

Chapter I

A PRIMER ON ETHICS IN PUBLIC ADMINISTRATION

Why Study Ethics?

All of us who have taught ethics for any length of time at one point have had a student who asks the question, “Why should I study ethics in public administration?” As degree programs have become more specialized and technical skills are more highly valued, it is a fair question to ask.

The study of philosophical ethics seems to present the student and practitioner of public administration with more confusion than clarity. Students in our courses often feel that they leave with more questions than when they began the course. We have had students question what relevance a bunch of Greeks (or even some of the more modern thinkers) who lived more than 2,000 years ago could have in today’s world. Courses in public finance and accounting, human resources management, public policy implementation, and statistics, seem more relevant in the modern world than the obscure and seemingly subjective field of ethics. Finally, many students and practitioners of public administration believe that the law is an adequate minimal standard of behavior, and that if one simply follows the letter of the law that should be sufficient.

These are fair and difficult questions and challenges to answer. However, we believe that a basic understanding of philosophical ethics is relevant today. There are, quite simply, what we term “perennial issues” that have faced societies from the earliest times. These “perennial issues” are the question of knowledge, the question of conduct, and the question of governance. These are the issues that philosophy attempts to answer, and surely, these issues are as important for both the student and practitioner of public administration today as they were for societies throughout history.

Philosophy is an activity that allows the individual to think critically about what we can know, how we should act, and what type of governance is best for us. To this end, Philosophy allows students and practitioners of public administration the opportunity to evaluate competing options and arrive at the best decision.

With regard to the claim that we need only follow the law, we can say that certainly the law is important, and that the law and ethics are closely related. However, they are not mutually inclusive. For example, what should we do if the law is silent on an issue? Or worse yet, what if the law itself is immoral? Again, the study of ethics provides us with a framework to deal with these gaps between the law and what is morally right.

Finally, we would point out that public administrators face a host of ethical issues everyday whether they admit it or not. Surely, some understanding of ethics is, therefore, important in dealing with these situations. Since we have begun by making an argument that the study of ethics is relevant to today’s public administrators, we would be remiss in not acknowledging and dealing with a number of philosophical challenges to the study of ethics.

Subjectivism

Subjectivism is the belief that there are no “universal truths.” This view can be seen most clearly in the philosophical concept of solipsism. Solipsism is the theory that say that the self is all one can really know.

Subjectivism is attractive because this seems to be true. We can never really know what it is like to be someone else, and ethics often seems to be merely a matter of opinion. There don’t seem to be “proofs” in ethics they way we have formulas and proofs in science and mathematics.

However, we would argue that there are proofs in ethics. One can give good reasons based on rational argumentation for why one choice or solution is better than another. Let's look at an example.

Several years ago, one of us was teaching a course in ethics when he handed back the grades on the first essay exam.

After class a student approached the professor and inquired about the grade she had received. She said that she had worked very hard and believed that she deserved a better grade. She followed that observation up with the statement, "Look this is all really just your opinion anyway. I have always made A's in high school."

Now, suppose that the professor was unable to articulate any reason for the grade he assigned. If the professor said simply that it was his prerogative to assign grades and could not point to specific reasons, you would surely conclude that the professor's actions were arbitrary, capricious, and not "fair."

However, what if the professor could say something like this:

I asked you to make a decision in this exam based on a set of hypothetical facts. I asked you to make an argument in support of your decision. Further, the instructions on the exam stated that you should have a clear and concise thesis statement. That from that thesis statement you should provide substantive premises in support of the thesis in order to reach a logical conclusion. In your paper you told me how you felt, but you failed to support your feelings with a rational set of arguments.

Now further suppose that the professor was accurate in his assessment, and that he was able to provide the student with a model answer that utilized the method he described above. Would you not say that the professor had acted in a rational and logical manner? Is this not a "proof?" Of course, the student could continue to protest, but such protest would not be rational without any support.

Although, proofs in ethics are not as concrete as they are in mathematics, it's important to remember that there are areas of disagreement in the fields of math and science. It's important that we not employ an incorrect standard. So, we think that we can safely argue that so long as we have an appropriate standard in mind, there are in fact proofs in ethics.

Cultural Relativism

Cultural relativism differs from subjectivism in that this theory holds that ethics are not individually based, but rather depend on the culture of a given society. This theory again appears attractive because societies do vary wide in their practice.

For example, the practice of bribing elected officials and public administrators in order to secure government contracts and benefits has long been illegal in our nation. In fact, in response the "spoils system" of government employment that began largely with the Presidency of Andrew Jackson in this country, we have moved towards an ever increasingly professional and technically skilled public work force. Today, at all levels of government public administrators are largely selected on the basis of merit rather than political connection.

