instances of wrongdoing or report them to superiors. If remedies cannot be assured by reporting wrongdoing internally, seek external sources or agencies for review and action.
   - e. Support merit principles that promote excellence, competence, and professionalism in the selection

    and promotion of public officials and employees and protect against biased, arbitrary, and capricious actions.
    f. Promote proactive efforts to increase the representativeness of the public workforce and the full inclusion of persons with diverse characteristics.
    g. Encourage organizations to adopt, distribute, and periodically review a code of ethics as a living document that applies principles of this code and other relevant codes to the specific mission and conditions of the organization.

8. **Advance professional excellence.** Strengthen personal capabilities to act competently and ethically and encourage the professional development of others.
    a. Keep up-to-date on emerging issues, practices, and potential problems that could affect your performance and accomplishing the mission of your organization.
    b. Provide support and encouragement to others to upgrade competence and participate in professional activities and associations.
    c. Allocate time and resources to the professional development of students, interns, beginning professionals, and other colleagues.

(Adopted March 16, 2013)
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Sources:

American Society for Public Administration (ASPA). 2013. *Code of Ethics.* www.aspanet.org/public/ASPA/Resources/Code_of_Ethics/ASPA/Resources/Code%20of%20Ethics1.aspx?hkey=acd40318-a945-4ffc-ba7b-18e037b1a858 (accessed August 8, 2013).

American Society for Public Administration (ASPA). 2013. *Practices to Promote the ASPA Code of Ethics.* http://www.aspanet.org/public/ASPADocs/ASPA%20Code%20of%20Ethics-2013%20with%20Practices.pdf (accessed August 15, 2013).

Appendix 4

International City/County Management Association (ICMA) Code of Ethics with Guidelines
The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Guideline

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Guidelines

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. 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 local government policies adopted by elected officials.

Guideline

Conflicting Roles. Members who serve multiple roles—working as both city attorney and city manager for the same community, for example—should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Guidelines

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions, or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state, or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections in the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner. **Presentation of Issues.** Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Guideline

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member[s] should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed. **Confidential Information.** Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or

educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

Source: International City/County Management Association (ICMA). 2008. *Code of Ethics with Guidelines*. http://icma.org/en/icma/knowledge_network/documents/kn/Document/100265/ICMA_Code_of_Ethics_with_Guidelines (accessed August 15, 2013). Used with permission of the International City/County Management Association.

Appendix 5

The Code of Ethics for Nonprofit and Philanthropic Organizations
Approved by the Independent Sector Board of Directors on January 29, 2004.

I. Personal and Professional Integrity

All staff, board members and volunteers of the organization act with honesty, integrity and openness in all their dealings as representatives of the organization. The organization promotes a working environment that values respect, fairness and integrity.

II. Mission

The organization has a clearly stated mission and purpose, approved by the board of directors, in pursuit of the public good. All of its programs support that mission and all who work for or on behalf of the organization understand and are loyal to that mission and purpose. The mission is responsive to the constituency and communities served by the organization and of value to the society at large.

III. Governance

The organization has an active governing body that is responsible for setting the mission and strategic direction of the organization and oversight of the finances, operations, and policies of the organization. The governing body:

- Ensures that its board members or trustees have the requisite skills and experience to carry out their duties and that all members understand and fulfill their governance duties acting for the benefit of the organization and its public purpose;
- Has a conflict of interest policy that ensures that any conflicts of interest or the appearance thereof are avoided or appropriately managed through disclosure, recusal or other means; and
- Is responsible for the hiring, firing, and regular review of the performance of the chief executive officer, and ensures that the compensation of the chief executive officer is reasonable and appropriate;
- Ensures that the CEO and appropriate staff provide the governing body with timely and comprehensive information so that the governing body can effectively carry out its duties;
- Ensures that the organization conducts all transactions and dealings with integrity and honesty;
- Ensures that the organization promotes working relationships with board members, staff, volunteers, and program beneficiaries that are based on mutual respect, fairness and openness;
- Ensures that the organization is fair and inclusive in its hiring and promotion policies and practices for all board, staff and volunteer positions;
- Ensures that policies of the organization are in writing, clearly articulated and officially adopted;
- Ensures that the resources of the organization are responsibly and prudently managed; and,
- Ensures that the organization has the capacity to carry out its programs effectively.

IV. Legal Compliance

The organization is knowledgeable of and complies with all laws, regulations and applicable international conventions.

V. Responsible Stewardship

The organization and its subsidiaries manage their funds responsibly and prudently. This should include the following considerations:

- It spends a reasonable percentage of its annual budget on programs in pursuance of its mission;
- It spends an adequate amount on administrative expenses to ensure effective accounting systems, internal controls, competent staff, and other expenditures critical to professional management;
- The organization compensates staff, and any others who may receive compensation, reasonably and appropriately;
- Organizations that solicit funds have reasonable fundraising costs, recognizing the variety of factors that affect fundraising costs;

- Organizations do not accumulate operating funds excessively;
- Organizations with endowments (both foundations and public charities) prudently draw from endowment funds consistent with donor intent and to support the public purpose of the organization;
- Organizations ensure that all spending practices and policies are fair, reasonable and appropriate to fulfill the mission of the organization; and,
- All financial reports are factually accurate and complete in all material respects.

VI. Openness and Disclosure

The organization provides comprehensive and timely information to the public, the media, and all stakeholders and is responsive in a timely manner to reasonable requests for information. All information about the organization will fully and honestly reflect the policies and practices of the organization. Basic informational data about the organization, such as the Form 990, reviews and compilations, and audited financial statements will be posted on the organization's website or otherwise available to the public. All solicitation materials accurately represent the organization's policies and practices and will reflect the dignity of program beneficiaries. All financial, organizational, and program reports will be complete and accurate in all material respects.

VII. Program Evaluation

The organization regularly reviews program effectiveness and has mechanisms to incorporate lessons learned into future programs. The organization is committed to improving program and organizational effectiveness and develops mechanisms to promote learning from its activities and the field. The organization is responsive to changes in its field of activity and is responsive to the needs of its constituencies.

VIII. Inclusiveness and Diversity

The organization has a policy of promoting inclusiveness and its staff, board and volunteers reflect diversity in order to enrich its programmatic effectiveness. The organization takes meaningful steps to promote inclusiveness in its hiring, retention, promotion, board recruitment and constituencies served.

IX. Fundraising

Organizations that raise funds from the public or from donor institutions are truthful in their solicitation materials. Organizations respect the privacy concerns of individual donors and expend funds consistent with donor intent. Organizations disclose important and relevant information to potential donors.

