



CHAPTER TWO

UNDERSTANDING ETHICAL DECISION MAKING

James A. Michener's novel *Chesapeake* (1978) portrays the history of two families who settled near each other on the shores of Chesapeake Bay during the American colonial era. As Quakers, the Paxmores tended to espouse values in both religion and politics quite different from those of the Steeds, devout Roman Catholics. However, in spite of their divergent doctrines and frequent conflicts, the two families managed to live as neighbors, with a kind of grudging respect and a willingness to work things out.

In the closing pages is a scene involving the family patriarchs of the mid-1970s, Pusey Paxmore and Owen Steed. The two men are sitting on the porch of the Paxmore house, looking out over Chesapeake Bay and reflecting on the events of Watergate. Pusey had been a high-level appointee in the Nixon White House, and Owen was one of the oil company executives who had covertly, and illegally, raised money for CREEP, the Committee to Re-elect the President. Both men's careers had been seriously damaged by the scandals, and both have returned home to retire and to think. During this conversation, an insightful and pithy exchange occurs:

Steed: How do you explain the corruption, the near-treason?

Paxmore: Men without character slip from one position to the next. And never comprehend the awful downward course they're on.

Steed: Couldn't Nixon have stopped it?

Paxmore: Woodrow Wilson could have. Or Teddy Roosevelt. And does thee know why? Because they had accumulated through years of apprenticeship a theory of government. A theory of democracy, if thee will. And they would have detected the rot the minute it started.

Steed: Why didn't the Californians?

Paxmore: For a simple reason. They were deficient in education. They'd gone to those chrome-and-mirror schools where procedures are taught, not principles. I doubt if any one of them had ever contemplated a real moral problem, in the abstract where character is formed [p. 1049].

This bit of dialogue suggests the underlying assumption of this book: *ethical public administration requires a theoretical perspective on the role of the public administrator*. Moreover, this theoretical perspective must be developed by practicing administrators through a combination of professional experience, contemplation, study, and deliberation with colleagues, whether in a structured course or through self-motivated inquiry.

The theories of others, including scholars from various disciplines and historical periods, are essential ingredients in a professional ethic, but a fundamental assumption of this book is that knowing the thoughts of others is only the beginning. Administrators must also develop skill in thinking about ethical problems, toward the end of creating a working professional ethic of their own. Without cultivating this ability to theorize and generalize from experience, no public administrator can transcend the boundaries of particular events to comprehend and assess them. Without the illumination born of the marriage of abstract thought and practical experience, it is impossible to see where we are going. Choice is constrained and freedom is ultimately stunted by the unforeseen consequences of our actions. Without the moral compass created by regular deliberation with others about real ethical issues, whether fellow practitioners, elected officials, or citizens, our ethics may be narrow and self-serving.

This chapter presents a sequence of steps you might employ in thinking about ethical issues you confront. The goal is not only to develop skills in resolving particular situations but also to cultivate a habit of using such instances as opportunities to develop and refine a working *theory* of ethical conduct. Case material (based on actual situations but partially fictionalized to protect the persons involved) is introduced here and throughout the rest of the book to illustrate the treatment of concrete administrative problems. To stimulate your thinking, the cases are generally left unresolved.

Ethical Problems

Imagine that you have been recently hired as the manager of a municipal department of parks and recreation. Soon after you assumed your duties, you discovered that the payroll clerk was falsifying the payroll account by continuing to carry the names of laid-off employees. When the clerk picked up the payroll at city hall, he would pull out those checks, endorse and cash them, and keep the money.

Most administrators would have no difficulty recognizing that this clerk is not only involved in unethical conduct but is also clearly violating the law. Both moral and legal sanctions against stealing are well established and generally accepted. You are immediately aware that this behavior is unacceptable and must be stopped, although you would probably pause to think carefully about the best course of action. Your responsibility for the image of the organization may suggest firing the clerk quietly, involving as few other people as possible. However, your responsibility for maintaining the public trust may lead you to consider formal charges and prosecution. Sometimes, as in this case, the ethical situation is quite clear, but the demands of administrative responsibility for resolving it are much less so. More often, however, both the ethical issue and its implications for administrative responsibility are complex and ambiguous.

Consider another situation. You are the director of a unit in a federal regulatory agency that is charged with monitoring the use of potentially harmful commercial chemicals. Linda, a junior project manager under your supervision, is responsible for studying a broad-spectrum insecticide used in agriculture by small grain farmers, large truck gardeners, and cotton farmers, and in the livestock industry as an animal spray. She has been assigned to determine whether this product should be removed from the market. At a party, Linda met a man named George, who she later learned was the Washington representative for the insecticide manufacturer. After several dates with George, she became rather fond of him and wanted to pursue the relationship. However, Linda realized that their professional roles created a potential conflict of interest for her, and she decided to tell you about the situation. She intended to continue seeing George, she said; she considered herself mature enough to maintain a separation between her professional and private lives. Linda insisted that her feelings for George would not influence her judgment in any way; in fact she and George had never even discussed the chemical in question.

In this case the ethical situation is much less clear. Has Linda done anything that represents a breach of professional ethics? Because of her relationship with George, it might well be difficult for her to maintain objectivity in discharging her duties. But perhaps it might not be. People differ in their ability to manage tensions of this kind. And what is your responsibility? Is it more important to avoid even the appearance of unethical conduct within your organization or to support an employee's right to freedom in her private life? Should Linda be trusted until her behavior demonstrates otherwise? What are your alternatives?

To intensify the quandary a bit, imagine the following situation. Your spouse works for a contractor that provides support services to your organization under contract. The two of you work in roles that do not require you to deal with each other professionally, nor is there any possible conflict of interest, either real or perceived, under normal circumstances. However, you learn through the grapevine that the contract with your spouse's organization may be terminated in the near future. Because the spouse's organization is small, the loss of the contract is likely to result in budget cuts and consequently his termination. Although you are a manager in your organization, you have no direct or indirect decision-making authority over this contract, so there is no legal conflict of interest. However, you know that the contractor is unaware of the possible contract termination, and if that information were divulged, it could erode performance. For that reason this information is considered sensitive and confidential within your organization. If you tell your spouse in order to give him time to plan for a possible layoff, he will no doubt feel some obligation to tell his employer and fellow employees.

Also, you are painfully aware of two other problems. First, your own financial well-being is tied to that of your spouse; if he is laid off with short notice, both of you will suffer financially. Second, if you remain silent and the contract is terminated, sooner or later your spouse will find out that you knew what was coming and kept it from him. That failure to be honest and forthcoming in a marital relationship will likely hurt your spouse deeply and damage the marriage.