However, in many places in the world, the bureaucracy remains grossly under paid, under skilled, unprofessional, and corrupt. In many third world and "newly industrialized" nations, the

acceptance and expectation of bribery is common place. Many executives in multi-national corporations argue that such behavior is culturally accepted, and therefore, necessary in order to do business in those countries.

Further, in many of these countries the status of women is greatly different from that in the United States. In many places in the world, women are not given the same opportunities in either the public or private sector that men enjoy. Again, many people argue that these differences are cultural and we should respect other people's cultural mores and traditions.

Given our respect for diversity and political correctness, this challenge to ethics also seems particularly attractive. Further, it seems that it is supported by the anthropological and sociological record. In fact, we can even see evidence of this even in American politics and public administration. Although as a nation we have certain national cultural values and mores, we also have regional sub-cultural values and mores. Our state governments differ from each other in many respects. Even rules such as those that prohibit nepotism are subtly different from state to state. In fact, one of the "advantages" of a federal system of government is that it allows for differences among various regions within a nation.

Although we generally agree that diversity and respect for differing cultures is a good thing, this does not mean that we cannot judge a practice to be unethical. Respect for diversity and ethical reasoning are not mutually exclusive categories.

First, with regard to the claim that there are no universally accepted ideas among various cultures, upon further inspection this claim turns out to be false. It is true that cultures vary widely; however, the claim is categorical in that it claims that there are no a priori universal truths among all societies in the world. We need only find one exception to this categorical statement and we have disproved the claim. In fact, we can find two prohibitions that apply in all societies. The first is a prohibition against the unjustified killing of a member of one's own group. No society could be formed or sustained that allowed the indiscriminate killing of members of the society itself. As civilizations have become more advanced, we have extended this and many other moral duties to individuals from outside the society as well.

The second moral prohibition that can be found even among the most primitive societies is a prohibition against bearing false witness against a member of one's own group. Some level of trust and cooperation is necessary for any society to be sustained. A society that did not have such a prohibition would surely fail as members would not be able to trust one another and cooperation would be nearly impossible. Again, all modern societies extend this even to individuals from outside the society.

So, we have disproved the claim that there are no "universal truths" that have applied to all societies, but is this all we can say? The answer is no. In fact, if this were all we could say, we would be on very shaky ground. Although we can only identify two "universal truths" that have applied to all societies at all times, we can find many more that have been or are becoming accepted by the vast majority of nations and communities. For example, almost every nation now subscribes (at least in theory) to the ideas that slave labor, unregulated child labor, torture, and genocide are morally reprehensible acts that must not be done, and if they are committed must be punished.

Further, we must emphasize that there is a difference between what is actually done and how these societies actually feel about such practices. As Socrates points out in Republic, you don't need the philosopher to tell you what is happening, but rather you need the philosopher to tell you what is the best we can become. We believe that although bribery and corruption in the bureaucracies of many countries may occur and even be tolerated, that one should not confuse

tolerance with moral acceptance. If one were to ask people in those nations if they approve of such practices, we would speculate that they would probably answer in the negative. In those societies in which women are oppressed, we believe that they would say that they wish it were different.

Psychological Egoism

Psychological egoism is a major challenge to ethics in that it is a deterministic theory. By deterministic, we mean that it posits that people cannot really help the way they act. If this is true, it presents a major problem for ethics because it would be unfair to judge someone for behavior over which he or she has absolutely no control.

Individuals who subscribe to deterministic theories of behavior believe that either by nature, nurture, or a combination of both people are programmed and cannot really help but act or react in a given way in any situation. According to this theory, there really is no such thing as free will.

For example, a deterministic argument goes something like this. Suppose that an individual named Smith sees item X. As a result of seeing X, Smith wants X and has the ability to purchase X. However, Smith denies her desire and does not purchase X.

In the above example, most people would argue that it is a clear example of “free will.” However, the determinist would argue that it is not “free will” because Smith is not free to want what she wants. Further, her seeming denial of what she wants may be motivated by other desires. She may place a high value on something else which may even be something like the intrinsic satisfaction at showing restraint. However, she is still not free to want that either. Smith may be acting as a result of subconscious factors that even she is not aware of and has no control over.

Psychological egoism is a form of determinism that offers an explanation as to why we behave the way we do. According to this theory, people are inherently selfish. Since we are inherently selfish, psychological egoists argue that we will always act to preserve our own best interests.

At first glance, this theory appears on its face to be false. There are examples of people acting altruistically all the time. Take for example the case of the late Mother Teresa who spent most of her life caring for the world’s poorest, sickest, and most unwanted people. Surely this is a clear example of altruism; however, the psychological egoist would argue that Mother Teresa was simply doing what she wanted. The psychological egoist would say that she was perhaps motivated by the good feelings that she received as a result of her work, or perhaps by a belief that God told her to do this work and she would not want to disobey God. Whatever the motivation, the psychological egoist would say she was still acting out of a selfish motive.

