



Third
Edition

The ETHICS CHALLENGE IN PUBLIC SERVICE

 A Problem-Solving Guide

Carol W. Lewis
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PREFACE

We wrote this third edition of *The Ethics Challenge in Public Service* with optimism and confidence. We are optimistic that the fires in the United States and abroad that rage today against the public sector and its many millions of public servants will subside. We are optimistic as well that the insistent ideological and partisan claims that fan the flames will calm. Our confidence stems from our profound appreciation for public servants' contributions to our society and our democracy. We hope that you, the reader, will understand and even come to share these feelings with us.

As we wrote, we found ourselves captivated by the many remarkable incidents and changes in public service since the previous edition in 2005. The litany includes the rise of social media and e-government; the intense pressures of a deep recession; the fissures of a divided and insistent electorate and their uncompromising elected leaders; demographic changes; natural catastrophes; ill-considered risk assessments biased by greed on a grand scale; the widespread recognition of pressing needs for collaboration; and the global availability of information (and disinformation) through the Internet. These and other developments challenge our increasingly complex, interdependent, and fragile public life. Research findings in the cognitive sciences, neuroscience, genetics, and economics challenge several of our long-held but wrong-headed beliefs about human motivation, human morality, and even what being human means.

In his “Metamorphoses,” Ovid tells us, “*Omnia mutantur*” (everything changes). This all-too-human fascination with change is countered by the adage, “*Plus ça change, plus c’est la même chose*” (the more things change, the more they stay the same). Some fundamentals, such as our inborn human nature, surely have not changed even over several millennia. So we decided to follow the ancient Greeks, aim at a balanced view, and highlight continuities as well as change.

As in the earlier editions, this book’s subject is managing in—not moralizing about—public service today. It is written for professional managers in government and nonprofit agencies, where unprecedented demands for ethical judgment and decisive action resound at increasingly higher decibel levels. It is also written for those who work with public agencies and for public purposes.

Again we encounter low ethics in high places. Scandals rock boardrooms, bedrooms, Wall Street, and Main Street. Political leaders are outed for ethical violations, along with their counterparts in just about every walk of life. A pervasive public disillusionment and loss of confidence touch political, economic, and even religious leaders and institutions.

Is behavior today better or worse than in the past? Is there more corruption in government and society generally? Is moral character—that ingrained sense of right and wrong—a thing of the past? There really is no evidence either way, except through anecdotes, media images, and public opinion polls. More important (and the reason these questions are not confronted with evidence and argument in this book) is that the answers are intellectually interesting but practically irrelevant to managers in public service. First, we depend on the moral character of public managers and employees. Whole administrative systems in the United States and around the globe are built on this foundation. Second, to work at all, public managers must work with what is here now. Nostalgia contributes nothing to daily operations; it solves no ethical problems on the job.

We argue that public service attracts a special breed and that the majority of the many millions of practicing and aspiring public managers and employees are well intentioned and bring good moral character to public service. It is the job itself—the ambiguous, complex, pressured world of public service—that presents special problems for ethical people who want to do the right thing. We offer some examples to make our point. Ethical issues involve information in a public setting where public disclosure and transparency vie with concerns over confidentiality and privacy; expert analysis sometimes slips into outright advocacy. Assessing and communicating risk were critical in the unfolding nuclear emergency following the earthquake and tsunami in Japan in 2011 and the oil spill in the Gulf of Mexico in 2010. Social media and global banking reach across political boundaries and environmental challenges, and natural disasters respect no barriers at all. A final example is diversity—in the workplace, among

service recipients, and in the general population. Professional managers need to overcome cultural and linguistic barriers and appreciate cultural differences rather than fear them. Practical managers know how to work with and for people of different backgrounds, and ethical managers know why they should.

Best practices address the public workplace directly by helping to reinforce moral character and engage adults in a dialogue about ethics where it counts. And count it does, for supervisors, subordinates, colleagues, citizens, taxpayers, people around the world, and generations to come.