In this case fundamental loyalties and attendant obligations come into direct conflict. Where do your primary obligations lie: with the employer or with the spouse? Can you trust your spouse not to tell his employer and colleagues? Should you expect that of him? Can you trust your boss enough to discuss this with her and try to work out some kind of accommodation that does not require you to sacrifice either your marriage or your job? Should you expect that of your boss? Does a boss bear any ethical obligation for the well-being of employees beyond the workplace?

Consider yet another situation. A soil bacterium common to warm climates can sometimes be found in the groundwater of such areas. It seldom causes disease in humans, but when it does, the infection is severe. The bacterium enters

the body through an open wound and produces infections resulting in a mortality rate of 75 percent.

You are a department manager for a public utility district that produces electricity through steam-driven turbines. The department has constructed a lake for this purpose, which is also open to the public for recreational use. Recently a man was injured in a boating accident that severely lacerated his legs. He developed gangrene and, after a double amputation, eventually died. A technician in your department suspected that the man might have contracted the bacterial infection, and he decided to run tests. He reported that the bacterium is indeed in evidence throughout the lake, and although he cannot be certain without an autopsy, he believes it was the cause of death. Has the department committed an unethical act by not monitoring the quality of the water more carefully? Does it have a moral obligation to inform the public health authorities, the victim's family, or the general public? What is your responsibility to your organization in the face of possible litigation and public outcry? What is your responsibility to those who have been using the lake for recreation and those who may use it in the future?

Here you are dealing not simply with the questionable or clearly immoral actions of a particular individual but rather with a matter of organizational policy. How should the department define its obligations to society? Does it owe something to the deceased man's family and to others who may use the lake? Should it merely try to rid the lake of the bacterium and leave it open to use?

Ethics as an Active Process

As these cases demonstrate, ethical issues arise in many forms for administrators, but they nearly always raise difficult questions of administrative responsibility. The answers we give to these questions over time amount to a de facto administrative ethic. The central thesis of this book is that it is through this process of defining professional responsibility in specific, concrete administrative situations that an operational ethic is developed. Every administrator has such an ethic by virtue of having made decisions about ethical issues, even when the decision is to ignore a problem. A decision to take no action is in fact a decision about personal responsibility.

This operational ethic, hammered out in actual decision making, is the basic concern here. Put into the language of ethics, this working ethic becomes the substance of one's professional character over time. It creates an inclination or predisposition to behave in certain ways, which is one common way of understanding the meaning of the term *character*. Many professional associations,

business firms, and governmental organizations have adopted codes of ethics. They amount to official statements of appropriate conduct that reflect noble but often general and abstract principles. Formal codes of this kind do serve a useful function, but without the support of other techniques involving day-to-day decision making, they tend to be ineffective as a way of achieving desired conduct. They do not have an impact on the operational ethic of professionals for whom they were written; they never get to the level of internal ethical development where character is formed and integrity of conduct developed. Such codes of ethics serve a needed function of clarifying minimum standards of conduct, much as the law functions for the larger society, but they remain externally imposed controls.

As discussed in the preceding chapter, the focus of this book is ethics as an active process of design, an ongoing process that occurs whenever circumstances force us to deal with conflict, tension, uncertainty, and risk. As administrators define the boundaries and content of their responsibility in resolving specific ethical dilemmas both great and small, they create for themselves an ethical identity and form character traits. Often this is done without consistent, intentional, and systematic reflection, but that need not be the case. Skill in addressing ethical issues can be learned and cultivated if we recognize the importance of doing so. We can view our treatment of ethical problems as an ongoing process of designing the best courses of action for specific situations we face, within the constraints of time and information. Our initial step must be to establish a framework for understanding ethics in dynamic rather than static terms. The following framework for ethical decision making illustrates this dynamic process.

Levels of Ethical Reflection

Henry David Aiken (1962) constructed a framework for explaining the fluid nature of ethical argument that we can adopt for understanding the process of ordering our values and making decisions about ethical dilemmas. Aiken assumes that in a broad sense, ethics has to do with concepts such as *good*, *right*, and *ought*, but in the arena of everyday life, considering the practical meanings of these abstract concepts causes us to deal with them at different levels of seriousness and systematic reflection. Often we simply express emotion about what is good or what someone ought to do. Less frequently we face ethical questions that force us to reflect long and hard about our fundamental worldview—even the meaning of life itself.

From Aiken's perspective it is possible to identify four distinct levels at which we deal with ethical concerns.

The Expressive Level. Many times every day we find ourselves simply venting our feelings about something. When you learned about the misdeeds of the

payroll clerk in your department, Linda's involvement with George, the possible contract termination, or the presence of the bacterium in the lake water, you may well have responded first at the expressive level: "That stupid clerk should have known better!" "Linda, this relationship disturbs me deeply." "What did I do to deserve being caught in this bind between my spouse and my organization?" "We must have a bunch of incompetents managing the lake operation!" These spontaneous, unreflective expressions of emotion are perhaps the most common form of value judgment. They neither invite a reply nor attempt to persuade others. They provide neither evidence nor detailed descriptions of a state of affairs. However, depending on who utters them and how intensely, they may be followed by a more rational and systematic treatment of the problem.

The Moral Rules Level. The level of moral rules is the first level at which serious questions are raised and serious answers are given. We address the problem of appropriate conduct and begin to assess alternatives and consequences. We consider these courses of action and their anticipated outcomes in the light of certain rules, maxims, and proverbs that we hold as moral guides. For example:

- "Always be a good team player."
- "Loyalty to your clients comes first."
- "If you're not part of the solution, you're part of the problem."
- "Honesty is the best policy."
- "Truth will win out."
- "My country, right or wrong."
- "Never fight a battle you can't win."
- "Take care of number one."
- "The public should be trusted."
- "Love your neighbor as yourself."
- "Do unto others as you would have them do unto you."
- "Don't air dirty linen outside the organization."
- "It is easier to ask forgiveness than to ask permission."
- "It is better to be safe than sorry."
- "Go along to get along."
- "If it ain't broke, don't fix it."

Some of the more colorful moral rules emerge around particular roles and reflect the informal moral code of those roles and the organizational culture in which they are enacted. Here are a few from the field of law enforcement:

- "It is better to be tried by twelve than carried by six."
- "You can't make an omelet without breaking a few eggs."

- “What goes around comes around.”
- “Don’t embarrass the bureau.”
- “Don’t rat on a fellow officer.”

These are examples of moral rules we acquire through the socialization process from our families, religious affiliations, education, and professional experiences. For better or worse, they provide rules of thumb for appraising a situation and deciding what ought to be done.

Consider the problem of Linda and George. After your initial emotional reaction, you have to think about how to handle this highly sensitive state of affairs. Some alternatives come immediately to mind:

- Order Linda to stop seeing George.
- Transfer her to another task.
- Discuss the matter with your supervisor.
- Trust Linda to do the job without being biased by the relationship.