In response to this descriptive view of human behavior, some thinkers such as Thomas Hobbes have developed a theory called ethical egoism to deal with the problem. According to ethical egoism we can channel our selfishness into a positive outcome. This can be seen clearly in Hobbes’ statement regarding the state of nature and the subsequent formation of governments to deal with the problems created by the state of nature. Hobbes imagines a time before government. Hobbes says that in such a state it was a “war of all against all.” Hobbes further says that life in this primitive time was, “solitary, poor, nasty, brutish, and short . . .” (Hobbes, 1651). However, in this primitive state each individual is absolutely free. Hobbes posits that we came together and formed a “social contract” in which we agreed to give up some of our rights in exchange for security. In the short term, we may lose something, but it is worth it for the long

term gains that can be achieved in an atmosphere in which cooperation can be achieved. Thus, the major premises is to structure social institutions and rules in such a way as to maximize the overall welfare by using each individual's self-interest.

There are at least three major flaws with psychological egoism. First, it makes a categorical statement about human motivation. That statement is that we always act in a selfish manner. In ethics and the social sciences, such categorical statements are usually suspect. People are enormously complex and it is impossible to say what has and continues to motivate every person since the beginning of mankind. Also, the theory does not adequately address the fact that people are often enormously conflicted about the choices they make.

A second problem with the theory is that it treats selfishness and self-interest as being mutually inclusive terms. These terms are not one and the same. Getting a college education is surely in one's self-interest, but it is not selfish. In fact, one could argue that get an education is the antithesis of being selfish. Statistically we know that people with more education are likely to be more self sufficient at least in economic terms. Therefore, an individual with more education is less likely to be a burden on her family or society which is the opposite of being selfish.

Finally, psychological egoism equates motives with feelings. For example, suppose that Smith helps Jones make some repairs to her home because she cannot afford to hire someone. Smith may feel good about having helped Jones out; however, that does not mean that was necessarily his motivation.

Now that we have addressed three of the most serious challenges to ethical reasoning, let us now turn to the major ethical theories. Each of these theories has its advantages and disadvantages. We will conclude this section with what we believe is an acceptable "moral minimum."

Utilitarian Theory (Teleological Ethics)

This theory was largely developed by the late 18th and early 19th century thinkers such as Jeremy Bentham and John Stuart Mill. This theory holds that acts are judged to be morally right or wrong not in and of themselves, but rather by the results that follow from the act. Therefore, no act is in and of itself right or wrong.

For example, according to this theory, lying is never morally reprehensible. If good results follow from lying, then the lie is justified. On the other hand, if a lie leads to bad results, then it is morally wrong. As Mill in his work entitled Utilitarianism stated:

The creed which accepts as the foundation of morals, utility, or the greatest happiness principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded – namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme)

Are desirable either for the pleasure inherent in themselves, or as
Means to the promotion of pleasure and the prevention of pain.
(Mill 1871)

Let us examine how this theory works in a modern bureaucracy. The example we will employ will be a police department. We will use an example from what economists call game theory, and the “prisoner’s dilemma” specifically.

Exhibit 1.1: Prisoners Dilemma

		P ₁	
		Talk	Remain Silent
P ₂	Talk	10,10	10, 7
	Remain Silent	7, 10	3,3

(Payoffs P₁, P₂)

Suppose that two individuals commit a crime together and subsequently get caught. After they are arrested, the police will want to question these individuals; however, they will not do so with them present in each other’s company. The officers will separate the individuals into two separate interrogation rooms. Now, further suppose that the police do not have enough evidence to convict either of the individuals of the crime for which they are accused unless one or both of them makes a confession. However, they can get a conviction of a lesser offense if neither individual talks. If one individual talks and his fellow prisoner does not, the one that talks will receive a lighter sentence. However, if both prisoners talk, they will receive the maximum sentence under the law. Now, further suppose that both prisoners are aware of all the choices and consequences. They are not, however, aware of what their fellow inmate is doing. This is called a game of complete but imperfect knowledge. The game is complete because each prisoner knows all the possible choices and outcomes, but it is imperfect because he does not know how the other prisoner will behave or is behaving.

The police in this case will exploit the imperfect knowledge aspect of the situation by engaging in lying. An interrogating officer may say something like this to one of the prisoners, “Your fellow prisoner is about to break. So, you might as well tell us the truth, and things will go a lot easier on you.” In all likelihood another officer is saying the same thing to the second prisoner. The end result is that in most cases as a result of the deception by the police both prisoners end up talking, and each is worse off than he would have been had he maintained his constitutional right to remain silent.

From a utilitarian perspective, lying in this case might be justified. Two individuals who have committed a crime will be put in jail, and society will be protected. Thus by lying, the officer has promoted the greatest good for the most number of people i.e. society as a whole, since a crime is technically a breach of a duty we owe to society as a whole.