Our Approach to the Challenge

Given our purpose of promoting ethical practice and assisting ethical managers in making ethical decisions, we aim at ethical literacy. We provide the ideas and vocabulary needed to raise and address ethical concerns in a professional setting in a professional way. This book is meant to be a shortcut through a maze of information and perspectives. We chose issues according to our assessment of their current and future managerial impact rather than academic coinage or strict philosophical import.

Our method is, first, to link good character with the particular ranking of values and principles that distinguishes public from personal ethics. Respect for individuals' feelings and informed judgments pervade our arguments. The same approach obligates us to provide readers with some explanations of inclusions, omissions, emphases, and biases. We argue that the dominant values and guiding principles in public ethics are different from personal ethics: the public's expectations are higher, and the burdens are heavier.


Second, we provide practical tools and techniques for resolving workaday dilemmas at the individual and agency levels. Third, our purpose is to help ethical managers structure the work environment so that it fosters ethical behavior and eases the transition of good intentions into meaningful action in the agency.

Experiential learning tunes up sensitivity to ethical challenges and polishes the skills needed to resolve them ethically and practically. This book's cases at the ends of the chapters showcase common problems and are test runs in applied problem solving. They allow readers to practice in private (and at no public cost) until, following Aristotle, ethics becomes a habit. The cases exercise the two-step by requiring informed, systematic reasoning, followed by simulated action. The open-ended questions that follow them encourage analysis, and more pointed questions force decision making. Some resolutions depend on empathy and imagination. Cases work best when readers alter decision premises and circumstances to double-check ethical judgments or reconcile

different philosophical perspectives. The cases, like the book itself, are driven by democratic processes, for which accommodation is the vehicle and tolerance the grease.

Anecdotes and stories help us make sense of things. Throughout human history, we have relied on stories (parables, allegories, fables, and myths) to communicate visions of the ideal and our distance from it. These stories often suggest alternatives to the status quo. These stories arouse feelings, demand thought, and inspire understanding of ethics in public service.

Winston Churchill, the great British leader who shepherded his besieged country through the blitzkrieg of World War II, told the world, “The farther back you can look, the farther forward you are likely to see.” We draw on history for this purpose. Likewise, we use a comparative framework to stretch beyond our own political boundaries for best practices and important lessons. Why repeat mistakes that we can avoid? Why ignore valuable insights just because they need translation or adaptation? Efficiency is on the list of important values today, but surely parochialism is not.

A touch of humor here and there helps learning by reducing the tension that is unavoidable when we confront hard questions and tough choices. Humor need not trivialize the serious; rather, it helps us face serious issues head-on. Similarly, popular culture and graphics help us connect to these issues, and we suggest films, videos, and literature in this spirit. We offer additional resources—cases, illustrations, photos, explanations, and more—on the book’s Web site. A symbol  tags these Web site resources.

Our multidisciplinary perspective draws on philosophy, genetics, sociology, political science, economics, public administration, business management, history, cognitive and developmental psychology, and other disciplines. Figure 6.2 lays out the many resources from which we draw. We incorporate normative and empirical approaches, along with a variety of theories and academic disciplines. We consider factors that are independent of context and other factors with a social or situational focus. We shift the unit of analysis among the several possibilities: the individual, the organization, and the community or jurisdiction. We agree with other scholars (such as Frederickson and Ghore, 2005; Menzel, 2005) that public sector ethics is a vibrant and intellectually rich field.

No book of reasonable length includes everything. We do not deal in any detail with the very important topics of ethics in public policy, electoral ethics, legislative ethics, judicial ethics, and some other major topics. Although these are important to the environment in which professional managers find themselves, they do not directly show up on their desks or in the inbox.