Then you consider the possible consequences:

- Linda may resign.
- Progress on investigating the chemical may be delayed.
- The media may pick up the story.
- A biased decision may be reached about the chemical, with serious consequences for the public.
- You may be blamed for irresponsible conduct if your superior discovers the relationship without being informed by you.

As you evaluate the alternatives and their possible consequences, various moral rules and maxims come to mind as reference points for arriving at a decision:

- “You should be fair with subordinates under your supervision.” Would you handle this situation differently if it involved a male member of your staff?
- “Avoid even the appearance of evil.” Even if Linda performs in an objective, professional manner, will the credibility of your organization be eroded if this situation is picked up by the press?
- “Honesty is the best policy.” If you take any action that Linda perceives as punishment or distrust, are you discouraging honest communication from your staff? Should you tell your boss, or should you maintain Linda’s confidence and accept responsibility for dealing with the situation yourself?

Most of the time the problem is resolved at this level. As we review the facts of the case, the alternatives for action, and their likely consequences on the one hand, and associate them with our stock of relevant moral rules on the other, the field of alternatives begins to narrow and one or two rules emerge as crucial. We move toward a decision, with the practical consequences and the moral justification related in some way that is acceptable to us.

Our decisions are not necessarily consistent from case to case. At the level of moral rules, which is where most practical administrative decisions are made, rationality and systematic reflection are involved but only in a limited, piecemeal fashion. Most of the time we are ad hoc problem solvers, not comprehensive moral philosophers. However, on occasion we are driven to the next level of generality and abstraction, usually because we are unable to reach a decision by applying our available repertoire of practical moral rules.

The Ethical Analysis Level. When the available moral rules prove ineffective in a particular case, when they conflict with each other, or when the actions they seem to prescribe do not feel right, a fundamental reconsideration of our moral code may be required. In the normal routine of the administrative role, we do not usually undertake this kind of basic reassessment. However, sometimes an issue is unique, so complex, or so profound in the consequences of its resolution that we have no choice but to reexamine the ethical principles that are implicit in our routine norms for conduct.

A brief but adequate definition of *principle* is “a general law or rule that provides a guide for action.” An *ethical principle* is a statement concerning the conduct or state of being that is required for the fulfillment of a value; it explicitly links a value with a general mode of action. For example, justice may be considered a significant value, but the term itself does not tell us what rule for conduct or what state of society would follow if we included justice in our value system. We would need a principle of justice to show us what pattern of action would reflect justice as a value. A common form of the justice principle is “Treat equals equally and unequals unequally.” We might interpret this principle as meaning that if all adult citizens are politically equal, they should all have the same political rights and obligations. If one has the vote, all must have it.

Or if we look at another value, truth, we might start with a general principle to indicate its meaning for conduct and then develop more specific statements for particular conditions. Generally we might support this principle: “Always tell the truth.” But when faced with a particular situation, we might revise the principle: “Always tell the truth unless innocent third parties would be seriously harmed.”

Defining the ethical dimensions of a problem may require teasing out not only the values that are in conflict but also the unarticulated principles that indicate the mutually exclusive kinds of conduct those values dictate. Otherwise values can be far too vague to have much meaning in ethical analysis. To say we believe in freedom or liberty conveys meaning of only the most general sort. If, however, we identify and elaborate principles about liberty, the meaning becomes more specific and ethically useful. We might, for example, indicate that if we value liberty, we ought not to interfere, without special justification, in the chosen course of any rational being or impose on him conditions that will prevent him from pursuing his chosen courses of action. Although this statement does not prescribe precisely what should be done in every situation, it does provide some conditions and qualifications for the range of conduct that falls under liberty.

There are several ways to train people to clarify this distinction between values and principles and cultivate the skill of thinking in a principled fashion. One way is to give the training participants a list of values, or have them make up their own, and then ask them to develop these values into statements of principle, varying from brief and general to highly elaborate and specific. Another is to spend time developing principles as part of the exercise in defining ethical issues discussed later in this chapter. First, have the participants identify the contending values in a case; then ask them to write statements of principle for each value. Finally, when time and interest permit, readings on specific ethical principles might be assigned, such as Sissela Bok (1984) on secrecy and truthfulness or John Rawls (1971) on justice.

To get a better idea of the use of principle at the level of ethical analysis, let us return to the example of the contaminated lake. If you, the department manager, discover that eight other people have developed symptoms suspiciously similar to those associated with the bacterium, the problem will have changed significantly. Now the fate of human lives may clearly and directly depend on what you do; expeditious action is required. Because the consequences for the department will be serious indeed, you go to your supervisor without delay.

You are met with an unexpectedly cool and cautious response. He listens and asks a few questions but seems not to share your sense of urgency. After a lengthy discussion, during which you become increasingly angry, he finally informs you that he has known about the bacterium for some time. When the lake was built more than two years ago, the bacterium was detected through routine water analyses. Because there was no practical way of ridding the water of this bacterium and because the utility district had needed public support for

the project, he had decided to keep the entire matter quiet. He had been advised that at existing levels of contamination, the risk of human infection was low.

The administrator orders you to take no action and instead to leave the problem entirely in his hands. He tells you there is little likelihood that any of the eight people could be treated effectively for the exposure at this point and that any action would jeopardize the future of this facility and precipitate serious damage to both the department's public image and its financial well-being.

What do you do? None of your well-worn precepts about loyalty to the organization or social responsibility help here. You are not satisfied to keep quiet and leave it to the boss, but you have no hope of changing his mind. He seems firmly committed to waiting the situation out, hoping it will blow over. And if you go to the public or the local elected officials with the story, you will lose your job and probably have great difficulty finding another one.

Confronted with this kind of dilemma, you begin to reflect on the things you value most. You ask yourself what you are willing to risk and what you want to preserve at all costs. More specifically, you think about your personal integrity, professional reputation, financial security, the well-being of your family, the importance of your career, and the extent of your obligation to the organization, its employees, and management. You wonder what you owe the public; you consider your duty to the local elected officials. Furthermore, you begin to imagine the future consequences of allowing this kind of managerial conduct to continue. As you engage in this inventory and evaluation of your fundamental principles, a kind of rough hierarchy begins to emerge.