In raising funds from the public, organizations will respect the rights of donors, as follows:

- To be informed of the mission of the organization, the way the resources will be used and their capacity to use donations effectively for their intended purposes;
- To be informed of the identity of those serving on the organization's governing board and to expect the board to exercise prudent judgment in its stewardship responsibilities;
- To have access to the organization's most recent financial reports;
- To be assured their gifts will be used for the purposes for which they were given;
- To receive appropriate acknowledgment and recognition;
- To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by the law;
- To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature;
- To be informed whether those seeking donations are volunteers, employees of the organizations or hired solicitors;
- To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share; and,
- To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

X. Grantmaker Guidelines

Organizations that are grantmakers have particular responsibilities in carrying out their missions.

These include the following:

- They will have constructive relations with grantseekers based on mutual respect and shared goals;
- They will communicate clearly and on a timely basis with potential grantees;
- They will treat grantseekers and grantees fairly and with respect;
- They will respect the expertise of grantseekers in their fields of knowledge;
- They will seek to understand and respect the organizational capacity and needs of grantseeking organizations; and,
- They will respect the integrity of the mission of grantseeking organizations.

(February 3, 2004)
The full statement includes four sections: Introduction, Statement of Values, Code of Ethics, and Process and Afterword.

Source: Independent Sector. 2004. *Code of Ethics*. www.independentsector.org/members/code_ethics.html. Copyright 2006 Independent Sector. All rights reserved. Used with permission of the Independent Sector.

Appendix 6

American Institute of Certified Planners Code of Ethics and Professional Conduct

We, professional planners, who are members of the American Institute of Certified Planners, subscribe to our Institute's Code of Ethics and Professional Conduct.… The principles to which we subscribe in Sections A and B of the Code derive from the special responsibility of our profession to serve the public interest with compassion for the welfare of all people and, as professionals, to our obligation to act with high integrity.

As the basic values of society can come into competition with each other, so can the aspirational principles we espouse under this Code. An ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code.

As Certified Planners, all of us are also members of the American Planning Association and share in the goal of building better, more inclusive communities. We want the public to be aware of the principles by which we practice our profession in the quest of that goal. We sincerely hope that the public will respect the commitments we make to our employers and clients, our fellow professionals, and all other persons whose interests we affect.

A. Principles to Which We Aspire

1. Our Overall Responsibility to the Public

Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate. We shall achieve high standards of professional integrity, proficiency, and knowledge. To comply with our obligation to the public, we aspire to the following principles:

a) We shall always be conscious of the rights of others.
b) We shall have special concern for the long-range consequences of present actions.
c) We shall pay special attention to the interrelatedness of decisions.
d) We shall provide timely, adequate, clear, and accurate information on planning issues to all affected persons and to governmental decision makers.
e) We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.
f) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.
g) We shall promote excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment.
h) We shall deal fairly with all participants in the planning process. Those of us who are public officials or employees shall also deal evenhandedly with all planning process participants.

2. Our Responsibility to Our Clients and Employers

We owe diligent, creative, and competent performance of the work we do in pursuit of our client or employer's interest. Such performance, however, shall always be consistent with our faithful service to the public interest. a) We shall exercise independent professional judgment on behalf of our clients and employers.

b) We shall accept the decisions of our client or employer concerning the objectives and nature of the professional services we perform unless the course of action is illegal or plainly inconsistent with our primary obligation to the public interest.
c) We shall avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.

3. Our Responsibility to Our Profession and Colleagues

We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

a) We shall protect and enhance the integrity of our profession.

b) We shall educate the public about planning issues and their relevance to our everyday lives.
c) We shall describe and comment on the work and views of other professionals in a fair and professional manner.
d) We shall share the results of experience and research that contribute to the body of planning knowledge.
e) We shall examine the applicability of planning theories, methods, research and practice and standards to the facts and analysis of each particular situation and shall not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
f) We shall contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues.
g) We shall increase the opportunities for members of underrepresented groups to become professional planners and help them advance in the profession.
h) We shall continue to enhance our professional education and training.
i) We shall systematically and critically analyze ethical issues in the practice of planning.
j) We shall contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.

B. Our Rules of Conduct

We adhere to the following Rules of Conduct, and we understand that our Institute will enforce compliance with them. If we fail to adhere to these Rules, we could receive sanctions, the ultimate being the loss of our certification:

1. We shall not deliberately or with reckless indifference fail to provide adequate, timely, clear and accurate information on planning issues.
2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of these rules.
3. We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is indistinguishably adverse to a position we publicly advocated for a previous client or employer within the past three years unless (1) we determine in good faith after consultation with other qualified professionals that our change of position will not cause present detriment to our previous client or employer, and (2) we make full written disclosure of the conflict to our current client or employer and receive written permission to proceed with the assignment.
4. We shall not, as salaried employees, undertake other employment in planning or a related profession, whether or not for pay, without having made full written disclosure to the employer who furnishes our salary and having received subsequent written permission to undertake additional employment, unless our employer has a written policy which expressly dispenses with a need to obtain such consent.
5. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
6. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless our client or employer, after full written disclosure from us, consents in writing to the arrangement.
7. We shall not use to our personal advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in embarrassment or other detriment to the client or employer. Nor shall we disclose such confidential information except when (1) required by process of law, or (2) required to prevent a clear violation of law, or (3) required to prevent a substantial injury to the public. Disclosure pursuant to (2) and (3) shall not be made until after we have verified the facts and issues involved and, when practicable, exhausted efforts to obtain reconsideration of the matter and have sought separate opinions on the issue from other qualified professionals employed by our client or employer.
8. We shall not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
9. We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views and findings of other professionals.

10. We shall not solicit prospective clients or employment through use of false or misleading claims, harassment, or duress.
11. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
12. We shall not sell, or offer to sell, services by stating or implying an ability to influence decisions by improper means.
13. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.
14. We shall not accept work beyond our professional competence unless the client or employer understands and agrees that such work will be performed by another professional competent to perform the work and acceptable to the client or employer.
15. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.
16. We shall not use the product of others' efforts to seek professional recognition or acclaim intended for producers of original work.
17. We shall not direct or coerce other professionals to make analyses or reach findings not supported by available evidence.
18. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.
19. We shall not unlawfully discriminate against another person.
20. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us.
21. We shall not retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer's investigation of an ethics charge.
22. We shall not use the threat of filing an ethics charge in order to gain, or attempt to gain, an advantage in dealings with another planner.
23. We shall not file a frivolous charge of ethical misconduct against another planner.
24. We shall neither deliberately, nor with reckless indifference, commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness.
25. We shall not fail to immediately notify the Ethics Officer by both receipted Certified and Regular First Class Mail if we are convicted of a "serious crime" as defined in Section D of the Code; nor immediately following such conviction shall we represent ourselves as Certified Planners or Members of AICP until our membership is reinstated by the AICP Ethics Committee pursuant to the procedures in Section D of the Code.

(Adopted March 19, 2005. Effective June 1, 2005. Revised October 3, 2009)

Source: American Planning Association (APA). 2009. *American Institute of Certified Planners Code of Ethics and Professional Conduct.* http://www.planning.org/ethics/ethicscode.htm (accessed August 15, 2013).