On the other hand, it probably would not be morally acceptable, from a utilitarian perspective, for citizens to lie to the police. Lying to the police could lead to a waste of time and resources and criminals might actually get away with crime. This would lead to less happiness and therefore would be ethically wrong.

Students in our classes often like this theory because it does seem to be the way in which we normally judge. It seems almost intuitive. In fact, this theory has had a great deal of impact on our economic system in this nation. Of all the Western nations, we have a tendency to believe the most in the free hand of the market which is predicated on utilitarian grounds i.e. the maximization of utility.

Utilitarianism, however, does have a number of problems. First, there are some things that most of us just believe are a priori wrong even if they do bring about good results. For example, let us suppose that a police officer has just apprehended a serial killer. The officer knows beyond any doubt that the killer is in fact guilty. However, the officer knows that if the killer goes to trial, the evidence against him is largely circumstantial, and he may be acquitted. Further, the officer knows that he will be appointed counsel, as required by the Sixth Amendment, at great expense to the state. The state will also incur great expenses in terms of having to produce its expert witnesses. Valuable court time will be spent wasting even more resources. Then even if a conviction is obtained, the officer knows that this individual will most likely file appeals all of which will be paid for by the state. Therefore, the officer makes the decision to shoot the killer, and make it look like he was defending himself. If all of the facts in this hypothetical are true, based on utilitarian principles, the officer would be morally justified in his action. However, most of us believe that this would be morally reprehensible. We pride ourselves on being a nation of laws not of men. In this case, the officer has taken the law into his own hands. He has acted as investigator, judge, jury and executioner. In this case, very few people would be willing to say that the officer acted in an ethical manner.

In fact, one could argue that our entire legal system (with its multiple appeals) is cumbersome and inefficient. However, in spite of its inefficiencies most of us are not willing to change it for a more utilitarian one. Many of us still believe that we would rather see many guilty people go free than one innocent person executed.

In order to address the problems associated with this first challenge to utilitarianism, some ethicists have developed a modified version of utilitarianism called "rule utilitarianism." The original version of utilitarianism might be called "act utilitarianism" in that it formulated a method for dealing with discrete situations. Those who subscribe to the act version of utilitarianism usually view each situation as being somewhat unique. No two situations are ever completely identical. Therefore, in each situation, the actor must analyze the situation, develop possible solutions, and chose the solution that will promote the greatest good or happiness.

Although it is true that no two situations are completely identical, the range of human experience is such that certain commonalities or patterns can be discerned. Ethicists that subscribe to rule utilitarianism believe that we can develop rules from these commonalities that over time will produce the greatest happiness. The objective for the rule utilitarian is to discern rules that may not in any particular instance lead to the greatest happiness at the time; however, over the long haul will produce the best results.

Returning to our example of the officer and the serial killer above, the rule utilitarian would say the officer did not act ethically because he violated a rule that was ultimately intended to produce the greatest happiness. A rule utilitarian would argue that although in this instance if the officer failed to kill the criminal it would lead to less utility, that nonetheless he should refrain from committing the act. Although our legal system is slow and costly, one should not assume too quickly that it does not produce the greatest happiness. For example, if people believed that officers often took the law into their own hands and dispensed vigilante justice they would rightly be suspect of the police. Such suspicion would lead people to not be forthcoming

in aiding the police. The lack of trust and subsequent aid would ultimately lead to terrible results. However, because we believe in the rule of law in this country and most believe that generally the police follow the rule of law most people cooperate with law enforcement.

There is a second challenge to utilitarianism and this one maybe even more relevant to students of public administration. The examples presented above are fairly straightforward because we have made a number of suppositions. However, in the real world, things are rarely as cut and dry. Most situations are extremely complex and it maybe impossible to know what the outcome of a given situation will be with any degree of certainty. Highly complex decisions often result in externalities or unintended side effects.

The problem of externalities is highlighted by the analogy of the “tragedy of the commons.” Suppose that public land owned by the government is made available for the grazing of heard animals such as sheep. This land is what is called a “public good” because anyone can enjoy the use of it. “Private goods” on the other hand are ones that are owned by individuals who can exclude others from using them. For example, Smith owns a tract of land. Smith can stop others from trespassing on her land and using it. The public land that is made available for the grazing of sheep is likely to become overused because it does not cost the sheep herders anything to use. Therefore, each sheep herder has an incentive to graze as many sheep as he wants. The end result is destruction of the public land such that no one is able to benefit from the “public good.” The private land owner on the other hand is less likely to misuse her land by overgrazing because she has an investment in the land. If she destroys her land, she will ultimately pay the price for the destruction.