This particular dilemma causes you to clarify and reorder your priorities. You realize that if you are to continue in your position, you must maintain your obligation to a central principle—the public interest. You took an oath to uphold the public interest when you accepted the position. All other commitments and values must be viewed in relation to that responsibility to a basic principle. The potential negative consequences for the people of the area are great, and their right to know the risk must be upheld. Ultimately the principle of democracy and the integrity of democratic government are also at stake. If managers like your division chief are allowed to continue withholding information, self-government will be subverted; people need to know what is going on in public agencies if they are to truly participate in governing. Information about matters of public safety and welfare should not be withheld from the people and their elected representatives. However, when you took your job, you also accepted another principle: loyalty to the organizational hierarchy of your department. The orderly conduct of the public's business requires that subordinates work through superiors if accountability and efficiency are to be maintained. But this loyalty is not an end in itself; it exists for the ultimate benefit of the citizenry, for the public interest.

Another concern is the service provided by the department. Strong public resistance to building a dam had been overcome by promising that the lake would be a recreational facility. Closing the lake in the wake of disclosures about bacterial contamination might well result in demands to cancel the department's operating license. If the generating plant were closed suddenly, electrical service would be severely curtailed. Without electricity, industrial firms would have to cut back production and lay off workers. Hospital services might be jeopardized. High-rise office buildings and schools might be unable to function. The public interest would be seriously and extensively damaged.

If the public interest is your fundamental controlling principle, you must weigh the probable public impact for each alternative. Ultimately the health of the citizenry must be protected, but your sense of due process requires that you act in a measured and prudent fashion. You decide on the following sequence of steps.

First, you will approach the general manager of the department, your boss's boss, thus maintaining loyalty to those above you who are responsible for the proper operation of the organization. This provides for the orderly management of the problem without unduly alarming the public.

Then, if the general manager does not act to remedy the situation, you will take your information to the mayor and city council. In this way you prevent the political process from being circumvented when serious public concerns are at stake, even though orderly procedure may be sacrificed.

Finally, if the elected officials fail to take action, you will inform the local media. Orderly and efficient resolution of the problem will likely be lost altogether, but the ultimate right of a democratic citizenry to control the governmental bodies established for its benefit will be preserved.

If, however, you are unable to arrive at an ordering of principles and alternatives that satisfies you, it may be necessary to move to the next level.

The Postethical Level. The considerations at the final, postethical level are exemplified by the question, Why should I be moral? Most administrators seldom reach this fundamental philosophical level of reflection. Only when pushed by a particularly persistent or cynical adversary or under the sway of a deeply disillusioning experience or confronting a profound personal crisis are we likely to function at this level. Here the struggle is to find some basis for valuing those things that were identified at the level of ethical analysis. Why is integrity important? Or truth? Or security? Or loyalty? Or the well-being of others? At this level we begin to question our worldview—our views of human nature, how we know anything to be true, and the meaning of life. Resolution at this level is achieved only when practical indecision has been removed. It may require developing or confirming a worldview grounded in philosophical or religious

perspectives. When we have discovered an adequate motive to allow ourselves to “play the moral game,” this level is resolved.

A Dynamic Process

This four-tiered framework should be viewed as highly dynamic. Only in books or scholarly papers do people move logically through these decision-making steps. In real life we move both up and down through the levels as we grapple with what is good or what we ought to do, and work within the constraints of time and context. We may first engage a problem expressively as we react spontaneously with our immediate feelings, but then we may move rather quickly to problem solving at the level of moral rules. As we get new information and the situation becomes more complex, we may move back to the expressive level. Then, having vented our irritation and frustration, we may move back again to the search for appropriate moral rules.

If the issue proves unsusceptible to any of our practical maxims and rules, we may move briefly back to an expression of feelings and then to the level of ethical analysis. After a process of evaluating our basic priorities, we may finally be able to reach an action decision by applying rules that now appear to be consistent with our newly established priorities. Or we may find ourselves in such a profound quandary that we move to the postethical level and ponder why we are so concerned with morality anyway.

This movement among the various levels, although it may be intentional, is usually not a matter of conscious choice. The transitions occur because we need to solve a problem, not necessarily because we consciously think about which level is appropriate. In a concrete situation, as we attempt to integrate known facts with unknown but possible consequences of action, feelings, and values, we find ourselves moving through these stages with varying degrees of rational reflection and abstraction. In day-to-day administrative decision making we manage this process without giving it much reflective thought. However, a basic assumption of this book is that the more we consciously address and systematically process the ethical dimensions of decision making when we confront significant issues, the more responsible we become in our work as administrators. It is then that we are able to account for our conduct to superiors, the press, the courts, and the public. This does not amount to finally advocating a simple linear rationality but rather to being self-aware and clear about the bases for our actions.

Uses of the Framework

To design effective responses to ethical problems, it is important to be aware not only of where we are in this framework at any given moment, but also of where

our colleagues are operating as we discuss issues with them. Often confusion is generated within a staff because some are venting emotion while others are articulating various moral rules and still others are reflecting on basic principles. Sometimes everyone is presenting moral rules, but the rules are in conflict, and someone needs to move to the level of ethical analysis. Fundamental values, principles, goals, and objectives need to be clarified and ordered, for both the individuals and the organization, before an acceptable rule for action can be identified.

This framework helps us focus our attention on the stages in ethical decision making. It suggests that if we want to become more systematic in handling ethical issues, we need to examine more carefully what takes place at the level where rational reflection is most critical: the level of ethical analysis. This is where skill in decision making can be cultivated. Here we attempt to think about what we should do; there is intentionality and some degree of systematic treatment of the problem. At the expressive level only emotion is involved; it is not that emotion is bad, but it is only one element of ethical decision making. At the level of moral rules we are largely reflecting our socialization, which can amount to a set of blinders that limits our critical thinking. At the postethical level the considerations are too abstract, too personal, and in modern pluralistic societies, too varied to be susceptible to any generalized approach. People holding radically different philosophies and theologies are not likely to reach agreement at this level, although they may do so at the second and third levels. Also, public accountability in this kind of heterogeneous society requires reasoned application of ethical principles rather than metaphysical assertions. As public servants we are expected to explain and justify our conduct or to be prepared to do so when requested.

It is at the level of ethical analysis, then, that we are most likely to be able to account for our conduct publicly in terms that political officials and the citizenry can evaluate. If we proceed with reasoned justification, linking the consequences of our decisions with a tradition of ethical principles, then our conduct is reviewable by members of the political community and our deliberations and deeds are accessible for public debate and logical assessment. The higher we move up the ladder of public organizational leadership, the more important it becomes for us to be able to account for our actions in this way. Therefore the remainder of this book is devoted to applying systematic reflection at the level of ethical analysis as we design solutions.

This orientation does not assume that ethical decisions are, can, or should be purely rational and principled. *The Responsible Administrator* does not advocate an exclusively rationalist perspective; human feelings are an essential part of our

ethical life and inseparable from character. As neuroscientist Antonio Damasio (2010) suggests, emotional feelings are primordial—complex, spontaneous manifestations of experience that are central to our very conceptions of self. First and foremost, we are feeling, emotional beings, and this influences both the ways we think about and the ways we resolve ethical dilemmas. However, the approach adopted here is premised on the fact that in our public service roles, logical, principled, and relatively comprehensive justifications for our actions are expected by the public and elected officials.