Appendix 7

Organizational Ethical Climate Survey

For each item, indicate whether you agree completely [1], agree more than you disagree [2], disagree more than you agree [3], or disagree completely [4].

1. Ordinarily, we don't deviate from standard policies and procedures in my department.
2. My supervisor encourages employees to act in an ethical manner.
3. I do not have to ask my supervisor before I do almost anything.
4. Around here, there is encouragement to improve individual and group performance continually.
5. The employees in my department demonstrate high standards of personal integrity.
6. My department has a defined standard of integrity.
7. Individuals in my department accept responsibility for decisions they make.
8. It is wrong to accept gifts from persons who do business with my jurisdiction, even if those gifts do not influence how I do my job.
9. It is not usual for members of my department to accept small gifts for performing their duties.
10. Members of my department do not use their positions for private gain. 11. Members of my department have not misused their positions to influence the hiring of their friends and relatives in the government.
12. I would blow the whistle if someone in my department accepted a large gift ($ or more in value; this amount varies by local government) from a person who does business with the government.
13. Promotions in my department are based on what you know or how you perform on the job, rather than on whom you know.
14. I trust my supervisor.
15. The jurisdiction has implemented a code of ethics.
16. There are no serious ethical problems in my department.
17. Coworkers in my department trust each other.
18. My superiors set a good example of ethical behavior.
19. I feel that I am a member of a well-functioning team.
20. All employees have equal opportunities for advancement.
21. Performance evaluations accurately reflect how employees have done their jobs.
22. Performance evaluations address ethical requirements as well as other measures.
23. Employees share negative information with supervisors without the worry of receiving a negative reaction from them.
24. Supervisors are concerned with how employees achieve successful results, rather than just with the results themselves.
25. When there is a disagreement between employees and supervisors on how best to solve a problem, the employees' ideas are listened to and considered.
26. When employees feel that they are being asked to do something that is ethically wrong, supervisors work with them on alternative ways to do the task.
27. In this organization, it is much better to report a problem or error than it is to cover it up.
28. When something goes wrong, the primary goal is to fix the problem and prevent it from happening again, rather than to find someone to blame.
29. The organization's decisions on how people are treated are clear and consistent.
30. The organization's expectations concerning productivity, quality, and ethics are consistent.
31. The same set of ethical standards is used in dealing with citizens, employees, and others.
32. You can rely on the accuracy of the organization's information about what will or won't happen.
33. The organization publicly recognizes and rewards ethical behavior by employees when it occurs.
34. Doing what is right around here is more important than following the rules.
35. Ethical standards and practices are routinely discussed in employee meetings.
36. If there is suspicion that some employees may be violating ethical standards, the situation is dealt with openly and directly.
37. Employees are aware of where to obtain assistance when they need to resolve an ethical dilemma.
38. If one employee is doing something unethical, the other employees in the group will usually try to correct the situation before management gets involved.
39. Employees are encouraged to report their work results accurately even when the results are less than

satisfactory.

40. Employees maintain the same ethical standards even when no one is observing their actions.

Use the scale below each statement to respond to the following items; circle the number that most closely represents your response.

41. My ethical standards are
    Very low 1 2 3 4 5 6 7 Very high
42. The ethical standards in my department are
    Very low 1 2 3 4 5 6 7 Very high

Circle the answer that best represents your response to this statement:

43. My behavior as a public employee is regulated by state law. Yes No Don't know

Source: Bonczek, Stephen J. 1999. "Take the Ethical Climate Survey." *Public Management Magazine* May: 23–25. Used with permission of Stephen J. Bonczek.

References

Aberbach, Joel D., and Bert A. Rockman. 1993. “Civil Servants and Policy Makers: Neutral or Responsive Competence.” presented at the annual meeting of the American Political Science Association, Washington, DC.

Adams, Guy B., and Danny L. Balfour. 1998. *Unmasking Administrative Evil.* Thousand Oaks, CA: Sage Publications.

Adams, Guy B., and Danny L. Balfour. 2012. “The Dynamics of Administrative Evil in Organizations.” In Carole L. Jurkiewicz, ed., *The Foundations of Organizational Evil.* Armonk, NY: M.E. Sharpe, chapter 2.

Alexander, Michelle. 2013. “Why Police Lie Under Oath.” *New York Times.* (February 2). http://www.nytimes.com/2013/02/03/opinion/sunday/why-police-officers-lie-under-oath.html?partner=rss&emc=rss&_r=0

American Society for Public Administration. 2005. *Bylaws*. Washington, DC: American Society for Public Administration.

American Society for Public Administration. 2013a. *Code of Ethics*. Washington, DC: American Society for Public Administration. http://www.aspanet.org/public/ASPA/Resources/Code_of_Ethics/ASPA/Resources/Code%20of%20Eth hkey=acd40318-a945-4ffc-ba7b-18e037b1a858 (accessed July 15, 2013).

American Society for Public Administration. 2013b. *Code of Ethics with Practices.* Washington, DC: American Society for Public Administration. http://www.aspanet.org/public/ASPADocs/ASPA%20Code%20of%20Ethics-2013%20with%20Practices.pdf (accessed July 15, 2013).

Andre, Claire, and Manuel Velasquez. 1987. “What Is Ethics?” *Issues in Ethics* 1 (1). http://www.scu.edu/ethics/publications/iie/v1n1/whatis.html (accessed January 17, 2012).

Anechiarico, Frank, and James B. Jacobs. 1996. *The Pursuit of Absolute Integrity: How Corruption Control Makes Government Ineffective.* Chicago: University of Chicago Press.

Ariely, Dan. 2012. *The (Honest) Trust about Dishonesty: How We Lie to Everyone—Especially Ourselves*. New York: Harper.

Bailey, Stephen K. 1962. “The Public Interest: Some Operational Dilemmas.” In *Nomos V: The Public Interest,* ed. C. J. Friedrich, 96–106. New York: Atherton Press.

Ball, James. 2012. “Obama Administration Struggles to Live Up to Its Transparency Promise, Post Analysis Shows.” *Washington Post* (August 3). http://articles.washingtonpost.com

Barker, Anthony, and Graham K. Wilson. 1997. “Whitehall’s Disobedient Servants? Senior Officials’ Potential Resistance to Ministers in British Government Department.” *British Journal of Political Science* 27: 223–46.

Barth, Tom. 2012. “Losing Sight: A View from the Top.” *Public Administration Review* 72: 635–36.

Bazerman, Max H., and Ann E. Tenbrunsel. 2011a. *Blind Spots: Why We Fail to Do What's Right and What to Do about It.* Princeton: Princeton University Press.