The Environmental Protection Agency is a modern bureaucracy that was created as a result of such externalities. During the latter half of the nineteenth century and early part of the twentieth century, our nation experienced rapid industrialization. Many at the time believed that this was a good thing, and in fact in many respects it was. However, our lack of understanding of the effects on the environment at the time has led to some serious consequences that future generations now have to address. During the early years of industrialization, no one knew what disastrous effects pollution would have not only on our environment but on our own health as well. As a result of pollution, we have seen increases in things like respiratory and allergy problems. Hindsight is always 20/20. Would it be fair to judge the great industrialist of the nineteen century as immoral for consequences they could not have known about?

Although utilitarianism does have a number of problems, this ethical theory does provide us with at least one useful analytical tool. Utilitarianism forces us to consider alternatives and to use logic in the consideration of possible alternatives.

Duty Ethics (Deontological Ethics)

In contrast to teleological ethics above, deontological ethics is not concerned with the consequences of an act. Duty ethics says that we are morally obligated to act in a certain way regardless of consequence. Thus, those that ascribe to this theory deny that “the ends justify the means.”

In order to begin to understand the difference between teleological ethics and deontological ethics, let us look at a modern example that has made headlines in recent times. The example we shall use is child labor. In our modern American society, child labor is highly regulated by both the United States Department of Labor and the various state departments of labor. Children in the United States are permitted to work; however, the jobs they are allowed to perform are limited by the Fair Labor Standards Act of 1938 (FLSA) and by various state labor

laws. With regard to children, the FLSA's purpose is to protect their educational opportunities and prohibit their employment in jobs that are detrimental to their safety and/or health. For example under Title 29 of the United States Code of Federal Regulations, children fifteen years of age and younger are prohibited from working in "manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed . . ." (29 CFR 570.33). The United States regulation of child labor was a response to business' exploitive past in the use of child labor. During the early part of the industrial revolution, children from poor families were employed in dangerous industries. Today, we recognize that education of our children is necessary and that they should not be permitted to work in facilities that interfere with their education and/or present a hazard to their safety and health.

As the industrialized nations of the world began to eliminate child labor in manufacturing and other dangerous occupations, many of these manufacturing and dangerous jobs have been moved to lesser developed nations where child labor laws are either nonexistent or unenforced. United States businesses and individuals such as: Nike, Wal-Mart, The Gap, Levi Strauss, Target, Donna Karan, New Balance, Disney, Reebok, Adidas, Van Heusen, Liz Claiborne, Ralph Lauren, and Kathie Lee Gifford were using manufactures in third-world nations to produce their goods. These manufactures employed sweatshop conditions and exploited child labor.

Many economists and utilitarian ethicists argue that this is part of development and not necessarily a bad thing. From a utilitarian perspective, overall happiness is achieved by such practices. People in the United States and other industrialized nations get goods at a cheap cost, while those in the developing world benefit from making wages necessary to support themselves and their families. As those nations continue to develop and as technology continues to advance, child labor in those places will also end just as it has in the United States. However, at this time, sweatshop conditions and child labor are the reality. Many individuals from the third-world point out that our own past gives us little room to criticize. Therefore, utilitarian ethicists justify such practices based on a cost/benefit analysis.

For a duty ethicist, sweatshops and unregulated child labor are deplorable, inhumane, and unethical practices. Taking advantage of people who have little or no choice violates the autonomy of those that are exploited and our humanity. No amount of economic utility can be used to justify such practices. For those that ascribe to deontological ethics, the use of child labor in sweatshops is a priori wrong. The fact that we in the United States at one time permitted such conditions to exist is beside the point and not a defense. Deontological ethics would say that we have a duty to not engage in such methods and that those in the United States that employed them in the past were also guilty of a grave moral wrong. As to the argument that this is "just the way things are," a duty ethicists would again point out that it is not the business of philosophy to tell us what has occurred or is occurring, but rather it is the business of philosophy to discover what is best.

Naturally, deontological ethics raises the question of what constitutes a duty. In other words, assuming that we do have "duties" what are they and how can we know them. The German philosopher Immanuel Kant provided a method by which we can discern what our duties are in his *Foundations of the Metaphysics of Morals* (1785).

Kant distinguished between two types of imperatives: hypothetical and categorical. Hypothetical imperatives are a result of some desire. For example, we know that people with college degrees typically earn more money than people who only possess a high school diploma. Therefore, if you want a better chance of earning a higher income, you should go to college. In

many instances, these types of imperatives are amoral, but not necessarily so. For some people, earning a high income or having what society perceives as a prestigious job is simply not important and there is no moral import to that. Of course, some desires may have moral import such as obtaining something by stealing. The important point here is that hypothetical imperatives exist because we have some desire.

On the other hand Kant says that categorical imperatives exist because man is the rational animal. According to Kant, we can determine moral imperatives using the following formulation:

Act only according to the maxim by which you can at the same time will that it should become a universal law.