Descriptive Models of Ethical Decision Making: The World as It Is

Before delving into the focus of this volume, the development of a model for arriving at normative judgments, it is useful to consider descriptive models of ethical decision making. Descriptive models are focused on how people typically make ethical decisions on their own in the course of their daily lives. They provide an important foundation for the development of prescriptive models. These prescribe how ethical decisions ought to be made, both as a framework for understanding the cognitive and emotional aspects of decision making and as a means of better explaining the ways decision making is influenced by environmental factors, both organizational and societal. Normative, or prescriptive, models are put forward as ways of improving our ethical decision making. Prescribing how ethical decisions ought to be made is the main purpose of this chapter, but we first take a look at how people tend to make these decisions without reference to any formal model.

Writing in 1980, Antonio Blasi lamented the lack of significant evidence linking cognition, emotion, and attitude to moral behavior, declaring that “at present . . . it is not known how general structures of moral reasoning and general attitudes interact in the production of behavior” (p. 10). His review and assessment of studies of moral reasoning is critical of people’s understanding of the cognitive aspects of ethical decision making at that time. Blasi notes that one of the reasons for the lack of scholarship may be the fact that scholars were predisposed to view moral behavior as either irrational, founded in processes that are intuitive, automatic, and subjective, or as a rational, willing act, predicated on reasoned analysis of the problem at hand. Attempting to reconcile the rational and irrational views of moral reasoning, Blasi notes that it is impossible to suggest the primacy of one view over the other. Ultimately, “the relative importance of the moral rules . . . and of the situations . . . cannot be statistically separated and

quantitatively weighted” (p. 4). This dichotomy served to restrict efforts aimed at addressing the gap between the two views.

Blasi concludes his discussion with a challenge based on his findings. “The processes that fill the space between a concrete moral judgment and its corresponding action should be determined” (1980, p. 40). Since that time, research and scholarship have contributed significantly to our understanding of the environmental and individual influences of behavior and decision making. Behavioral research continues to expand our knowledge about the space between moral judgment and moral action that Blasi referred to in 1980, specifically in areas concerned with emotion, affect, and the role of context. Dennis Wittmer’s general model, first developed in 1993 and expanded upon in 2005, provides a useful framework for illustrating recent developments in our understanding of the way individuals make ethical decisions. Wittmer (2005) focuses attention on a “cognitive process . . . that begins with awareness, perception, or sensitivity to the moral issue . . . proceeds through judgment . . . ending with the actual behavior of the decision maker” (p. 54), but he also suggests that this process is contingent on a variety of individual and environmental influences.

Wittmer’s general model results from the synthesis of several previously developed models of ethical decision making, but two themes can be seen emerging from the set of models. The first is that ethical decision-making processes are inherently cognitive. This view is exemplified by Wittmer’s reliance on James Rest’s four component model (Rest, 1984, 1986). Rest’s model provides a basis for understanding the ethical decision-making process from a psychological perspective. Rest posits that the decision process consists of four components: interpretation of the situation, judgment of the situation, selection from alternative courses of action, and action. The second theme is that ethical decision-making processes are influenced by individual and environmental characteristics. Wittmer relies on Linda Trevino’s person-situation interactionist model (1986) to support the inclusion of both individual and environmental characteristics in his general model of ethical decision making. Drawing on these two themes, Wittmer (2005) suggests that arriving at ethical decisions is contingent upon the interaction of both a cognitive process and individual and environmental influences. This model is theoretically rich, but Wittmer suggests that at the same time it provides a basis for “understanding the components of ethical decision making” as a means of creating “programs that are better designed to address separately sensitivity, reasoning, or strategies for carrying out ethical choices” (p. 64).

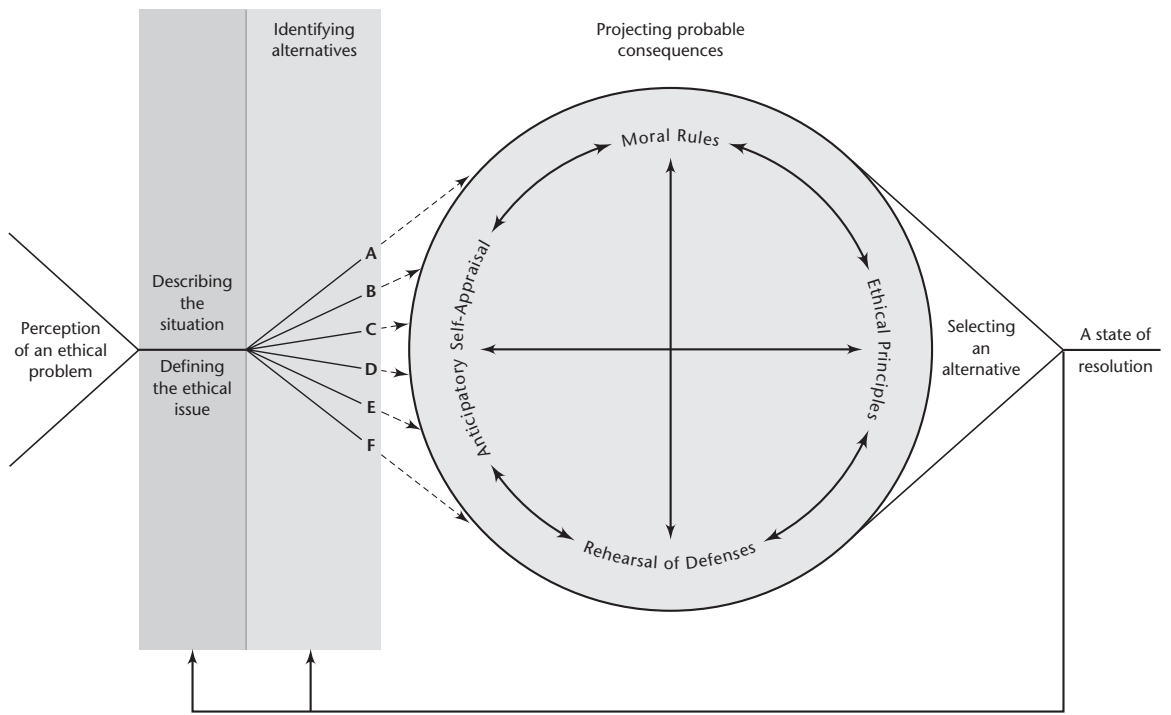
A Prescriptive Decision-Making Model: The World as We Would Like It to Be

This book argues that descriptions of how people make ethical decisions are not sufficient for those holding public roles. Rather, it is important to address how people with those important fiduciary responsibilities should make ethical decisions. In addressing ethical issues, we want to move from recognizing a problem to designing a course of action that will resolve it. This movement involves both description and prescription. That is, we describe to ourselves, and sometimes to others, what we believe to be the objective state of affairs and then attempt to prescribe what specific steps should be taken to change the situation. Between these two actions, we perform the kinds of reflection involved at the levels of moral rules and ethical analysis. It is far more important for us to comprehend these steps for ourselves and develop the required skills than it is for us simply to read someone else's prescriptions.

