Lecture goals:

* 

As Cooper notes in opening his chapter on conflicts of responsibility, “confronting conflicting responsibilities is the most typical way public administrators experience ethical dilemmas. We may feel torn between two sets of expectations or inclinations, neither of which is without significant costs” (p. 106).

The more astute among you have noticed that one of this week’s readings is a rerun: Dwight Waldo’s competing ethical obligations. I think it is one of the more interesting insights in the field of public administration, and is especially relevant to what are usually referred to as conflicts of interest. These competing obligations include:

- Obligation to the Constitution,
- Obligation to law
- Obligation to nation or country
- Obligation to democracy
- Obligation to organization-bureaucratic norms
- Obligation to profession and professionalism
- Obligation to family and friends
- Obligation to self
- Obligation to middle-range objectives
- “party, class, race, union, church, interest group and others”
- Obligation to the public interest or general welfare
- Obligation to humanity or the world
- Obligation to religion, or to God.

Waldo’s point was that ethical obligations become especially complex when these conflict. It is too easy to argue that the public administrator should remain consistent with organization-bureaucratic norms, and subordinate all else when on the job. But what to do when more than one of these conflicts with what the organization is doing? Each response bears risks:

- Raise the issue with your direct supervisor.
- Go above your direct supervisor.
Formally ‘whistle blow’.
Leak information to the press (informally whistle blow).
Resign.

Fifteen conflicts in ethics

Another take on this is provided by the reading from Brady and Hart. Rather than twelve competing obligations, they use Brady’s (earlier, 2003) six voices in ethics, then identify the fifteen “pairwise combinations of those perspectives” (2006, p. 117), by which is meant the five combinations that the first can make with the other five; the four combinations that the second can make with the other four; and so on, so that $5 + 4 + 3 + 2 + 1 = 15$.

Brady and Hart admit that they have not presented this as clearly as they could have (see their endnote 1, on page 115). As a result, I’m going to edit their presentation heavily, hopefully making it a bit more coherent. First, Brady’s six ‘ethical voices’ are derived from the following table in Brady’s earlier article:

| Table 1  Schema of Orientation in Ethics |
|-----------------|-----------------|-----------------|
|                | Deontology (duty) | Teleology (purpose) | Axiology (value) |

Source: derived from Brady 2003, p. 526.

Brady’s six macro-perspectives (again, I’ll elaborate a bit based on Brady’s 2003 article):

1) Principles – The focus here might be seen as on process, or ethical means: basic human rights and duties, fairness, openness, impartiality, individual freedom in government operations.
2) Purposes -- the focus here might be seen as on purpose, or ethical ends: prosperity, peace, safety, security, equality, justice.
3) Public goods – Brady refers to ‘shared values’, but then identifies various public goods: water supplies, waste disposal, mosquito abatement, road improvements, beautification projects, licensing and safety institutions, parks and recreation.
4) Responsibility (or ethics of judgment) – “an ethic of professional judgment or an ethic of personal responsibility… Judging is different from analysis and reasoning because judging in personal, circumstantial, interpretative, encumbered with tradition, and informed by considerable experience” (2003, p. 530). Brady seems a bit divided in this one, emphasizing both the need for personal judgment, the responsibility to exercise this, and then personal responsibility more broadly.
5) Self-interest – “Public administrators adopt this perspective when they consider their own career and personal goals, but they necessarily adopt this point of view when they confront planning and staff issues. The task of the public servant is, in large measure, to maximize the potential for all constituents to realize their dreams, involving much negotiation, understanding, and creativity” (p. 531).
6) Personal relationships – family, friends, “relationships can be formed toward nonhuman and inanimate objects as well…, through government involvement in the arts, preservation of historic sites, and the work of professionals under civic sponsorship who
apply their skills… This ethical perspective is responsible for convincing us that many programs…work best when administered locally. Where local expertise, experience, and care are essential for success” (p. 532).

And from this, fifteen conflicts in ethics:


2. Conflicts of principles with purposes – The issue here is conflict between efficiency (an end) and fairness (a principle), as government at times sacrifices the former for the latter.

3. Conflicts of principle with self interest – At a simple level, everyone can’t be the boss. As a result, meritocratic principles decide who achieves this common personal goal.

4. Conflicts of principle with public goods – At what point do the taxes required to support social programs impinge on individual freedom?