For Kant, we should in all other actions with rational beings (i.e. other people) treat people as an end and not as a means to an end. This means that when faced with a moral dilemma, we must formulate a rule that is logically consistent at all times, and then we must be willing to act on that logic. For example, lying is never permissible according to Kant. Kant would not permit lying even for altruistic motives.

There are a couple of problems with Kant's Categorical Imperative. First, it allows for no exceptions. However, for almost every rule there are exceptions. Of course, the exceptions should be rare, but nonetheless they exist. Let us take a look at an example the case is called the hypothetical of the inquiring murderer. Suppose that an abused wife whose husband has threatened to kill her if she leaves confides in you that she is leaving her husband, and she is going to hide-out at the local shelter for abused women. Now, further suppose the husband ask you where his wife is, and states that he believes that she maybe at the local shelter. You reasonably know that if you don't tell the husband a lie he will likely find the wife and kill her. Kant would say that you have to tell the truth. However, this seems too harsh for most people. Further, the reason that Kant would say that you have to tell the truth is because lying can't be a universal law. However, it seems to us that the reason that this cannot be a universal law is because if people lied all the time, no one would trust anyone else and ultimately it would be hard to form any type of society. But, isn't this really a backdoor way of saying that ultimately consequences really do matter?

Another problem with Kant's formulation is that rules often conflict and we are left with no guidance as to what we should do when they do conflict. Let us return to the case of the inquiring murderer above. It is perfectly logically consistent to have a rule that says that you shouldn't participate in the killing of an innocent person. However, in the case above you are left with two choices. You tell the husband the truth and he kills his wife, making you a participant in her death, or you lie to him saving the wife, but committing the moral wrong of lying.

Despite its problems, Kant's Categorical Imperative is useful for a couple of reasons. First, Kant forces us to be rational. Kant's insistence on logic forces us to consider our actions in the cold light of reason. If you accept that morality must be based on rationality, then it must be rational at all the times. You cannot accept rationality in one instance and not another. A second advantage of Kant's philosophy is that it forces the individual to admit that she is subject to the same moral imperatives as everyone else. No one can claim to be "special," and therefore, exempt from morality.

Virtue Ethics

Virtue ethics can be traced back to Aristotle and his two major ethical works *Nicomachean Ethics* and *Eudemian Ethics*. The idea behind virtue ethics is that we should

determine what characteristics are desirable and then try to promote those characteristics in people.

In order to determine what types of characteristics we should promote, it is necessary to determine what type of being we are. In other words, Aristotle asks what the “end” of a human being is. What is it we are made to do? Many of the translations of Aristotle say that Aristotle says that the purpose of a human being is “happiness.” We, however, agree with Professor Daniel Robinson that happiness (as in “drink-up lets have another round”) is a limited concept, and therefore, a more appropriate concept would be that the end of a human being is a flourishing life.

In order to achieve the flourishing life, Aristotle thought one should habitually engage in practicing the virtues. Aristotle said that the virtues were derived from the mean between two extremes. For example, cowardice is an extreme defect of character. The opposite of cowardice is heedlessness. The mean between these two extremes is courage. The coward is one that always runs away from any confrontation. The heedless person is willing to fight at the slightest provocation, but the courageous person knows when to “fight the good fight.” Some of the other virtues would include: generosity, patience, tactfulness, tolerance, loyalty, civility, and compassion just to name a few.

The critics of Aristotle’s virtue ethics question how we can know what the end of a human being is. Who is to say that happiness or a flourishing life is the purpose of a human being? Religious absolutists of many varieties would say that the worship and acceptance of the laws of a given deity are the reason we exist.

A second criticism of virtue ethics is what makes these virtues the right ones. One might argue that moderation in the face of vice is no virtue at all. For example, many people believe that indulgence in any kind of alcohol or drug is wrong, and therefore, no amount of moderation is acceptable.

A final criticism is that it is not clear that even if we agree on some purpose of a human life, and then agree on what constitutes virtues, that these can be taught. For example, there are many examples throughout history of governments and the people who work for them engaging in cruelty of the most vicious sort. Nazi Germany is but one example; however, such examples are not, unfortunately, relegated to any one period or even the past. Do we really think that we could have reformed a Hitler, Stalin, or Saddam Hussein?

In spite of the criticism, virtue ethics is something we should seriously consider because it does offer a holistic approach. Also, we can think of at least one notable example in which it does seem to have worked. One of our founding fathers, Benjamin Franklin, noticed at an early age that he had certain leadership qualities. He also noticed that he engaged in some behaviors that people didn’t like. He was found, as a young man, of making up puns, and he noticed that people thought of him as a jokester. Franklin set about reforming himself and came-up with a list of virtues, and he worked at practicing them every day. From all outward appearances, Franklin’s personal psychological experiment seems to have worked. Franklin rose from modest beginnings to become a successful man, politician, diplomat, writer, and inventor.