Although this edition, like the earlier ones, is designed for individual reading as well as for use in training and academic settings, this edition differs from the previous one in several major ways. First, many cases, figures, and exhibits are new, and we updated a great deal of the data and many vignettes. We include recent experiences in the United States and around the rest of the world. Just one example of where this took us is the more dynamic and thick description of the public sector as a web rather than as a dichotomy. Many new figures visually represent textual material, and we hope that the three-dimensional images and concept maps in particular help readers engage the material. Second, this edition stresses the nonrational aspects of decision making and recent research in different disciplines. This research has profoundly influenced our understanding of moral choice, moral judgment, and moral reasoning. Third, a lot of the substantive and illustrative content is on the companion Web site; although most of this is new material, we have retained some of the exhibits and cases from the previous edition for users who have come to rely on them. Fiction, films, URLs, classic documents, and suggestions for in-depth reading are listed at the end of each chapter as “Additional Resources for Each Chapter.” Fourth, we added a glossary (Resource A) and end-of-chapter questions as learning tools. These can be adapted as discussion or review questions in training programs or classroom settings or used to stimulate reflection by individual readers. The instructor’s site includes PowerPoints and examination or review questions. Fifth, and taking a cue from our discussion of diversity in Chapter Ten and the far-flung reach of e-books, we have aimed at a more readable and engaging style. After all, a book is meant to be read, is it not? Anonymous reviewers, students, and practitioners suggested some of the changes, and we appreciate their criticisms and ideas.

Overview of the Contents

We offer some tools and techniques that professional public managers can use to meet the demands for making ethical judgments and taking decisive action on the job. In sum, what counts? What is at stake? How can managers ensure ethical survival and professional success? Veterans and rookies alike may wonder, now and then, *Are both possible?* Our answer here is an emphatic yes. We argue that ethics and genuine success march together.

The Ethics Challenge in Public Service examines these questions in terms of managerial realities and their ethical dimensions, which together shape the book’s structure, mapped out in Figure P.1.