Books, articles, and training approaches that attempt to prescribe for administrators may be inspiring or thought provoking, but they are usually so general as to provide little guidance for specific decisions. Although they offer value orientations that administrators may find appealing, the link between a value system and a concrete situation is missing. This problem is often referred to as the *problem of application*. An individual may want to apply a set of values that seems compatible with his or her view of the administrative role, but the way to move from general to specific prescription is not clear.

The reflective link between description and prescription has several important steps, shown in the model in Figure 2.1. This model represents a framework for arriving at a judgment and then deciding what to do. No model, this one included, can lead you to the one, best possible, "correct" solution, but it can provide a template for creatively designing the best solutions for a given individual in a specific situation within the uncertainties and time limits of real administrative life. As in any other kind of design process, the course of action should take a contingency approach, providing for the pursuit of several alternatives simultaneously or sequentially until the consequences become clearer. Ethical problems, like transportation problems, architectural problems, or surgical problems, are dynamic, so one must be prepared to alter course as one learns from actions taken and as the situation changes over time.

FIGURE 2.1. THE PRESCRIBED ETHICAL DECISION-MAKING MODEL.



The Descriptive Task

When a problem comes to our attention, it is usually presented in a fragmentary or distorted fashion, often with judgmental language and inflections. In the case of the payroll clerk discussed at the beginning of this chapter, you may learn about his conduct from a secretary in the office whom he has treated rudely. Having discovered several suspicious names on the payroll list, she eagerly retaliates by concluding that he is involved in illegal activities. The secretary's report to you may include considerable embellishment of what she actually knows to be true, along with a derogatory appraisal of the payroll clerk's character.

Any experienced administrator would know that such a report does not represent an adequate description of the clerk's activities. The names may appear suspicious to the secretary because she does not know them, but there may be a reasonable explanation. Maybe he has indeed been sexist in his dealings with her but scrupulously honest in his handling of the payroll. Sexism is a problem to be dealt with, but it must not be confused with the payroll issue. It is clear that you must gather more factual information and sift out unfounded judgments before you have a full and objective description. Without this, you dare not proceed to any kind of prescription.

In this example, it is obvious that the descriptive task is critical, but there are many situations where it is equally important but much less obviously so. If the report comes to us not from a secretary but from someone above us in the organizational hierarchy, we are much more likely to accept it as an accurate description of events. Howard Becker (1973) refers to this tendency as the *hierarchy of credibility*. He suggests that "from the point of view of a well socialized participant in the system, any tale told by those at the top intrinsically deserves to be regarded as the most credible account obtainable of the organization's workings" (p. 7).

Admittedly, under the pressure of life in most organizations, we seldom have the time or resources to conduct a full investigation. However, we must always attempt to ascertain and describe as objectively as possible the facts of a situation. This might include identifying the key actors, the viewpoints of each of them, the issues, the sequence of events, and the risks.

Although it is impossible to avoid value-laden language altogether, it is possible to resist using words and phrases that blatantly create a cast of good guys and bad guys. This is a useful skill to cultivate in dealing with ethical problems because it helps to push us beyond the expressive level. Whether we are struggling with a decision alone or discussing it with someone else (such as a staff person or a supervisor), we must force ourselves to describe the situation in terms beyond our gut reaction to it. If we are to deal with real people involved in real events, we must first face, to the best of our ability, what has actually happened.

Defining the Ethical Issue

With the necessary details before us, the next step is to define the ethical issue. An ethical issue exists when competing or conflicting ethical principles or values are embedded in a practical problem. Experience with workshops on ethics indicates that public administrators seem to have the greatest difficulty with this second step. It is not that they are unable to recognize an ethically problematic situation; their sensitivity to such matters is encouragingly keen. They know when they are confronted with expectations, demands, opportunities, and conflicting interests that have ethical significance. But many have difficulty in articulating which values and principles are at stake. The tendency is to define the problem in practical rather than ethical terms.

Consider an administrator who is asked by a superior to provide confidential information about a colleague being considered for promotion—someone who is a close personal friend and is not qualified for the job. Workshop participants usually define the problem as keeping the boss happy but not hurting or offending the friend. This is a definition of the practical dilemma, but behind these practical considerations are some conflicting values and principles that need to be identified. There is an ethical dilemma to be defined by reference to certain specific conflicting or competing ethical principles.

“Conflicting loyalties” would be the most general statement of the ethical issue involved here. However, we could go further and consider obligations. On the one hand are the obligations to a friend to preserve confidentiality, to be honest, and to be trustworthy. On the other hand is the obligation to a superior to provide honest and objective information about coworkers being considered for greater responsibility. Fulfilling this obligation is in the best interests of the organization. Also, administrators have an obligation to the citizenry to uphold the public interest. Thus the problem could be defined as conflicting loyalties or conflicting obligations, depending on the details of the case and our own ethical priorities.

Unless we can focus the analysis on underlying ethical issues of this kind, we may resolve the matter on purely practical grounds. We may make a decision without ever really engaging the important values and principles that are pulling us in different directions. Ethical analysis skills, ethical autonomy, and ultimately our ethical identity are developed through engagement of this kind. It is the process through which character is formed. Without this kind of complex character-forming engagement, the practical demands and exigencies of a situation are likely to whip us around in a manner destructive of ethical judgment and antithetical to personal integrity.

Because this step of defining ethical issues is so difficult, those who conduct training sessions or classroom instruction must spend considerable time working

on it in a variety of ways before moving on to the full range of steps leading to final resolution. Some lecturing to illustrate the distinction between the practical and ethical dimensions of a problem is probably necessary at the outset.

The next step should involve the participants, under the instructor's leadership, working through the definitional problem in a case or two. Then it seems helpful to divide the participants into groups of three or four, each group with a different case situation, and to ask these groups to define the ethical issue in the case on their own. When the groups gather together and report what they decided, all the participants are then exposed to several different definitional problems.

