Lecture goals: Cooper’s chapter four is structured around the concept of administrative responsibility. As his opening sentence indicates: responsibility is part (but an important part!) of the broader concept of “an ethic for the administrative role” (2004, p. 80). As he also makes clear, it is not easy to be an ethical, responsible administrator, especially when one gets past the ‘expressive level’ (pp. 19-20) of ethical reflection (which he presents as the level of emotive outbursts); and when one gets past the ‘level of moral rules’ (pp. 20-22), which he presents as the level of cheesy rules of thumb. After this level (in this sort of Super Mario Does Ethical Reflection video game), one enters the Level of Ethical Analysis (pp. 22-6). This lecture looks at a number of complimentary approaches to this ethical analysis.

Schafer’s accountability, responsibility, and absolute liability

Schafer opens by characterizing responsibility as “a slippery and ambiguous concept, and accountability is scarcely less so” (1999, p. 5). Kernaghan illustrates this, too, in opening with:

Political executives are held responsible for personal wrongdoing. They are not, however, expected to assume personal responsibility by way of resignation for the acts of administrative subordinates about which they could not reasonably be expected to have knowledge. (1972, p. 573)

The Schafer article both presents an interesting case study, and also has a nice discussion that teases out some differences between accountability, responsibility, and absolute liability. As an aside on the importance of language, one of the classic articles in Brazilian public administration is by Anna Maria Campos (1990), titled: “Accountability: Quando poderemos traduzi-la para o português?” Translated, this reads: Accountability: when will we be able to translate it to Portuguese? There is a double meaning in the title, in that accountability has long been lacking in Brazil, and the Portuguese language has no word for accountability, it instead is translated as responsabilidade: responsibility. The two concepts do have different meanings, though, as the Schafer article explains. I’ve tried to sum his argument up in the graphic below.
Administrative responsibility

Cooper distinguishes between objective and subjective responsibility:

- **Objective responsibility:** “expectations imposed from outside ourselves…” (2004, p. 81).
  - Kernaghan elaborates on this: “The objectively responsible bureaucrat feels responsible primarily to the legal or formal locus of authority and takes a passive approach to the determination of the public interest. His most prominent characteristic and value is accountability to those who have the power to promote, displace, or replace him” (1972, p. 598).

- **Subjective responsibility:** “…concerns for which we feel a responsibility” (Cooper 2004, p. 81).
  - Again, Kernaghan elaborates: “The subjectively responsible bureaucrat…feels responsible to a broad range of policy participants and is active in the pursuit of the public interest. His most outstanding characteristic and value is commitment to what he perceives to be the goals of his department or program” (1972, p. 599).
Kernaghan elaborates on this in a practical sense, in terms of a famous debate between Friedrich and Finer regarding the importance of external (relying on objective responsibility) versus internal (relying on subjective responsibility) controls:

- “Finer placed primary faith in controls and sanctions exercised over officials by the legislature, the judiciary, and the administrative hierarchy…” (1972, p. 575).
  - He later identifies, as an example of how this might work, Lowi’s call for a requirement that legislation be “accompanied by clear standards of implementation” (p. 579), in an effort to reduce the scope for discretion.

- “Friedrich relied more heavily on the propensity of public officials to be self-directing and self-regulating in their responsiveness to the dual standard of technical knowledge and popular sentiment” (1972, p. 575).
  - Kernaghan offers Michael Harmon’s (a Guerreiro Ramos acolyte) call to look to “the existentialist’s notion of self-development and self-actualization as a basis for a new theory of administrative responsibility” (p. 578). Try offering that to an angry Tea Party mob!

**Principal/agent theory.** We raised this briefly in week six’s discussion of market ethics, as the ninth identified source of market failure:

9. **Principal/agent problems:** The problem here occurs when shareholders of a corporation (the ‘principal’) hire a manager (the ‘agent’) to run the corporation to maximize long term shareholder value; but the manager instead takes short term risks to maximize her/his short run ‘performance’ bonuses. See also.