Bazerman, Max H., and Ann E. Tenbrunsel. 2011b, "Stumbling Into Bad Behavior." *New York Times.* (April 20). http://www.nytimes.com/2011/04/21/opinion/21bazerman.html?_r=0

Belkin, Aaron, Nathaniel Frank, Gregory M. Herek, Elizabeth L. Hillman, Diane H. Mazur, and Bridget J. Wilson. 2009. *How to End "Don't Ask, Don't Tell": A Roadmap of Political, Legal, Regulatory, and Organizational Steps to Equal Treatment.* Santa Barbara: University of California, Palm Center.

Benavides, Abraham, Lisa A. Dicke, and Vaida Maleckaite. 2012. "Creating Public Sector Pedestals and Examining Falls from Grace: Examining ICMA Ethical Sanctions." *International Journal of Public Administration* 35: 749–59.

Bertot, John Carlo, Abigail McDermott, Ruth Lincoln, Brian Real, and Kaitlin Peterson. 2012. *2011–2012 Public Library Funding & Technology Access Survey: Survey Findings & Report.* College Park, MD: Information Policy & Access Center, University of Maryland College Park. http://ipac.umd.edu/sites/default/files/publications/2012_plftas.pdf (accessed April 30, 2013).

Blaylock, Dylan. 2012. "President Signs Whistleblower Protection Enhancement Act (WPEA)" (November 27). Washington, DC: Government Accountability Project. http://www.whistleblower.org/blog/42-2012/2380-president-signs-whistleblower-protection-enhancement-act-wpea-

Bok, Sissela.1989. *Lying: Moral Choice in Public and Private Life*. New York: Vintage Books.

Borins, Sandford. 2000. "Loose Cannons and Rule Breakers, or Enterprising Leaders? Some Evidence About Innovative Public Managers." *Public Administration Review* 60: 498–507.

Bowman, James B. 1990. "Ethics in Government: A National Survey of Public Administrators." *Public Administration Review* 50: 345–53.

Bowman, James B., and Russell L. Williams. 1997. "Ethics in Government: From a Winter of Despair to a Spring of Hope." *Public Administration Review* 57: 517–28.

Branscome, Curtis. 2005. "Reflections on ICMA's Code." *Public Management* 87 (March): 2–6.

Brewer, Gene A., and Sally Coleman Seldon. 1998. "Whistle Blowers in the Federal Civil Service: New Evidence of the Public Service Ethic." *Journal of Public Administration Research and Theory* 8: 413–39.

Brown, Lesley, ed. 1993. *The New Shorter Oxford English Dictionary on Historical Principles*. Revised edition. Vol. 1. Oxford: Oxford University Press.

Bumiller, Elisabeth. 2010. "Forces Pushing Obama on 'Don't Ask, Don't Tell'." *New York Times* (February 1). http://www.nytimes.com/2010/02/01/us/politics/01military.html?_r=0

Burke, John. 1986. *Bureaucratic Responsibility.* Baltimore, MD: Johns Hopkins Press.

Caiden, Gerald E., and Naomi J. Caiden. 1977. "Administrative Corruption." *Public Administration Review* 37: 301–9.

Carr, David. 2012. "Blurred Line Between Espionage and Truth." *New York Times* (February 26). http://www.nytimes.com/2012/02/27/business/media/white-house-uses-espionage-act-to-pursue-leak-cases-media-equation.html?_r=0

Chandler, Ralph Clark. 1994. “Deontological Dimensions of Administrative Ethics.” In *Handbook of Administrative Ethics,* ed. Terry L. Cooper (179–93). New York: Marcel Dekker.

Christensen, Rob. 2013. “Raleigh Lawyer Witnessed Watergate History.” *News and Observer.* (May 4). http://www.newsobserver.com/2013/05/04/2870943/raleigh-lawyer-witnessed-watergate.html (accessed May 15, 2013).

Colby, Anne, and Lawrence Kohlberg. 1987. *The Measurement of Moral Judgment*, Vol.1. New York: Cambridge University Press.

Commissioner for Public Sector Standards. 2005. *Annual Compliance Report for 2004– 05*. Perth, Western Australia: Office of the Public Sector Standards Commissioner. www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3711028a4a60fc8b41136493482575.pdf

Cooper, Phillip J. 1998. “Law Against Ethics: Legal Accountability and Ethical Responsibility.” In *Public Administration for the Twenty-First Century*, ed. Phillip J. Cooper, 75–93. Fort Worth, TX: Harcourt Brace College Publishers.

Cooper, Terry L. 1982. *The Responsible Administrator.* Port Washington, NY: Kennikat Press.

Cooper, Terry L. 1987. “Hierarchy, Virtue, and the Practice of Public Administration: A Perspective for Normative Ethics.” *Public Administration Review* 47: 320–28.

Cooper, Terry L. 1991. *An Ethic of Citizenship for Public Administration*. Englewood Cliffs, NJ: Prentice Hall.

Cooper, Terry L. 2004. “Big Questions in Administrative Ethics: A Need for Focused, Collaborative Effort.” *Public Administration Review* 64: 395–407.

Cooper, Terry L., and Donald C. Menzel. Eds. 2013. *Achieving Ethical Competence for Public Service Leadership*. Armonk, NY: M.E. Sharpe.

Cooper, Terry L., and Dale Wright, eds. 1992. *Moral Exemplars in Public Service*. San Francisco: Jossey-Bass Publishers.

Corn, David, and Jeff Goldberg. 2005. “How Deep Throat Fooled the FBI.” *The Nation.* (July 4). www.thenation.com/doc.mhtml?i=20050704&s=goldberg (accessed March 20, 2006).

Crank, John P. 2010. *Police Ethics: The Corruption of Noble Cause*, 3rd ed. New Providence, NJ: Matthew Bender & Company.

DeLattre, Edwin J. 1994. *Character and Cops: Ethics in Policing*, 2nd ed. Washington, DC: AEI Press.

deLeon, Linda, and Robert B. Denhardt. 2000. “The Political Theory of Reinvention.” *Public Administration Review* 60: 89–97.

De Miranda, Paulo C., José Alberto S. Aranha, and Julia Zardo. 2009. Creativity: people, environment and culture, the key elements in its understanding and interpretation. *Science and Public Policy* 36: 523–35.

Denhardt, Janet Z., and Robert B. Denhardt. 2011. *The New Public Service: Serving, Not Steering,* 3rd ed. Armonk, NY: M.E. Sharpe.

Denhardt, Kathryn G. 1988. *The Ethics of Public Administration: Resolving Moral Dilemmas in Public*

Organizations. New York: Greenwood.

DiIulio, John D., Jr. 1994. "Principled Agents: The Cultural Bases of Behavior in a Federal Government Bureaucracy." *Journal of Public Administration Research and Theory* 4: 277–318.

Dobbs, Michael. 2005. "Revenge Was Felt's Motive, Former Acting FBI Chief Says." *Washington Post*, June 27.

Dobel, Patrick J. 1999. *Public Integrity*. Baltimore, MD: Johns Hopkins University Press.