FIGURE P.1. ORGANIZATION OF THE ETHICS CHALLENGE IN PUBLIC SERVICE

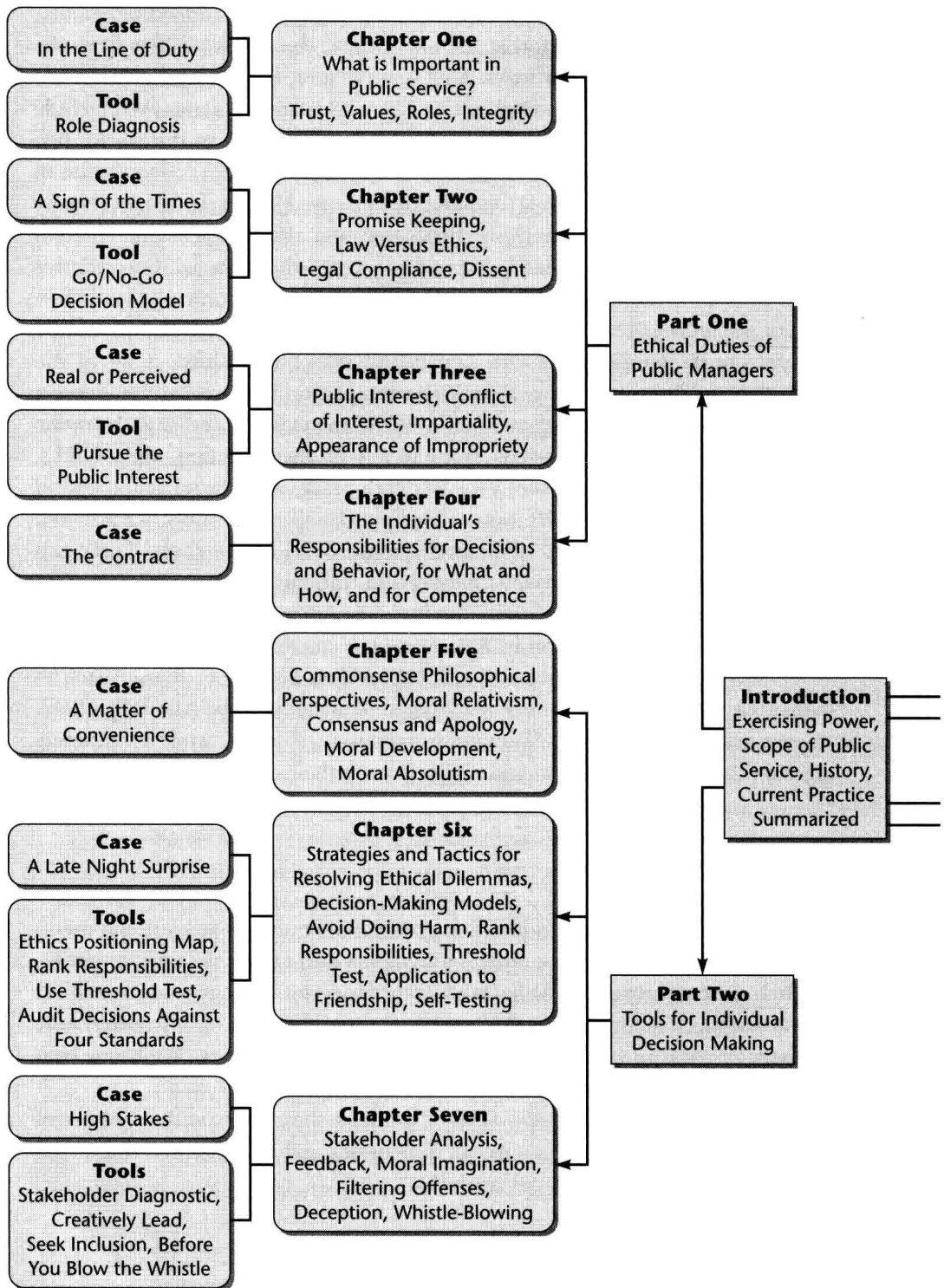
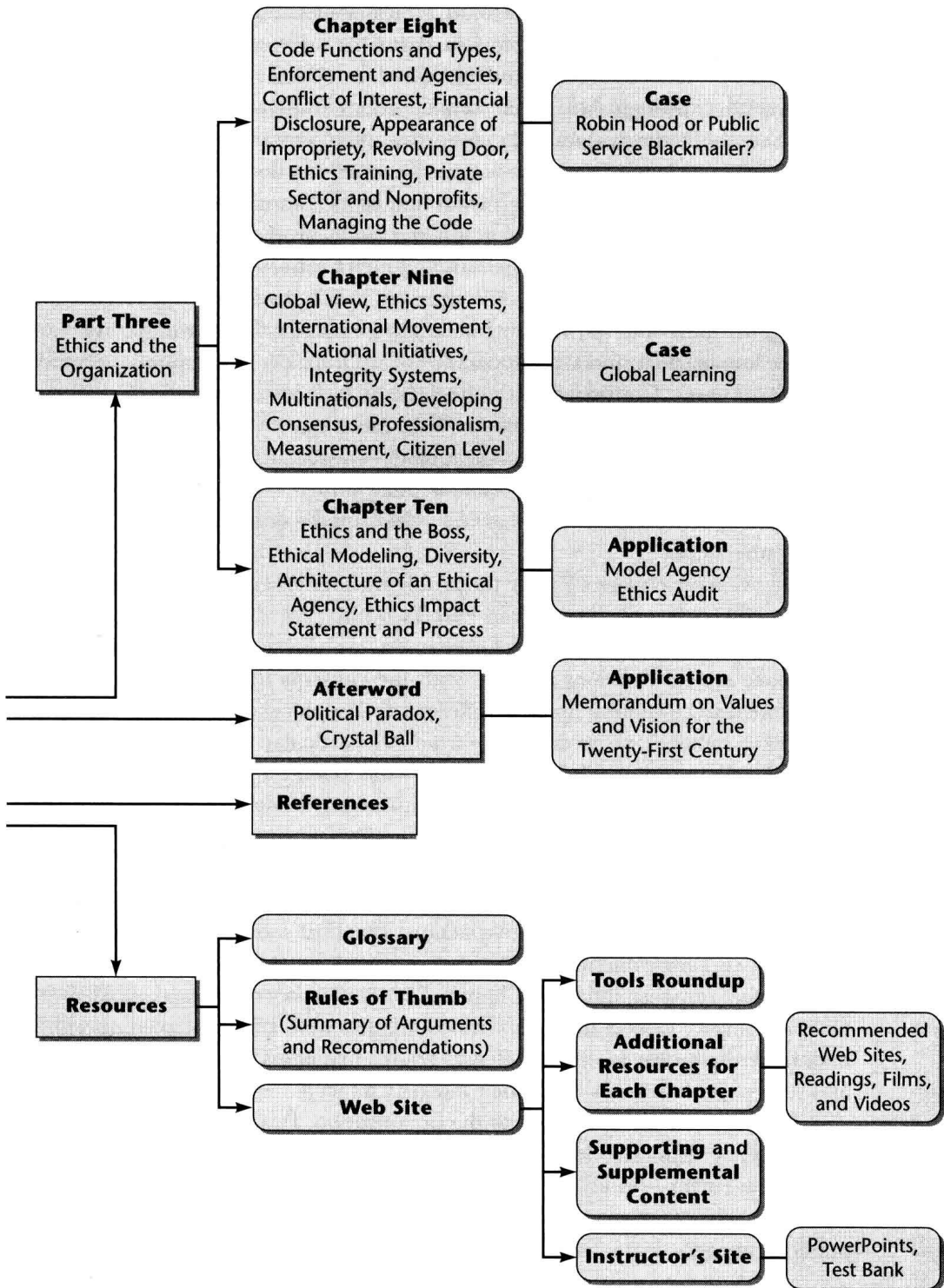