As can be seen, responsibility is the key issue in principal/agent theory. As Cooper indicates, the business application of principal/agent theory is too limited for (especially public) administrative ethics. He raises, especially, three limitations:

1. **All efficiency, and**
2. **no ethics.** The focus in principal/agent theory is on efficiency, and ignores ethics.
   - By efficiency, presumably Cooper means profit: maximizing income relative to investment.
   - Cooper may be wrong here, in that in the medium to long term business firms do care about ethics, if only because gross ethical violations can be costly: look at what the Gulf oil spill did to BP, both in terms of direct costs and in terms of indirect **brand damage**. Keep in mind, too, that for-profit CEOs are human, and have ethical values, so avoid black/white, private/public dichotomies.
   - Key, though, is the traditional principal/agent tension: if the agent (the CEO, Board, etc.) reaps the benefits of short term profit, and bears no costs from long term disasters, then the firm is set up for inevitable busts, as agents take risks.
3. **Multiple principals.** Here, I’d argue, Cooper is on firmer ground. The business ‘agent’ has but one major stakeholder: shareholders! For the public administrator, there are multiple stakeholders, among whom he identifies “organizational superiors, political officials, professional associations, and the citizenry” (p. 82).
4. **Multiple agents!** I’ll add a fourth limitation of principal/agent theory. Kernaghan points out that the other end of the accountability relationship is complicated, as it is frequently impossible to assign individual responsibility to public servants for administrative transgressions because so many officials have contributed to the decision-making process. The allocation of responsibility in government has been
complicated even further by the interposition of political appointees or temporary officials between political executives and permanent public servants. (p. 573)

**Objective responsibility**

**Accountability:** “responsibility to someone, or some collective body…”

**Obligation:** “…responsibility for certain tasks, subordinate personnel, and goal achievement” (p. 81).

**Responsibility to elected officials**... And of course Cooper elaborates on this: “…through the law” (p. 84). This is clearly an example of objective responsibility, as the administrator occupies a role, with specified duties (as laid out in legislation). Public programs also have legally specified missions, and of course the over-arching system of law contains limits on behavior.

**Responsibility to Superiors and for Subordinates.** Another form of objective accountability is that specific to the public agency. The administrator’s role includes

- a job description (which in the UNF-MPA program we discuss in PAD6417 Human Resources in Public Management!) and
- a clear chain of command upwards (despite all the contemporary networked governance hoopla): accountability!
- There is also a chain of command downwards, including those for whom the administrator is responsible.
- Both directions of this chain of command include what Appleby describes as “loyalty…disciplined by the sanctions of hierarchy” (quoted in Cooper 2004, p. 86).
- **Authority** is key for Cooper in decision-making, as an issue has to be pushed up the chain of command until it reaches a level with adequate authority to make a decision.
- **Obligation** is important here, too, as administrators have an obligation to make decisions, neglecting to do so only when lacking authority.
  - “One of the pathologies of the bureaucratic organization is a failure to exercise responsibility when you are in fact authorized and obligated to make a given decision” (Cooper 2004, p. 87).

**Neutral competence.** Cooper draws on Hugh Heclo in identifying a role for the administrator not of passive cog in the machine, but of active conduit, passing information upwards to better inform superiors and legislators of realities on the ground, and then passing clarifications downwards to help street level bureaucrats make tough calls.
  - Kernaghan indicates how this ‘neutral competence’ can be exercised, in his reference to “resources which bureaucrats possess to control and/or influence other policy actors” which include “expertise, experience, budgetary allocations, confidential information, and discretionary powers” (1972, p. 584, see also pp. 588-90).

**Power, control, influence, and authority.** Kernaghan raises these three key concepts:

- “Power is defined here as ‘the capacity to secure the dominance of one’s values or goals’…”
• “Control refers to the form of power in which A has authority to direct or command B to do something.”
  o Authority: “To exercise control, A must possess authority in the sense of having access to the inducements, rewards, and sanctions necessary to back up his commands. The possession of authority also gives A a formal, legal, or hierarchical status than enables A to exercise influence as well as control.”
• “Influence is a more general and pervasive form of power than control. According to Carl Friedrich, influence ‘usually exists when the behavior of B is molded by and conforms to the behavior of A, but without the issuance of a command’” (1972, p. 581).
  o “What distinguishes individuals with the capacity to exercise either control or influence from those possessing only influence is that the former have at their disposal sanctions and inducements formalized by law and the organization chart” (p. 582).