Drape, Joe. 2012. "Sandusky Guilty of Sexual Abuse of 10 Young Boys." *New York Times* (June 22). http://www.nytimes.com/2012/06/23/sports/ncaafootball/jerry-sandusky-convicted-of-sexually-abusing-boys.html?pagewanted=all&_r=0

Dunleavy, Patrick. 1991. *Democracy, Bureaucracy, and Public Choice. Economic Explanations in Political Science.* London: Harvester Wheatsheafs.

Dunsire, Andrew. 1973. *Administration: The Word and the Science.* New York: John Wiley & Sons.

Elms, Alan C. 1972. *Social Psychology and Social Relevance,* 128–36. Boston: Little, Brown. Reprinted in http://www.ulmus.net/ace/library/obedienceaspersonal.html.

Ethics Resource Center. 2008. *An Inside View of Public Sector Ethics.* Arlington, VA: Ethics Resource Center.

Ethics Resource Center. 2012. *Inside the Mind of a Whistleblower*. Washington, DC: Ethics Resource Center. http://ethics.org/nbes/files/reportingFinal.pdf

Finer, Herman. 1941. "Administrative Responsibility in Democratic Government." *Public Administration Review* 1: 335–50.

Flemming, Arthur S. 1953. "The Civil Servant in a Period of Transition." *Public Administration Review* 13(2): 73–9.

Frankena, William. 1963. *Ethics*. Englewood Cliffs, NJ: Prentice Hall.

Frederickson, H. George, ed. 1993. *Ethics and Public Administration*. New York: M.E. Sharpe. Frederickson, H. George. 1997. *The Spirit of Public Administration*. San Francisco: Jossey-Bass.

Friedrich, Carl J. 1940. "Public Policy and the Nature of Administrative Responsibility." *Public Policy* 1: 1–24.

GAO, 1998. *Information on Police-Related Corruption* (GAO/GDD-98-111). Washington, DC: U.S. General Accounting Office.

Gardiner, Lion F. 1998. "Why We Must Change: The Research Evidence." *The NEA Higher Education Journal* 16 (Spring): 71–88.

Garofalo, Charles, and Dean Geuras. 1999. *Ethics in the Public Service: The Moral Mind at Work*, 95–130. Washington, DC: Georgetown University Press.

Gaus, John M. 1950. "Trends in the Theory of Public Administration." *Public Administration Review* 10: 161–68.

Geuras, Dean, and Charles Garofalo. 2002. *Practical Ethics in Public Administration*. Vienna, VA: Management Concepts.

Gilman, Stuart. 2002. *The Bottom Line is Integrity*. Washington, DC: Ethics Resource Center. http://www.ethics.org/resource/bottom-line-integrity (accessed June 29, 2013).

Gilman, Stuart. 2005. *Ethics Codes and Codes of Conduct as Tools for Promoting an Ethical and Professional Public Service: Comparative Success and Lessons*. Washington, DC: World Bank.

Goldhagen, Daniel J. 1996. *Hitler's Willing Executioners*. New York: Alfred A. Knopf.

Gooden, Susan, and Samuel L. Myers, Jr. 2004. "Social Equity in Public Affairs Education." *Journal of Public Affairs Education* 10: 91–8.

Goodsell, Charles T. 2003. *The Case for Bureaucracy*. 4th ed. Chatham, NJ: Chatham.

Gordon, Paula D. 2003. *The Ethics Map: A Map of the Range of Concerns Encompassed by* "*Ethics and the Public Service*." http://users.rcn.com/pgordon/homeland/ethicsmap.pdf (accessed June 22, 2006).

Government Accountability Project (GAP), Project on Government Oversight (POGO), and Public Employees for Environmental Responsibility (PEER). 2002. *The Art of Anonymous Whistleblowing*, 4–7. Washington, DC: GAP, POGO, and PEER.

Government Printing Office. 2012. *Whistleblower Protection Enhancement Act of 2012*, Public Law 112–199. Washington, DC: Government Printing Office. http://www.gpo.gov/fdsys/pkg/PLAW-112publ199/pdf/PLAW-112publ199.pdf

Hart, David K. 1974. "Social Equity, Justice, and the Equitable Administrator." *Public Administration Review* 34: 3–11.

Hart, David K. 1994. "Administration and the Ethics of Virtue: In All Things, Choose First for Good Character and Then for Technical Expertise." In *Handbook of Administrative Ethics,* ed. Terry L. Cooper (pp. 131–150). New York: Marcel Dekker.

Heady, Ferrel. 1984. *Public Administration: A Comparative Perspective*. New York: Marcel Dekker.

Hicks, Josh. 2013. "Obama Administration Extends Veterans' Benefits to Same-Sex Married Couples." *Washington Post* (September 4). http://www.washingtonpost.com/blogs/federal-eye/wp/2013/09/04/obama-administration-extends-veterans-benefits-to-same-sex-married-couples/

Hicks, Josh and Ruth Tam. 2013. "IRS Shifts to Equal Tax Treatment for Same-Sex Marriages," *Washington Post* (August 29). http://www.washingtonpost.com/politics/federal_government/irs-shifts-to-equal-tax-treatment-for-same-sex-marriages/2013/08/29/bbdffac4-10dc-11e3-85b6-d27422650fd5_story.html

Hitchens, Christopher. 2005. "'The Secret Man': The Insider." *New York Times Book Review* (July 24): 8.

Independent Sector. 2002. *Obedience to the Unenforceable*. www.independentsector.org/PDFs/obedience.pdf (accessed March 21, 2006).

Independent Sector. 2004. *Statement of Values and Code of Ethics for Nonprofit and Philanthropic Organizations*. www.independentsector.org/code_of_ethics#sthash.DKW3N2vM.dpbs

Ingley, Kathleen. 2013. "Arizona Still Waiting for Fiesta Bowl Fixes." (January 6).

http://www.publicintegrity.org/2013/01/06/11988/arizona-still-waiting-fiesta-bowl-fixes (accessed April 28, 2013).

Internal Revenue Service. 2012. *Exempt Purposes - Internal Revenue Code Section 501(c)(3).* http://www.irs.gov/charities/charitable/article/0,,id=175418,00.html (accessed January 17, 2012).

International City/County Management Association. 2012a. *Promoting Ethics in Local Government: A Year in Review: Fiscal Year 2012*. Washington, DC: ICMA. http://icma.org/en/icma/knowledge_network/documents/kn/Document/304300/ICMA_Ethics_Annual_

International City/County Management Association. 2012b. *State of the Profession Survey 2012*. Washington, DC: ICMA.

Johnson, Norman J., and James H. Svara. 2011. "Toward a More Perfect Union: Moving Forward with Social Equity." In *Justice for All: Promoting Social Equity in Public Administration,* eds. Johnson and Svara, 265–90. Armonk, NY: M.E. Sharpe.

Jones, Bryan D. 1995. "Bureaucrats and Urban Politics: Who Controls? Who Benefits?" In *Theories of Urban Politics,* eds. David Judge, Gerry Stoker, and Harold Wolman, 72–95. Thousand Oaks, CA: Sage Publications.