The Moral Minimum

Now that we have presented most of the major ethical theories along with their shortcomings, students often ask us what a moral minimum standard would entail. Based on our study of ethics we believe that a moral minimum would consist of a number of components. However, we must caution that any such list of components is just a minimum and other

academics may disagree with our formulation. We believe that an acceptable moral minimum would entail the following:

1. When faced with an ethical dilemma, you must, to the extent possible, be objective.
2. You must be willing to analyze the situation and develop possible solutions, and you must be willing to consider other people's ideas if they are presented.
3. You must be willing to consider the impact your decision will have on all parties involved.
4. Your decision should be based on a logical analysis of your known possible solutions.
5. Finally, you must be willing to act on this rational analysis.

The Case Study Method

Now that we have provided you with an overview of the major ethical theories, for the remainder of the text, we have provided fact patterns that present a variety of managerial and ethical issues in public administration. Using the various ethical theories above, the discussion questions ask you to analyze these case studies from a variety of perspectives and to ultimately come-up with what you think is the best possible solution to the situation.

In thinking about these cases and the theories above, we believe that a useful method is the IRAC method. IRAC stands for issue, rule, application, conclusion.

First, as you read the cases, you should identify all the issues involved. Some of the cases present only one or two issues, while others are more complex and present multiple issues that you should identify.

Second, based on the ethical theories what rules or principles would apply to the situation. You should think about each theory.

The third set is the application. How would the rules/principles of each theory apply to the fact pattern presented?

Finally, you should reach a conclusion. You should think about the conclusion that would be reached by a theorist from each of the major theories, and then develop the conclusion that you think is the best.

Making Logical Arguments

At the beginning of the chapter, we suggested that there are in fact proofs in ethics. These proofs take the form of logical argumentation. Students often tell us they don't like to make arguments because they don't like conflict. However, this is a fundamental misunderstanding of what an argument is and what it is not. Further, this lack of understanding often means that students make arguments without realizing it, but that they are doing it poorly or committing logical fallacies without realizing it.

An argument is not about "fighting" as some people assume. Rather, an argument is about providing compelling reasons in support of a decision, idea, cause, or action. Many arguments are made without even realizing it. For example, business make arguments when they advertise their products or services. Advertisements are a business' way of telling consumer why they should purchase the manufacturer's products or services. Public administrators and managers make arguments in presentations suggested policy recommendations or their policy

adoptions. Therefore, some basic understanding of logic is beneficial. What we present here is the basics of logic. Students should be aware that entire semester courses can be dedicated to the study of logic and critical thinking and that depth is certainly beyond the scope of this book. What we have provided below are some general rules that should be followed. Along with some of the rules are corresponding fallacies that should be avoided.

Rule # 1 – Understand the Difference Between Valid/Invalid and True/False.

Many people use the terms valid/invalid and true/false as synonyms. They are not in the world of logic. Technically, valid/invalid refer to the structure of an argument. True/false deal with whether or not a premise has a basis in reality. Consider the following very simple examples that are types of deductive arguments.

If it rains, the streets get wet.
It rained.
Therefore, the streets got wet.

The above example is a form of argument called the *modus ponens* or the mode of putting. Now, suppose that I made that argument today, and it had not in fact rained. Then the argument would have a valid logical structure, but would not have a basis in reality, and would not therefore be true. Now consider the following argument structure.

If it rains, the streets get wet.
It did not rain.
Therefore, the streets did not get wet.

The above example is an example of the logical fallacy called denying the antecedent. Now, let us suppose that in fact it didn't rain today, and the streets are not wet. The argument would be true, but not valid. The reason that the argument is not valid is because denying the antecedent overlooks alternatives. It might be that the road get wet for another reason such as a water line break, or a dam breaks and floods the streets getting them wet. The point is that you want to make arguments that are both valid, and have some basis in reality.

Rule #2 – Distinguish Between a Premises and Your Conclusion.

This seems straight forward enough; however, it is frequently the case that students don't do this. First, ask yourself what it is that you are trying to prove? That should form your conclusion. Premises on the other hand are the evidence or support you offer for your conclusion.

You may begin by stating a thesis, which is your conclusion. However, you must then offer support for the thesis that does not rely on the conclusion itself. If you rephrase your thesis and use it as a conclusion, this is the logical fallacy of begging the question also known as *petitio principii*. Consider the following example.

The Bible is the literal word of God who wrote it.
The Bible says that God exists.
Therefore, God exists.

This type of argument is also called circular reasoning.

Rule #3 – Present Your Ideas in a Natural Order.

There are a number of ways in which you may do this depending on the type of argument you are making. One method that they teach in journalism school is call the inverted pyramid. The idea is that you should put your most important premise first because people often stop reading or lose interest as a debate continues. This takes advantage of the primacy effect.