Responsibility to the Citizenry. Or is it “the public interest”? The difference here is that the citizens can be good at articulating their interests, often loudly. However, as Woodrow Wilson eloquently put it: “The bulk of mankind is rigidly unphilosophical, and nowadays the bulk of mankind votes” (Wilson 1887, pp. 209). And so we get the famous statement: “Keep your government hands off of my Medicare!” Not to mention (to write two sentence fragments in a row) the current crowd of Abbie Hoffman wannabes ‘occupying’ Wall Street.

Slippery slope of representation. As indicated in earlier lectures, I see Cooper’s advocacy of the public administrator as representative of the public (pp. 70-2), as a slippery slope. To argue that the administrator is closer to the people than the elected representative might actually be true. However, the elected representative has that elected legitimacy as representative of the people that the administrator cannot match, for all Cooper’s assertion that “public administrators bear an obligation to represent the citizenry” (2004, p. 71).

Still, if we apply Heclo’s (above) concept of ‘neutral competence’, with the obligation to “complicate the lives of superiors” (Cooper 2004, p. 87), as well as Cooper’s question regarding whose views have been heard (p. 92); as well, no doubt, as other qualifications, then this seem a slippery slope that is worth clambering down some distance (to really push the metaphor).

Subjective responsibility

This gets us back to issues like those reflected in Dwight Waldo’s ‘competing ethical obligations’, presented in lecture three, and which we will read in its original context next week. The focus is on the individual administrator as human being, not as organization man. Not only does the administrator have conflicting obligations, but s/he is just as cussedly perverse, opinionated, and emotional as the rest of us!

Cooper presents the concept of the public interest, above, as something that is hotly contested and unclear, even something that sissy “public administrationists” i.e. folks like me “have shown little sustained interest in” (p. 91; see also Kernaghan 1972, p. 594, and Jos 1990, pp. 228-9). Subjective responsibility, though, is something he seems far more comfortable with. Not me, so
we’ll develop this further as we go. In my opinion, Waldo’s competing ethical obligations is as good a presentation of it as we need for now, despite Cooper’s spiffy graphic on page 95.

Values. Values (Kernaghan, pp. 587-8, see also pp. 590-1) clearly complicate subjective responsibility, as one person’s idea of subjective responsibility may not be consistent with another’s. Refer back to Table 1, in Lecture 2. As shown, the US tends to have a much more individualistic culture than most other countries. So public policies that raise revenue from those with more income, to promote the general welfare by doing unto the least among us, are more likely to be accepted in a less individualistic country, like France, Sweden, or especially Japan. In the United States, though, this would be seen as un-American by many.

Organizational socialization. Overcoming these problems requires strong organizational socialization, to create consistency in the subjective values of agency personnel, and congruence between the subjective values of the individual, and the objective values of the agency.

What to do?

Criteria of judgment. Kernaghan’s ‘guideposts’ for “the bureaucrat seeking escape from a labyrinth of competing values and pressures” (p. 595) include three ‘criteria of judgment: legitimacy, expediency, and morality:

- **Legitimacy**: “The standard of legitimacy stimulates the bureaucrat to ask which of the policy participants involved have the right to expect or demand certain decisions…”
- **Expediency**: “The standard of expediency motivates the bureaucrat to assess the relative strength of the negative sanctions which various policy actors may impose for non-conformity to their desires…”
- **Morality**: “The standard of morality encourages the bureaucrat to resolve value conflicts according to his perception of the highest moral and ethical principles of contemporary society and to his own sense of integrity. While morality is a highly personal and subjective standard, its application in the public service will be conditioned by the organizational socialization of the official and by the demands of the situation.” (p. 595-6)

Moral autonomy. Jos (1990) offers moral autonomy as the way out of Kernaghan’s labyrinth.

