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## What's Missing in Government Ethics?

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Every election year the public is treated to calls by politicians for ethics reform. Like motherhood and apple pie, ethics serves as a favored symbol – an easy platform issue for gaining public acclaim. It feeds on our abiding suspicion of government officials. Ironically, however, the irresistible nature of ethics reform also makes it a poor candidate for establishing the kind of ethical culture in public life that Americans really want. Why is this?



First, ethics reform most often focuses on preventing or fixing abuses of public trust for private gain. It often plays out under intense media coverage and electoral grandstanding that leads to one-upmanship in making reform proposals. This results in poorly designed laws that are difficult to enforce. Public servants need lawyers more than they need ethicists or counselors to maneuver their way through the maze.

Second, the more stringent ethics laws and codes apply to career civil servants and professionals rather than to politicians and their appointees. Legislators across the nation have passed laws and rules addressing their own legislative practices as well, but these are notoriously weak by comparison.[1] And yet, more often than not, ethics reforms are initiated in response to abuses and scandals among the political ranks. Ethics reforms, therefore, often hit the wrong target.

Third, legalistic reforms attend mainly to matters that affect public officials only rarely or intermittently. Situations involving conflict of interest, financial disclosure, lobbying/revolving-door restrictions, and whistleblowing arise relatively infrequently. For example, officials usually consider conflict of interest and financial disclosure when taking new positions, and when leaving positions to enter the private sector.

Finally, ethics reforms focus on negative and relatively petty issues when compared with the immense discretionary matters public servants deal with on a daily basis. The effect on the public of bad management practices, abusive working relationships, and poor exercise of routine discretionary powers is vastly greater than anything addressed in ethics reform. Moreover, ethics reforms do little to inspire public servants, to elevate a higher standard, to inculcate a sense of noblesse oblige. It is hardly surprising, therefore, to see most public servants furtively rolling their eyes and sighing depressively at each new round of ethics reform.

The dispiriting nature of ethics reform does little to dissuade politicians from embracing them. Such reforms still retain some merit, even if they are passed mostly for symbolic reasons – for the sake of appearances. The public often expects such reform as a visible aspect of public oversight and accountability. Implicit in their expectation is the principle that public service is different. It requires a heightened level of scrutiny because the responsibilities of public service carry a special gravity and significance. This is an important insight.

Public obligations are indeed distinctive, but the focus on rules ethics as a visible, programmatic effort tends to obscure other more important ethical matters in public life. Ethics programs focus public attention like a lightning rod on legally defined abuses, rather than on the ethical issues pertaining to proper and routine uses of discretionary power. These latter issues are not typically labeled as “ethical.” Rather, they are commonly known as management and decision making problems, personnel issues, organizational turf issues, or professional quandaries. Such routine matters are seldom considered newsworthy, but present fascinating ethical challenges for public servants as well as citizens. There are a variety of ways to explain or highlight the

ethical dimensions of such routine public affairs. A few of the more common approaches are briefly described below to illustrate their significance.

**Character Ethics:** Character ethics emphasizes habits, roles, and dispositions, and how these inform judgments about right and wrong, or better and worse courses of action. We know, for example, that organizations shape and socialize character through extensive training, patterned incentives, and programmed behavior. They can induce powerful dispositions to obey authority, to follow rules, and to work cooperatively with others. This may be deemed a strength or “virtue” in some settings, and a horrible weakness or “vice” in others. The public wants obedient, well-trained, efficient public servants to provide the services they want. But such traits can also be viewed as bureaucratic, narrow-minded, timid and reactive, and overly passive. The public wants their bureaucrats to resist improper agendas, and often to engage in conflicts that open up avenues for change from the status quo. These conflicting demands require a balance of character traits that must exist in tension with each other. The ancient Greeks referred to such balance as “integrity.” Character ethics raises questions about how we can cultivate and maintain such integrity in public life.

**Status Ethics:** Status ethics raises questions about proper relationships of authority and power in public life. For example, a public servant may have the knowledge or expertise to decide a matter competently, but may lack the appropriate credentials or authority to make the decision. Status involves informal as well as formal dimensions. To whom is one properly loyal? What friendships and alliances affect one’s powers? Such questions call to mind the old adage that what matters is more about who one knows than what one knows in order to get things done. Politicians and career officials must understand both the formal structures and the informal networks of influence connected with various kinds of status, or their ideas and agendas will never be heard.

**Ethics as Practical Reason:** One of the more vexing subjects in public life involves the role of compromise. How do we effectively achieve public purposes in the context of so many cross-cutting and often hidden agendas? How do we get anything done in a governing system that purposely diffuses power? How do we balance conflicting values to achieve coherent policy? What can we prudently expect to achieve versus what we idealistically wish to achieve? Compromise troubles us, yet we cannot coexist in a political community without it. Vast amounts of energy and time are spent thinking about what compromises to make and when. This is the stuff of daily politics and administration, and it is inherently ethical in nature. We are reminded of this, for example, when we hear that a public benefits program must adjust policies and procedures designed to serve thousands of people in order to accommodate the rights of a few adversely affected individuals. In a democratic regime that gives high priority to protecting individual rights, we must expect compromises in our penchant for utility – for achieving the greatest good for the greatest number. Public managers must balance these competing values, and inevitably incur the ire of one party or another as they do so.

**Interpretive Ethics:** Public officials commonly speak of agency missions, the public interest, justice, equality, and other core public values. These are complex ideas. They entail multiple meanings which must be explored and interpreted as they are applied to specific agency contexts. Interpretive ethics involves the study of moral meanings attributed to such values. Engaging in such analysis enriches one’s thinking, and builds appreciation for the different perspectives brought to bear on public policies and practices. To illustrate, consider the following law enforcement mission statements:

1. “The primary mission of law enforcement is to instill order and protect the public from criminal activity.”
2. “The primary mission of law enforcement is to assist the public in establishing and maintaining a safe, orderly social environment that enhances the quality of life in the community.”

The first statement implies that police work is composed primarily of bringing order to disorderly circumstances (such as accidents and raucous parties), responding to incidents in quick and efficient manner, and investigating crimes. This is the "expert-based" model of law enforcement, and it has been criticized in both academic and professional literature for over-emphasizing expertise and unilateral action while ignoring the collaborative and constitutive roles it should play in communities. The second mission statement articulates a "community policing" philosophy, which involves citizens as "co-producers" of public safety and order. Police officers play more collaborative roles, cultivating fellow citizens as viable sources of insight and action about crime prevention and investigation. The methods and practices of law enforcement agencies will differ substantially depending on which mission statement they take most seriously. Thus, the meaning of each mission statement bears great practical as well as ethical significance.

Understanding the ethical aspects of routine political and administrative practices leads to much greater insight about how to improve governance than do the standard, programmatic ethics reforms that dominate public attention. We cannot ignore the abuses which prompt ethics reform, but we should not expect the resulting measures to greatly improve the ethical climate of our governments. When such measures draw our attention away from more central aspects of public ethics, they may do more harm than good. Our public officials need more sensitivity to the nuances of character ethics, status ethics, practical reason, and interpretive ethics as applied to their discretionary powers. More ethics rules will do little toward that end.

## Footnotes

1. Articles on the status of ethics laws affecting legislatures may be found at the website of the National Conference of State Legislatures [www.ncsl.org/programs/ethics](http://www.ncsl.org/programs/ethics).

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