Identifying Alternative Courses of Action

With an adequate definition of the ethical issue before us, we are ready to move on to identifying alternative courses of action. After describing the situation as objectively as possible and defining the ethical issue, the most difficult requirement is resisting the inclination to view the alternatives in dichotomous terms, as meaning that you must do either this or that. Either you tell Linda to stop seeing George, or you trust her to handle the relationship in a professional manner. Either you tell your spouse about the possible contract termination, or you remain silent. This either-or view is the most common trap in the ethical process. Rarely does an ethical issue have only two or three possible solutions, but there appears to be a force within us, as pervasive as gravity, that impedes the spinning out of alternatives.

Use whatever methods or techniques are necessary to move beyond either-or thinking, because until at least the most significant alternatives are acknowledged, you risk overlooking the best solution. A simple, two-column grid can help decision-making groups to broaden their perspective. First, on the left side, group members list all the alternatives they can think of. They brainstorm these alternatives for ten to fifteen minutes, without evaluating any of them; if an alternative is conceivable, they are required to list it. This may sound like a simple procedure, but experience with a large number of groups indicates that some people have an almost irresistible tendency to reject an alternative as soon as it is uttered. Second, on the right side, they write the probable consequences of each alternative, both positive and negative.

Projecting the Probable Consequences

Once the range of alternative solutions has been widened, the positive and negative anticipated consequences of each possible course of action need to be projected. If you tell Linda to stop seeing George, what is the likely outcome?

What if you transfer her to another position? Ask another member of the staff to work along with her? Tighten your supervision of her work? What chain of events will likely unfold, and toward what end? If you tell your spouse about the potential contract termination, what is he likely to do?

Projecting the consequences of alternatives is a key dynamic in our natural, informal decision making. As we consider what we should do, we usually run a movie in our minds. For each alternative we construct a scenario with actors, interactions, and consequences. Here, we are attempting to raise this informal process to a more formal, conscious, and systematic level. We begin by intentionally pushing out the boundaries of our range of considered alternatives, and then attempting to be more imaginative in our creation of these projections into the future.

John Dewey (1922) described this process as one of “deliberation” in which we experiment with “a dramatic rehearsal,” in our imagination, of “various competing possible lines of action” (p. 190; see also Schutz, 1970). A reasonable choice of a course of conduct requires us to consider the full range of alternatives rather than only the one or two that dominate our feelings and imagination.

The skill involved here is moral imagination—the ability to produce a movie in our minds with realistic characters, a believable script, and clear imagery. The movies we create tend to be more like slide shows or jerky, black-and-white, silent melodramas rather than epic productions in color with stereophonic sound and complex plots. The more imaginative we can be in projecting the probable consequences of each alternative, the more our ethical decision making is enhanced. This kind of vivid projection of alternatives tests their coherence and plausibility, as well as evoking the feelings we can expect to accompany each one. It is a key connection between the rational and the affective dimensions of ethical decision making.

Writing scenarios for each alternative may help you develop moral imagination. Although no administrator has the time to do this with every issue, it may be a worthwhile exercise for particularly complex problems. Groups can use the grid described earlier. After listing possible alternatives down the left side and the probable consequences for each along the right side, the group talks through a scenario for each one, attempting to refine the projected consequences.

It should be emphasized at this point that considering the consequences of each alternative does not mean that this consideration is the only or the determining factor in arriving at a decision. Ethicists refer to *deontological* (duty-oriented) and *teleological* (consequence-oriented) approaches to ethical decisions. The former approach is focused on duty to certain ethical principles, such as honesty or justice, in a quest to determine which duty is primary. The latter weighs the consequences of a course of action, as in utilitarianism with its calculus

of the greatest good for the greatest number, looking for the best outcomes. The model under discussion here includes both perspectives, as it is never possible to completely separate them in practice. A duty to respect human dignity is inseparable from the harmful consequences of not doing so.

Finding a Fit

The remainder of the process is no longer linear in nature. Achieving resolution involves a search for a fit among the four elements in the circle in Figure 2.1, and that search is not simply a matter of reasoning from one thing to the next. This basis for such a fit is more like the logic of aesthetics; it requires proportion and balance among the four elements.

The first consideration is the moral rules that can be adduced to support each alternative and the projected consequences. Identifying these moral rules will tend to happen quite naturally in a group setting as individuals are allowed to opt for a particular decision alternative and defend it. However, anyone engaged in this process alone or leading a group session must be sure that all alternatives are addressed and none dismissed too easily or quickly.

The next consideration is a rehearsal of defenses. This is sometimes called the *Sixty Minutes test* or the *New York Times test*. Here we systematically consider each alternative by asking ourselves, How would I defend this particular option if required to do so before a broad audience? This is the test of how well a particular alternative will fit with the accepted norms of the wider professional and political communities of which we are a part. Once again, moral imagination is a critical skill as we try to picture ourselves, as vividly as possible, explaining to a superior or subordinates or professional peers or the press or a court of law why each possible course of action was chosen. In group situations this exercise is most useful as the field narrows toward one or two alternatives.

Harlan Cleveland (1972) advocates an approach of this kind by suggesting that an administrator ask himself or herself the following key question before getting committed to any particular course of conduct: "If this action is held up to public scrutiny, will I still feel that it is what I should have done and how I should have done it?" (p. 104). Cleveland insists that if those involved in well-known cases of corruption had seriously asked themselves this question and answered it honestly, most of these instances of betrayal of public trust would never have happened. Part of the power of asking ourselves these questions is that they help us not only to think but also to feel our way through an ethical problem.

In this process of rehearsing defenses, which ethicists sometimes call *the test of publicity*, we may find it necessary to move from the discovery and application of moral rules to the third consideration: an attempt to discern the implicit

ethical principles at stake. This occurs when the available moral rules are not sufficiently satisfying to permit resolution. One alternative may tend to maximize the security of the individual or organization, whereas others may promote social justice or enhance democracy. As we consider the hierarchy of basic principles, we again rehearse the justification for each option: asking, for example, How could I justify giving higher priority to social justice than organizational security in this instance? As we engage in this process of arraying alternatives, drawing out the probable consequences in the most realistic terms, and rehearsing the application of rules and principles, both a rational and an emotional search for resolution is under way. But what constitutes resolution?

Resolution is reached when we discover an alternative that provides an acceptable balance of our duty to principle and the likely consequences and satisfies our need to have sound reasons for our conduct and our need to feel satisfied with the decision. Because neither a perfect balance of duty and consequences nor a supremely rational alternative that provides complete emotional satisfaction is often available, resolution is ordinarily an approximate state. What we can expect to achieve is the best balance of duty and consequences and the best combination of reasons and affective comfort under the circumstances. It should be emphasized, however, that the assumption here is that both the combination of reasons and feelings and the balance of duty and consequences involved in this resolution should include the obligations of the public service role. This decision-making process must be informed by education, training, and guided socialization into a public service ethic if the public interest is to be approximated. Ethical decisions must be buttressed by our public service character—the inclination to do the right thing as we engage in deciding what that should be. Here we are describing and systematizing the process that needs to be informed by such an ethic rooted in character.