FIGURE P.1. (continued)



The Introduction offers a look at ethical issues encountered on the job and in the profession. The chapters in Part One address public service ethics as rooted in moral character and anchored in ethical values and principle. Chapter One distinguishes public service ethics from personal morality and shows how contending values and many cross-pressures translate into a personally demanding, ambiguous, complex context for everyday decision making. One of public service's special ethical claims on managers is to implement and comply with the law; an elementary decision-making model given in Chapter Two helps decision makers act on legal obligations without devaluing other considerations. The obligation of serving the public interest entails empathy and respect for future generations and spawns the public service standards regarding conflict of interest, impartiality, and the appearance of impropriety under public scrutiny (Chapter Three). Combined with the idea of individual responsibility, these obligations are converted, in Chapter Four, into general guides to action for managers who work in an organizational context: individual responsibility for decisions and behavior, for what is done and how, and for professional competence. The obligations and action guides are the ethical underpinnings for doing public service.

These earlier chapters expose the problems, conflicts, and claims shouldered by the public manager. The task in Part Two is to provide tools for reconciling and sorting them ethically. In these chapters, we discuss individual managers who make ethical decisions and live with the consequences. Ethical reasoning is grounded in commonsense and different philosophical perspectives that lead to varying outlooks on what is important in particular decisions; experience and political tradition advise impartiality and open-mindedness over ethical extremism (Chapter Five). Using a decision-making model that allows contending viewpoints and values, managers gear up for fact finding, accommodating, and making selective trade-offs that lead to the informed, principled choices they must make (Chapter Six). The obligation to avoid doing harm is reconciled with collective action and selective action. Practical tools and techniques for resolving workaday dilemmas help answer questions about what counts (obligations and responsibilities in Chapter Six) and who counts (stakeholders in Chapter Seven). Ethical managers are counted as well, and principled discrimination in responding to ethical offenses equips managers to discount trivialities and survive professionally, with their integrity intact (Chapter Seven).