Problems:

- Pursuit of self-interest (among public administrators),
- rationalization and self deception,
- ambiguity (providing scope for rationalization and self deception),
- “moral encounters that involve trade-offs between values or questions of whether objectionable means are justified by noble ends” (p. 240).
- Retaliation against whistleblowers (p. 241).
- Precarious status accorded public administration in a(n economic) liberal society. Suspicion of government is great (despite evidence of national success).
- The public interest is vague and contested, and
“building moral consensus on public purposes…generally ignores the limitations of political scientists and public administrators as agents of social and political change (p. 229).

- This was a problem with the so-called ‘New Public Administration’ movement, as the field of public administration hyper-ventilated about the ferment of the 1960s. The movement reached its peak at a conference in Minnowbrook, New York. In a search for relevance in this period during which folks were advocating greater social justice, a group of young academics went to a luxury resort in the Adirondacks, owned by the private, elite Syracuse University (irony intended).

- It didn’t help, any more than the ferment of the 1960s did, with folks taking to the streets, demanding change through incoherent but often strangely rhythmic chants usually beginning with “hey hey, ho ho” and followed by [fill in the blank] “has got to go.” Despite this, as Jos notes: “At least with hindsight, the limits of this belief have become clear. The reorientation of values that would put social equity on a par with efficiency has run its course. The commitment to social justice and the expanded social welfare programs of the 1960s and 1970s was initially defined as a noble failure, then as a fundamentally misguided set of policies, and finally as an illegitimate imposition on free enterprise that has produced a generation of greedy dependents” (pp. 234-5).

Or, as I’ve put it in arguments about the current ‘Occupy Wall Street’ movement: I’ve seen this before, and what we ended up with were the Reagan years which, if anything, have grown more hostile to public action today.

- “Doubt has been cast on the very idea that there is a commitment in American culture to a public interest, however it might be discerned. Something more than a commitment to redistributive policies appear to have been lost. There is a sense that basic civic-mindedness has eroded and given way to the cynical pursuit of self-interest” (p. 236).

Qualifications

- The public interest may not be that vague. “As Schattschneider observed, the idea that there is no real distinction between public and special interests is fallacious, if only because it is possible to distinguish between those who lobby for policies from which they personally benefit and those who lobby for policies that provide no direct personal benefit to them” (p. 232).

- Graduate school. “Graduate curricula in public administration may not be a particularly effective tool for inculcating substantive values but if we can instill in our students a tolerance for ambiguity and an ability to think for themselves, it is far less likely that they will remain insensitive to the moral implications of their work” (pp. 242-3).

Solutions

- Closing the ‘knowledge gap’, education, civic literacy, etc. The general idea is that most of our problems lie in civic irresponsibility, as citizens want the rights of citizenship without the duties, and refuse to engage complex, ambiguous problems.

- Moral autonomy. This is Jos’s main point. He begins: “The administrator’s willingness to consider and act on obligations to the public is vital to any defensible theory of administrative responsibility...
Later, he states his position:
“In all of these ways – the ambiguity of public purposes and power, the demands for deference to bureaucratic superiors, and the intimidation and punishment of those who dissent – a vital prerequisite for responsible decision making is endangered: the individual’s capacity for independent thinking and judgment. Thus the most essential virtues for the administrator are those which enable what I have elsewhere described as ‘individual moral autonomy’…
“This…includes
(a) moral sensitivity, the ability to recognize the moral implications of even ambiguous situations (e.g. where there are “many hands” or vague law);
(b) moral understanding, the ability to reason about these implications; and
(c) moral courage, the willingness to confront and act on moral issues even where there is substantial pressure to the contrary” (p. 242).

To return to the Friedrich/Finer debate that a number of the authors reference:
The strength of Finer’s approach lay in his recognition of the continuing need for political controls over the bureaucracy. Its primary weakness lay in his failure to anticipate the inadequacy of these controls to ensure administrative responsibility in a period of ever-accelerating political and social change. The strength of Friedrich’s argument rested on his awareness of the deficiency of solely political controls. Its major weakness lay in the difficulty of reconciling conflicts between the two criteria of technical knowledge and popular sentiment. (Kernaghan 1972, p. 577)

Both, clearly, are needed. Hence David Shoar. I’d argue that his decision to take an unpopular decision and make his employees good after the unilateral breach of contract to which they were subjected, reflects an example of the responsible administrator exercising moral autonomy.

References