On the other hand if your argument is very short, you might want to make your strongest point last. This takes advantage of the recency effect. It is the last thing that people will remember or take away.

As you form arguments think about flow and voice. Practice several orders and see which leads to the most natural order. If you are going to present your argument in an oral forum, you should practice it several times before the actual presentation. Modern technology (e.g. webcams and digital recorders) will help. Many of our students tell us they hate to watch themselves on video, but they can be enormously beneficial.

Rule # 4 – Avoid Emotionally Charged Language.

Many years ago, one of us participated in an on campus debate about the abortion issue. He was assigned the pro-choice side of the debate, and another faculty member was to debate the pro-life side. During the debate, the pro-life faculty member (a man with a Ph.D.) charged that, “if you are pro-choice, you are pro-abortion.” We know of no one who believes that abortion is a great idea. To argue that one is pro-abortion seems to imply that one is against human survival. There are very good points on both sides of the abortion debate; however, resorting to emotionally charged language obstructs an open and honest consideration of the issue. Using loaded language commits the logical fallacy of poisoning the well.

Rule #5 – Use Consistent Terms.

You should avoid using different words for the same idea or concept. For example if you are arguing that an idea is a “liberal” idea don’t change terms and call it politically left leaning, or in the progressive tradition. There is a tendency to try to be creative; however, this can create confusion. A well-developed argument should not read like a murder mystery novel in which you keep things opaque until the solution is revealed at the very end.

Rule #6 – Stick to One Meaning for Each Term.

There is a temptation to use a term in more than one sense. This is the fallacy of equivocation. Define your terms and use a consistent meaning. Consider the following argument.

There is a best-selling book out entitled, *Men are From Mars Women are From Venus*. It highlights that there are difference in terms of psychology of men and women. Further, it is obvious that men and women are not physically the same. Since men and women are not equal, the law should not pretend that they are.

This argument seems intuitively true. In fact, no two people are ever exactly equal. Even identical twins who are genetically “identical” often have differences in preferences. Each of us is a unique combination of strengths and weaknesses. Some of us are more academically inclined than others. Some are taller and more physically powerful.

However, equality in the legal sense is very different from equality of intellect or strength. Equality before the law is an abstract concept that is predicated on the idea that we should not have arbitrary and capricious categories that deny people fundamental rights such as freedom of speech, press, religion, assembly, voting, and other rights of citizenship. It allows for individual autonomy and the right to make free choices. Equality of strength on the other hand is a physical attribute that has nothing to do with participatory rights.

Rule #7 – In Arguments that Use Samples Ensure the Samples are Representative.

No amount of anecdotal evidence will ever constitute a scientific sample. If you are using survey research, don't claim more than you can prove. Convenience samples may provide good starting points; however, don't assume that they can be generalized to a larger population. This requires that you always acknowledge your limitations.

Rule #8 – Arguments by Analogy Require Similar Examples.

Analogies are frequently used in our common law system of government. The idea behind Stare Decisis is that similar cases should be treated similarly. However, there does have to be some proportionally similar examples in the analogy. For example, if Smith murders Jones with a knife, and Tom murders Harry with a gun, both have committed the crime of murder. It is logical to say that the punishments should be the same even though the exact circumstances (i.e. choice of weapon) is not exactly the same.

Rule #9 – Arguments by Authority require Sources to be Cited and Qualified.

We use these types of arguments every day. It is important that when we use them, we disclose the source so that it can be verified. Also, don't assume that just because of the initials after a sources name he or she is qualified. An expert in one field is not an expert in another field even if the field is closely related. Disciplines are often divided into subdisciplines. For example an expert in United States congressional politics is not necessarily an expert on state government and politics.

Rule #10 – Correlation Does not Equal Causation.

You have to be really careful about making arguments about causes especially in the social sciences. Human societies are very complex, and so it is important not to overlook alternative (a major logical fallacy), or claim more than you can support. Many causes have multiple factors that influence them.

Rule #11 Don't Use Complex Questions.

This is framing an argument in such a way that your interlocutor cannot agree or disagree with you without committing himself to another claim you wish to make. For example asking, "Do you still beat your wife?"

Conclusion

We have covered a lot of ground in this chapter. We hope that this provides you with a foundation upon which to start thinking about ethical dilemmas and a method to understanding how to approach your analysis and formation of arguments. We would caution you that this is just a foundation. As you progress, you should consider reading more in-depth articles and texts in the fields of ethics and logic and critical thinking. Entire semester courses have been developed that cover specific parts of what we have covered in this bird's eye view. In the remaining chapters of the book, we provide you with substantive cases to consider and employ the theories and methods discussed in this chapter.

Sources:

Hobbes, Thomas. (1651). *Leviathan*, ed. C.B. Macpherson (London: Penguin Classics, 1985)