Moving from the individual to the organization, Part Three looks at ethics in the agency. Ethics codes and ethics systems—their functions, development, and management—in all their variety are benchmarks for the current record and forecasts of things to come (Chapter Eight). What can professional public managers learn from the global movement in public service ethics?

Chapter Nine offers a glance at colleagues in other administrative settings so that we may better understand and assess our own. A look at the global context is an efficient way to push back boundaries and a useful way to trigger the moral imagination. In Chapter Ten, the supervisory function—a central managerial responsibility—turns the spotlight on organizational interaction. In a host of ways, including modeling, the manager shapes ethical conduct and the ethical organization. Workforce diversity, alternate recruitment channels, mixed administrative settings, and collaborative relationships figure among the current challenges (Chapter Ten). Chapter Ten argues that routine agency operations set the organization's ethical tone, and these operations can be structured to support and promote ethical action.

Throughout, *The Ethics Challenge in Public Service* pays special attention to what lies ahead on the manager's agenda. The Afterword in particular has an eye on the future. Designed for ready reference, the glossary in Resource A includes the more technical terms from a variety of disciplines. Bold type identifies the defined terms where they are first used. Also for reference, Resource B compiles the main arguments and recommendations culled from this book.

September 2011

Carol W. Lewis, Storrs, Connecticut
Stuart C. Gilman, Manassas, Virginia

To our friends and colleagues in public service

GOOD ADMINISTRATION



Depicting good administration, this mural shows balanced scales of justice, a citizen carrying a book and voting, and prosperity represented by a jar being filled with grain. The inscription on the marble below the feet of the figure of Justice reads "good administration."

Credits: Mural ca. 1898 by Elihu Vedder (1836–1923); at Library of Congress Thomas Jefferson Building, Washington, D.C. Photograph by Carol M. Highsmith, 1994.

Photographs in the Carol M. Highsmith Archive, Library of Congress, Prints and Photographs Division, <http://www.loc.gov/pictures/item/2007684335>.

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It is fitting to salute the many individuals and institutions who contributed in so many ways to this book. An overview of practices and purposes cannot be written in glorious isolation, off in an ivory tower that is reputedly unaffected by deferred maintenance or other realities. Our experience demonstrates what collaboration can accomplish.

We extend our deep appreciation to individual managers and academics throughout the United States and around the rest of the world who responded to our requests or volunteered assistance. Government offices on many continents, state and local ethics commissions, public interest groups, professional associations, nonprofit agencies, private research groups, consulting firms, news media, and other agencies and offices responded openly to requests for information and reprint rights. The U.N. Office on Drugs and Crime, Organization for Economic Cooperation and Development, World Bank, American Society for Public Administration, International City/County Management Association, U.S. Office of Government Ethics, Connecticut Office of State Ethics, Palm Beach County Commission on Ethics, New York City's Conflict of Interest Board, the Office of the Comptroller General of Brazil, Great Britain's Committee on Standards in Public Life, IBM Center for the Business of Government, *Governing*, the *Texas Tribune*, and others generously contributed resources for the book and the companion Web site www.josseybass.com/go/CarolLewis. The

Center for Ethics in Government at the National Conference of State Legislatures and its director, Peggy Kerns, supported this edition with encouragement and materials, and we are grateful for both. The University of Connecticut's Roper Center provided survey data, as did Gallup, Harris Interactive, the Pew Research Center, and World Public Opinion. By their very nature, citations note only the contributions we ultimately incorporated into the text, but broad assistance nourished the entire project. A special salute goes to the team at Jossey-Bass: Alison Hankey, Dani Scoville, Robin Lloyd, and Bev Miller.

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Many practitioners in numerous forums and students in academic settings willingly provided feedback on cases and exercises. By combining kindness with criticism, the colleagues, anonymous reviewers, copyeditor, and family members who read the draft manuscript in whole or in part confirm what we have long suspected: public service is part diplomacy. We thank you for your perceptive comments and valuable suggestions.