Jones, James H. 1981. *Bad Blood: The Tuskegee Syphilis Experiment*. New York: The Free Press.

Jos, Philip, Mark E. Tompkins, and Steven W. Hays. 1989. "In Praise of Difficult People: A Portrait of the Committed Whistleblower." *Public Administration Review* 49: 552–61.

Josephson Institute. 1988. "Ethical Values and Principles," *Easier Said Than Done* (Winter): 69.

Josephson, Michael. 2002. *Making Ethical Decisions.* Los Angeles: Josephson Institute of Ethics.

Jurkiewicz, Carole L. 2002. "The Influence of Pedagogical Style on Students' Level of Ethical Reasoning." *Journal of Public Administration Education* 8: 263–74.

Jurkiewicz, Carole L., ed. 2012. *The Foundations of Organizational Evil.* Armonk, NY: M.E. Sharpe.

Kaufman, Herbert. 1977. *Red Tape: Its Origins, Uses and Abuses*. Washington, DC: The Brookings Institution.

Kem, Jack D. 2006. "The Use of the 'Ethical Triangle' in Military Ethical Decision Making." *Public Administration and Management* 11 (1): 22–43.

Kennedy, Sheila, and David Schultz. 2011. *American Public Service: Constitutional and Ethical Foundations.* Sudbury, MA: Jones & Bartlett Learning.

Kettl, Donald F. 2002. *The Transformation of Governance: Public Administration for the Twenty-First Century.* Baltimore, MD: Johns Hopkins University Press.

Kohlberg, Lawrence. 1981. *The Philosophy of Moral Development*. San Francisco: Harper and Row.

Ladd, John. 1980. "The Quest for a Code of Professional Ethics: An Intellectual and Moral Confusion." In *Professional Ethics Activities in the Scientific and Engineering Societies,* eds. Rosemary Chalk, Mark S. Frankel, and Sallie B. Chafer (pp. 154–59). Washington, DC: American Association for the Advancement of Science.

Lewis, Carol W. 1991. *The Ethics Challenge in Public Service*. San Francisco: Jossey-Bass.

Lewis, Carol W., and Stuart C. Gilman. 2012. *The Ethics Challenge in Public Service*. 3rd ed. San Francisco: Jossey-Bass.

Library of Congress. 1989. Whistleblower Protection Act of 1989. S. 20. 101st Congress. http://thomas.loc.gov/cgi-bin/query/z?c101:S.20.ENR

Lindblom, Charles E. 1968. *The Policy Making Process*. Englewood Cliffs, NJ: Prentice Hall.

Liptak, Adam. 2012. "Blocking Parts of Arizona Law, Justices Allow Its Centerpiece." *New York Times* (June 25). http://www.nytimes.com/2012/06/26/us/supreme-court-rejects-part-of-arizona-immigration-law.html (accessed August 25, 2013).

Long, Norton E. 1954. "Public Policy and Administration: The Goals of Rationality and Responsibility." *Public Administration Review*, 14: 22–31.

LRN. 2006. *The Impact of Codes of Conduct on Corporate Culture*. Los Angeles CA: http://www.ethics.org/files/u5/LRNImpactofCodesofConduct.pdf (accessed June 29, 2013).

Lucio, Joanna. 2009. "Customers, Citizens and Residents: The Semantics of Public Service Recipients." *Administration & Society* 41: 878–99.

Marini, Frank, ed. 1971. *Toward a New Public Administration: The Minnowbrook Perspective*. San Francisco: Chandler Publishing Co.

Marx, Fritz Morstein. 1946. *Elements of Public Administration*. New York: Prentice-Hall, Inc.

Marx, Fritz Morstein. 1949. "Administrative Ethics and the Rule of Law." *American Political Science Review* 43(6): 1119–44.

McFadden, Robert D. 2011. "William Aramony, United Way Leader Who Was Jailed for Fraud, Dies at 84." *New York Times* (November 13). http://www.nytimes.com/2011/11/14/business/william-aramony-disgraced-leader-of-united-way-dies-at-84.html?pagewanted=all&_r=0

Menzel, Donald C. 2005. "Research on Ethics and Integrity in Governance: A Review and Assessment." *Public Integrity* 7: 147–68.

Menzel, Donald C. 2006. "Ethics Management in Cities and Counties." *Public Management* 88 (January/February): 20–5.

Milgram, Stanley. 1974. *Obedience to Authority*. New York: Harper & Row.

Miller, Gerald J. 2010. "Weathering the Local Government Fiscal Crisis: Short Term Measures or Permanent Change?" *The Municipal Year Book 2010*. Washington, DC: International City/County Management Association, 33–36.

Molina, Anthony DeForest and Cassandra McKeown. 2012. "The Heart of the Profession: Understanding Public Service Values." *Journal of Public Affairs Education* 18: 375–396.

Moore, Mark H. 1981. "Realms of Obligation and Virtue." In *Public Duties: The Moral Obligations of Government Officials,* eds. Joel L. Fleishman, Lance Liebman, and Mark H. Moore. Cambridge, MA: Harvard University Press.

Moreno, Jonathan D. 2001. *Undue Risk: Secret State Experiments on Humans*. New York: Routledge.

Mosher, William E. 1938. “Public Administration: The Profession of Public Service.” *American Political Science Review* 32(2): 332–42.

Mouritzen, Poul Erik, and James H. Svara. 2002. *Leadership at the Apex: Politicians and Administrators in Western Local Governments*. Pittsburgh, PA: University of Pittsburgh Press.

NAPA. 2005. *Sounding the Call to the Public Administration Community: The Social Equity Challenges in the U.S.* Washington, DC: National Academy of Public Administration, Standing Panel on Social Equity, Research Committee.

National Association of Local Government Auditors. 2005. “Mark Funkhouser on Auditing.” (December). http://www.nalga.org/qrtly/funk1205.htm (accessed June 22, 2006).

National Association of Social Workers. 2008. *Code of Ethics of the National Association of Social Workers.* http://www.socialworkers.org/pubs/code/code.asp (accessed May 13, 2013).

National Conference of State Legislatures. 2013. *States’ Legislative Ethics and Lobbying Laws*. Denver, CO: National Conference of State Legislatures. http://www.ncsl.orglegislatures-elections/ethicshome/50-state-legislative-ethics-and-lobbying-laws.aspx (accessed July 1, 2013).

National Institutes of Health Ethics Program. 2006. *2006 Annual Ethics Training*. Washington, DC: National Institutes of Health. http://ethics.od.nih.gov/cbt.htm

Navaez, Darcia. 2002. “Moral Judgment and Theory.” Paper delivered in the Seminar on Moral Education: Trends and Directions. University of Malaya, Kuala Lumpur.

New Jersey State Ethics Commission. 2009. Plain Language Guide to New Jersey’s Executive Branch Ethics Standards. Trenton, NJ: N.J. State Ethics Commission.

