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.

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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).

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/

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

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.

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[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.

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

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.

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**.

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

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.

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.

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%).

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[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.

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:

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[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).

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.

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

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

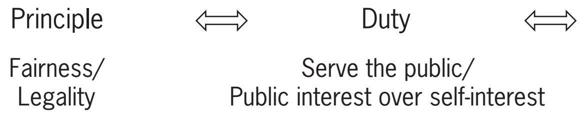

FIGURE 2–1 Basic Components of Administrative Ethics with Stage 4 Reasoning

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**.

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.