It is customary and appropriate for authors to take complete responsibility for all errors, omissions, and oversights. We do take full responsibility. We also note that our including material by permission of individuals or organizations in no way implies their endorsement or approval of this third edition.

We most heartily thank our spouses and families for their understanding, patience, and making do with quality time as deadlines approached.

THE AUTHORS

Carol W. Lewis is professor emerita of political science at the University of Connecticut, where she taught ethics, public budgeting, and public administration. A Phi Beta Kappa graduate of Cornell, she received her B.A. (1967) in government. Her M.A. (1970) and Ph.D. (1975) in politics are from Princeton University. Lewis's teaching and research interests focus on public budgeting and financial management and ethics in public service.

Lewis has taught in colleges and universities in four states, lectured to scholars and practitioners nationally and internationally, and conducted training programs for public managers in many locales in the United States and abroad. As a consultant or project member, she has worked with the World Bank, International Institute of Administrative Sciences, the U.S. National Academy of Public Administration, cross-national projects with the U.S. Department of Housing and Urban Development, and government agencies at all levels.

Lewis has designed and delivered ethics programs for numerous government agencies, public interest organizations, and professional associations. Examples include the National Conference of State Legislatures, Brookings Institution, Council of State Governments, Connecticut General Assembly, International Personnel Management Association, Government Finance Officers Association, National Association of State Training and Development Directors, and other associations in her home and other states.

Writing for professional managers, Lewis has published in *Public Manager*, the Council on Governmental Ethics Laws' *Guardian*, the Government Finance Officers Association's *Government Finance Review*, and the International City Management Association's *Municipal Year Book* and *Public Management*. Her popular publications on ethics include articles in the *Hartford Courant*. Her numerous scholarly articles have appeared in *Public Administration Review*, *Urban Affairs Quarterly*, *Municipal Finance Journal*, *Publius*, and other journals. She is coeditor of several books and handbooks for practitioners and the author of *Scruples and Scandals: A Handbook on Public Service Ethics for State and Local Government Officials and Employees in Connecticut* (1986).

As a state employee, elected union representative, consultant, trainer, writer, professor, and former public official in elective office, Lewis has confronted many issues addressed in this book firsthand.

Stuart C. Gilman retired as head of the United Nations Global Programme Against Corruption in 2010. He has continued work in ethics and anticorruption as a senior partner of the Global Integrity Group. He is a 1970 graduate of the University of New Orleans and received his M.A. in 1971 and Ph.D. in 1974 in political science from Miami University. He completed postdoctoral work at the Center for Advanced Study in the Behavioral Sciences at Stanford University, the University of Virginia, and the Senior Managers in Government Program at Harvard University. Gilman taught at Eastern Kentucky University, the University of Richmond, and Saint Louis University. Subsequently, he served as professor of ethics and public policy at the Federal Executive Institute in Charlottesville, Virginia. He also held adjunct professorships at Georgetown University and George Washington University.

Appointed the first associate director for education at the U.S. Office of Government Ethics (OGE) in 1988, Gilman subsequently served as special assistant to the director of OGE, director of strategic development for the U.S. Treasury's inspector general, and president of the Ethics Resource Center. In 2005 he was appointed head of the U.N. Global Programme Against Corruption at the U.N. Office on Drugs and Crime in Vienna, Austria. In 2009, he also served as deputy director of the Stolen Asset Recovery Initiative, a joint project of the United Nations and the World Bank to recover monies stolen through corruption from developing countries and deposited in developed countries. He has been an ethics consultant for state governments and federal agencies and for large corporations and nonprofit organizations, as well as multinational organizations such as the World Bank. Gilman has been an ethics consultant for governments as diverse as Egypt, Japan, Morocco, South Africa, Argentina, Romania, New Zealand, and the Philippines.