New York Times. 2013. Editorial: “Spying on Law-Abiding Muslims.” New York Times (February 9). http://www.nytimes.com/2013/02/10/opinion/sunday/spying-on-law-abiding-muslim-citizens.html?_r=0.

Newcomer, Kathryn E., and Heather Allen. 2008. “Adding Value in the Public Interest.” The Trachtenberg School of Public Policy and Public Administration, April 24.

Niskanen, William. 1971. *Bureaucracy and Representative Government.* Chicago: Aldine.

Office of Special Counsel. 2011. *Report to Congress for Fiscal Year 2011.* Washington, DC: U.S. Office of Special Counsel.

O’Leary, Rosemary. 2006. *The Ethics of Dissent: Managing Guerilla Covernment*. Washington, DC: CQ press.

Ott, J. Steven, and Lisa A. Dicke. 2012. *The Nature of the Nonprofit Sector,* 2nd ed. Boulder, CO: Westview Press.

Perry, Gina. 2012. *Behind the Shock Machine.* New York: The New Press.

Perry, James L. 1997. “Antecedents of Public Service Motivation,” *Journal of Public Administration Research and Theory* 7: 181–97.

Perry, James L., and Lois R. Wise.1990. "The Motivational Bases of Public Service." *Public Administration Review* 45: 367–73.

Peters, B. Guy. 1999. *Institutional Theory in Political Science. The "New Institutionalism."* London: Pinter.

Peters, Thomas J., and Robert H. Waterman. 1982. *In Search of Excellence.* New York: Warner Books.

Plant, Jeremy F. 1994. "Code of Ethics." In *Handbook Administrative Ethics*, ed. Terry L. Cooper, 221–41. New York: Marcel Dekker.

Plant, Jeremy F. 2013. "Ethical Competence and Professionalism in Public Administration." In *Achieving Ethical Competence for Public Service Leadership*, ed. Terry L. Cooper and Donald C. Menzel, chapter 8. Armonk, NY: M.E. Sharpe.

Pops, Gerald M. 1994. "A Teleological Approach to Administrative Ethics." In *Handbook of Administrative Ethics,* ed. Terry L. Cooper. New York: Marcel Dekker.

Project on Government Oversight/Government Accountability Project/Public Employees for Environmental Responsibility. 2002. *The Art of Anonymous Whistleblowing.* Washington, DC: POGO/GAP/PEER.

Public Employees for Environmental Responsibility. 2012b. *State Legislation Protecting State Employee Whistleblowers: State-California.* Washington, DC: PEER. http://www.peer.org/assets/docs/wbp2/ca.pdf (accessed July 6, 2013).

Public Employees for Environmental Responsibility. 2012a. *State Legislation Protecting State Employee Whistleblowers: State-South Dakota.* Washington, DC: PEER. http://www.peer.org/state-federal-watch/state-watch/sd.html (accessed July 6, 2013).

Pugh, Darrell L. 1988. *Looking Back, Moving Forward: A Half-Century Celebration of Public Administration and ASPA.* Washington, DC: American Society for Public Administration.

Purdy, Matthew. 2003. "Family and System Failed Boys in Newark." *New York Times.* January 12.

Radin, Beryl J. 2002. *The Accountable Juggler: The Art of Leadership in a Federal Agency.* Washington, DC: CQ Press.

Raines, Julie B. 2010. *Ethics in Policing: Misconduct and Integrity.* Sudbury, MA: Jones and Bartlett.

Rawls, John. 1971. *A Theory of Justice.* Cambridge, MA: Harvard University Press.

Rest, James, Darcia Narvaes, Muriel J. Bebeau, and Stephen J. Thoma. 1999. *Postconventional Moral Thinking: A Neo-Kohlbergian Approach.* Mahwah, NJ: L. Erlbaum Associates.

Rich, Motoko. 2013. "Scandal in Atlanta Reignites Debate Over Tests' Role." *New York Times* (April 2). http://www.nytimes.com/2013/04/03/education/atlanta-cheating-scandal-reignites-testing-debate.html?_r=0 (accessed June 18, 2013).

Richards, David, and Martin J. Smith. 2004. "Interpreting the World of Political Elites." *Public Administration* 82: 777–800.

Richter, William L., Frances Burke, and Jameson W. Doig, eds. 1990. *Combating Corruption/Encouraging Ethics: Sourcebook for PA Ethics*. Washington, DC: American Society for Public Administration.

Richter, William L., and Frances Burke, eds. 2007. *Combating Corruption/Encouraging Ethics: A Practical Guide to Management Ethics*, 2nd ed. Published in cooperation with American Society for Public Administration. New York: Rowman & Littlefield Publishers.

Riordan, William L. 1962. *Plunkett of Tammany Hall.* New York: Dutton.

Rohr, John A. 1989. *Ethics for Bureaucrats*, 2nd ed. New York: Marcel Dekker.

Rosenbloom, David H. 1992. "The Constitution as a Basis for Public Administrative Ethics." In *Essentials of Government Ethics,* eds. Peter Madsen and Jay M. Shafritz. New York: Meridian Book, 48–64.

Rosenbloom, David H., and Robert S. Kravchuk. 2004. *Public Administration*, 6th ed. New York: McGraw-Hill.

Rothman, Robert. 2001/02. "Closing the Achievement Gap: How Schools Are Making It Happen." *Challenge Journal 5* (Winter): 1–11.

Sayre, Wallace S. 1958. "Premises of Public Administration: Past and Emerging." *Public Administration Review* 18: 102–105.

Schein, Edgar H. 1992. *Organizational Culture and Leadership*, 2nd ed. San Francisco: Jossey-Bass.

Seligson, Amber Levanon and Laurie Choi. 2006. *Critical Elements of a Organizational Ethical Culture*. Washington, DC: Ethics Resource Center.

Shamoo, Adil, and David Resnik. 2003. *Responsible Conduct of Research.* New York: Oxford University Press.

Shepard, Alicia. 2012. "How It Played Out as the Nixon Tapes Came to Light." *News & Observer* (June 17). http://www.newsobserver.com/2012/06/17/2139631/how-it-played-out-as-the-nixon.html (accessed May 27, 2013).

Sinnott-Armstrong, Walter. 2006. "Consequentialism." In *The Stanford Encyclopedia of Philosophy.* Spring 2006. ed. Edward N. Zalta. http://plato.stanford.edu/archives/spr2006/entries/consequentialism/ (accessed June 22, 2006).

Sommers, Christina Hoff. 1985. *Vice and Virtue in Everyday Life*. New York: Harcourt Brace Jovanovich.

Stein, Lana. 1991. *Holding Bureaucrats Accountable: Politicians and Professionals in St. Louis.* Tuscaloosa, AL: University of Alabama Press.

Steinberg, Sheldon S., and David T. Austern. 1990. *Government, Ethics, and Managers.* New York: Praeger.