Sorting through and selecting adequate reasons occurs through the process just described. Arriving at a feeling of satisfaction with a decision happens during the same process but involves a set of dynamics not yet described. It is time to consider the fourth element in the circle: anticipatory self-appraisal. This is the test of how well a course of action fits with our own self-image. As we imagine ourselves undertaking various courses of action, we may experience self-disapproval in connection with certain alternatives. According to Janis and Mann (1977), these anticipations can arouse guilt, remorse, and self-reproach. When we see ourselves, in our mind's eye, carrying out a decision that is inconsistent with our core values, we do not like the self we envision. When we project ourselves into the future and look back on the act as though it had been completed, we are dissatisfied with ourselves. We anticipate not feeling good the morning after. We experience, in advance, a kind of ethical hangover.

In the same way, other decision alternatives create self-approval. The movie in our minds portrays us acting in a way that makes us feel proud and draws praise, or at least approval, from people whose opinions we value. We are drawn toward these options by the reinforcing power of anticipatory feelings of satisfaction. Acting in ways that evoke this anticipatory approval is the way we develop predispositions to act similarly in the future, which is one way of understanding the essence of character.

These anticipatory feelings are usually not appraised systematically, but they create inclinations either to reject alternatives that seem incongruent with our values or the norms of significant reference groups or to choose congruent ones. To the extent that we are able to relate this emotional process to the rational process, we gain ethical autonomy. To the extent that we cultivate a pattern of consistently acting in ways that combine sound reasons with affective confidence, we develop integrity. We can intentionally and systematically assess decision alternatives in terms of the soundness of our reasons for selecting each one and the quality of the feelings we can expect to have about choosing it. We may also be able to identify the sources of those positive or negative feelings. Are we anticipating approval or disapproval from our colleagues in the local chapter of the American Society for Public Administration? From the boss? Or are long-held personal values involved? How important is the source of those feelings? Are there other persons or groups whose evaluation of the decision is equally, or more, important?

Benefits of Using the Model

In brief, these are the steps in a fully systematic and self-conscious ethical decision-making process. Obviously no practicing administrator could be expected to apply this model to every ethical issue. However, the assumption here is that if this model is used with the more significant problems, administrators will cultivate over time something like an intuitive decision-making skill, which will serve them well when there is no time for such explicit and formal exercises. Daniel Isenberg's (1984) research on senior managers indicates that the most effective ones systematically develop such intuitive decision models that make possible "the smooth automatic performance of learned behavior sequences." Isenberg maintains that this "is not arbitrary or irrational, but is based on years of painstaking practice and hands-on experience that builds skills" (p. 85). When these skills are used under the pressure of limited time for reflection, "we compress years of experience and learning into split seconds. This compression is one of the bases of what we call intuition, as well as the art of management" (p. 83).

By using the model we achieve a greater degree of ethical autonomy because we become more aware of both our own values and the external obligations under which we act. Even when we develop intuitive skill, it is possible to raise the grounds for our conduct to conscious consideration when necessary. Janis and Mann (1977) observe that authorities sometimes attempt to elicit obedience by creating the illusion that subordinates have no choice but to follow orders. The power of this manipulation of the perceived range of real choices is vividly portrayed in the experiments on obedience to authority conducted by Stanley Milgram (1974), which are discussed at greater length in Chapter Eight. These studies demonstrated that more than half of a random sample of American citizens were willing to comply with orders that appeared to result in serious harm to another person. One of the critical factors in their decision to follow distasteful instructions was the scientist's repeated statement: "You have no other choice. The experiment requires that you continue." Defining the situation in such constrained terms leaves a decision maker feeling helpless before a single unacceptable option; consciousness of alternative choices is foreclosed. Ethical autonomy is reduced to zero, character is eroded, and integrity undermined.

Although it is easier to conceive of this kind of ethical tunnel vision in cases where we are being manipulated by an authority, it occurs more pervasively. We develop blinders that allow us to see only one alternative or at most a very few. Until we take the initiative to systematically and aggressively widen the range of conceivable options and assess how they fit both rationally and emotionally with our value system, we are at the mercy of the most obvious courses of action. Developing moral imagination requires discipline and practice as demanding as any other intellectual and creative activity, but its rewards are greater measures of self-awareness, self-control, and decision-making flexibility. These are essential for the strengthening of character that inclines us to act on our convictions and the building of integrity that keeps us from weaving through life like a drunkard, first stumbling in one direction and later in quite another.

Implementing a Decision: The Design Approach

These problems of preserving ethical autonomy suggest that arriving at a decision using the model discussed previously is only one part of a larger process. That more inclusive process, which I have characterized as a *design approach* to administrative ethics, will be discussed at greater length in Chapter Nine, but it may be helpful at this point to indicate some of the key considerations in moving forward with a decision:

1. It is important to understand the characteristics of the organizational structure and culture that may encourage or impede acting on the decision. Is there

anything about the hierarchical structure and the people who occupy key positions in it that either may make it difficult for you to carry out the chosen decision or may provide support for your conduct? Are there norms in the organization's culture that may resist your implementing the decision, perhaps through informal sanctions, or are there norms that may support your actions?

2. What changes would need to be made in the organizational structure and culture to make them more supportive of the decision you have arrived at using the model? Does the structure need to be made flatter? Are dissent channels such as hotlines or inspectors general needed to prevent unethical pressure from above? Do some of the informal practices that protect those guilty of misconduct need to be addressed through training or organizational development efforts?
3. What kinds of management intervention strategies would be appropriate to effect these changes? Does change call for a top-to-bottom management audit, an organizational development exercise, a new training program, a review of the organization's structure, a code of ethics, or ethics training?

As will be seen in the chapters that follow, ethical decision making cannot be carried into practice effectively without this kind of analysis of the organizational context.

Conclusion

I began this chapter by examining some typical public administrative cases in which an ethical dilemma could be discerned. I then defined ethics as an active process involving the ordering of our values with respect to a particular decision. Next I considered the four levels of reflection at which this process occurs. A descriptive model of ethical decision making was then outlined as the way people typically make ethical decisions. The chapter concluded with a review of a prescriptive decision-making model that may be used to systematically and self-consciously move from the description of an ethical problem to prescribed courses of action and organizational analysis. This is the first stage of the design approach to administrative ethics—the level of individual decision making and conduct.

In the next chapter, I step back from particular ethical decisions to look at the social and political setting in which public administrators make ethical decisions. This setting imposes certain conditions that significantly shape the nature of the problems that public administrators encounter. To design effective responses to ethical problems, one must always do so with reference to the context.