Stewart, Debra. 1985. "Ethics and the Profession of Public Administration: The Moral Responsibility of Individuals in Public Sector Organizations." *Public Administration Quarterly* 8: 487–95.

Stewart, Debra W., and Norman A. Sprinthall. 1994. "Moral Development in Public Administration." In *Handbook of Administrative Ethics,* ed. Terry L. Cooper. New York: Marcel Dekker, 325–48.

Stewart, Debra W., Norman A. Sprinthall, and Jackie D. Kem. 2002. "Moral Reasoning in the Context of Reform: A Study of Russian Officials." *Public Administration Review* 62: 282–97.

Svara, James H. 1987. "The Responsible Manager: Building on the Code and the Declaration." *Public*

Management 69: 14–8.

Svara, James H. 1997. “The Ethical Triangle: Synthesizing the Bases of Administrative Ethics.” *Public Integrity Annual 1997*: 33–41.

Svara, James H. 1998. “The Politics-Administration Dichotomy Model as Aberration.” *Public Administration Review* 58: 51–8

Svara, James H. 1999. “Complementarity of Politics and Administration as a Legitimate Alternative to the Dichotomy Model.” *Administration & Society* 30: 676–705.

Svara, James H. 2001. “The Myth of the Dichotomy: Complementarity of Politics and Administration in the Past and Future of Public Administration.” *Public Administration Review* 61: 176–83.

Svara, James H. 2006. “Politicians and Administrators in the Political Process: A Review of Themes and Issues in the Literature,” *International Journal of Public Administration* 29: 953–76.

Svara, James H. 2007. “Leadership by Top Administrators in a Changing World: New Challenges in Political-Administrative Relations.” Published in *Transforming Public Leadership for the 21st Century*, eds. Ricardo S. Morse, Terry F. Buss, and C. Morgan Kinghorn. Armonk, NY: M.E. Sharpe, 2007, chapter 5.

Svara, James H., and James R. Brunet. 2004. “Filling in the Skeletal Pillar: Addressing Social Equity in Introductory Courses in Public Administration.” *Journal of Public Administration Education* 10: 99–109.

Svara, James H., and Janet V. Denhardt. 2010. *The Connected Community: Local Governments as a Partner in Citizen Engagement and Community Building*. Phoenix, AZ: The Alliance for Innovation.

Swarms, Rachell L. 2013. “Military Rules Leave Gay Spouses Out in Cold.” *New York Times* (January 19). http://www.nytimes.com/2013/01/20/us/gay-spouses-face-a-fight-for-acceptance-in-the-military.html?pagewanted=all&_r=0 (accessed June 18, 2013).

Terry, Larry D. 1998. “Administrative Leadership, Neo-Managerialism, and the Public Management Movement.” *Public Administration Review* 58: 194–200.

Thomas, John Clayton. 1995. *Public Participation in Public Decisions: New Skills and Strategies for Public Managers*. San Francisco: Jossey-Bass.

Thompson, Dennis. 1985. “The Possibility of Administrative Ethics,” *Public Administration Review* 45: 555–61.

Thoreau, Henry David. 1849. “Civil Disobedience.” http://eserver.org/thoreau/civil.html (accessed June 22, 2006).

Toner, James H. 2005. *Morals Under the Gun*. Lexington, KY: University of Kentucky Press.

Tong, Rosemary. 1986. *Ethics in Policy Analysis*. Englewood Cliffs, NJ: Prentice Hall.

Truelson, Judith A. 1987. “Blowing the Whistle on Systemic Corruption: On Maximizing Reform and Minimizing Retaliation.” *Corruption and Reform* 2: 55–74.

Tullock, Gordon. 1965. *The Politics of Bureaucracy*. Washington, DC: Public Affairs Press.

U.S. Congress. Senate. Committee on Homeland Security and Governmental Affairs. 2005. *Federal Employee Protection of Disclosures Act: Report of the Committee on Homeland Security and Governmental Affairs, United States Senate, to accompany S. 494.* Washington, DC: U.S. Government Printing Office.

U.S. Congress. Senate. Committee on Homeland Security and Governmental Affairs. 2012. *Whistleblower Protection Enhancement Act of 2012*. Report of the Committee On Homeland Security And Governmental Affairs United States Senate To Accompany S. 74358. Washington, DC: U.S. Government Printing Office.

U.S. Merit Systems Protection Board. 1993. *Whistle-Blowing in the Federal Government: An Update*. Washington, DC: U.S. Merit Systems Protection Board.

U.S. Merit Systems Protection Board. 2010. *Whistleblower Protection for Federal Employees*. Washington, DC: U.S. Merit Systems Protection Board.

U.S. Merit Systems Protection Board. 2011. *Blowing the Whistle: Barriers to Federal Employees Making Disclosures.* Washington, DC: U.S. Merit Systems Protection Board.

U.S. Newswire. 2005. "Hamline Professor and Ethics Expert Calls 'Deep Throat' Qualified Patriot." June 2. http://releases.usnewswire.com/GetRelease.asp?id=48315 (accessed June 22, 2006).

Vieg, John A. 1946. "The Growth of Public Administration," in Morstein Marx, Fritz, Editor, *Elements of Public Administration*, 3–26. New York: Prentice-Hall.

Walker, Lawrence J., Russell C. Pitts, Karl H. Hennig and M. Kyle Matsuba, 1995. Reasoning about Morality and Real-life Moral Problems. In *Morality in Everyday Life: Developmental Perspectives,* eds. Melanie Killen and Daniel Hart. New York: Cambridge University Press.

Walker, Samuel, Geoffrey P. Alpert, and Dennis J. Kenney. 2001. "Early Warning Systems: Responding to the Problem Police Officer." *Research in Brief.* Washington, DC: Department of Justice, National Institute of Justice, Office of Justice Programs.

Wamsley, Gary L., Robert N. Bacher, Charles T. Goodsell, Philip S. Kronenberg, John A. Rohr, Camilla M. Stivers, Orion White, and James F. Wolf. 1990. *Refounding Public Administration*. Newbury Park, CA: Sage Publications.

West, Jonathan P., Evan M. Berman, Stephen Bonczek, and Elizabeth Kellar. 1998. "Frontiers in Ethics Training." *Public Management* 80 (June): 4–9.

West, Jonathan P., and Evan M. Berman. 2004. "Ethics Training in U.S. Cities." *Public Integrity* 6: 189–206.

Willbern, York. 1984. "Types and Levels of Public Morality." *Public Administration Review* 44: 102–108.

Wilson, James Q. 1991. *On Character.* Washington, DC: AEI Press.

Wood, Dan B., and Richard W. Waterman. 1994. *Bureaucratic Dynamics: The Role of Bureaucracy in a Democracy*. Boulder, CO: Westview Press.

Zernike, Kate. 2005. "Newly Released Reports Show Early Concern on Prison Abuse." *New York Times,* January 6.

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