5. Conflicts of principle with relationships – Hiring a spouse, or using influence to pave your favourite aunt’s street.

6. Conflicts of responsibility with purposes – “Administrators… are often torn between maintaining the ideal of a cooperative, friendly working group and emphasizing the personal responsibilities of staying on task, breaking logjams, moving the work along…” (Brady and Hart 2006, p. 121).

7. Conflicts of responsibility with self interest – “…the personal responsibility of a parent, for example, might conflict with the personal goal of going back to school to further one’s education… Similar conflicts occur at work, such as when an employee finds that his or her responsibilities at work are not personally fulfilling” (p. 122).

8. Conflicts of responsibility with public goods – Brazilian governments that help “Brazilian farmers who clear land to feed their families but at the same time contribute to both international pollution and the loss of rain forest” (p. 122).

9. Conflicts of responsibility with relationships – Consider American environmentalists who complain about Brazilian farmers who develop farms in the Amazonian basin; while America already cut down its own forests, and subsidizes the crops that prevent this land from reverting to a carbon sink.

10. Conflicts of purposes with self interest – “An excellent example of this type of conflict is found in arts funding. On one hand, government wishes to promote the cultural benefits of the arts. On the other hand, an artist’s vision and subsequent output can conflict with generally recognized ideals” (p. 123). On the third hand, this conflict also manifests itself in the choice of art that gets public subsidization.

11. Conflicts of purposes with public goods – Again (#4 above) one can think of the conflict between the goals of economic growth and ‘universal caring’ through social programs.

12. Conflicts of purposes with relationships – “Self expression as found in office romances, the decoration of personal space, clothing, styles of language, and so on is often seen as a threat to institutional ideals and objectives” (p. 123).

13. Conflicts of self interest with public goods – Brady and Hart especially discuss this through a classic Harvard Business Review case study, “The parable of the Sadhu,” which is available online. As another example, take an academic who (however much we may want to deny this) is paid to teach, but whose personal career (and even institutional incentives) are rewarded more by publication in academic outlets.
14. Conflicts of self interest with relationships – George Bailey in *It’s a Wonderful Life*, who sacrifices his personal interests for that of friends and neighbours.

15. Conflicts of public goods with relationships – Illustrated through “a classic dilemma in ethical theory…:
“A house is burning down, and two people are inside. One is your spouse; the other is a world-renowned physician who is the only person who can save the people of a nearby town from an epidemic. There is time to save only one. Whom should you save” (p. 124)?

Or think of the brief discussions we have had about those of us who have family members who appear to be milking public assistance programs. This is, as this apparently highly ethical (‘fair and balanced’) source indicates, a national phenomenon.

Rather than a problem, of course, Brady and Hart see these conflicts as altogether welcome: Our contention is that the role of conflict in ethical theory is not only unavoidable but that it should be accepted as a necessary component of a good life. (p. 114)

**Cooper and conflicts of responsibility**

**Role conflicts**

The concept of role was introduced in the Schafer reading of last week. For Schafer:
Each of us assumes, voluntarily or involuntarily, many different *roles* in the course of our lives, and with each role comes a set of *responsibilities* (duties, obligations). We have responsibilities to our aging parents, because we are their adult children and have, typically, benefited from their sacrifices on our behalf. We have responsibilities to our own young children, because they are totally dependent on us for the well-being and because we brought them into the world or chose to adopt them. We have responsibilities as citizens in a democratic society and as employees or employers. And so on. (1999, pp. 9-10)

Again, conflict occurs when “a public administrator experiences values associated with particular roles as incompatible or mutually exclusive in a given situation” (Cooper 2006, p. 113).

*Inside roles versus outside roles.* Cooper offers a hypothetical example of a city public health official caught in a conflict between what the city wants to do, and what his ethics as a public health professional requires, instead. As we have discussed, any number of other roles can conflict with Waldo’s ‘organization-bureaucratic norms’.

*Inside roles versus inside roles.* Cooper offers a timely example: in an atmosphere of budget cuts, a public agency is expecting revenue losses. The Director and top brass, being especially politically exposed, are disinclined to object. Line personnel, needless to say, are disinclined to see their salaries decrease.

More broadly, consider the ethical tangle that is Jacksonville’s current budget imbroglio: the greater Jacksonville area economy has been growing slowly, with a current growth rate of 1% in
per capita real personal income, yet city revenues are projected to decrease nearly 3% from the 2010-11 to 2011-12.

- Ethical conflict #1: this suggests a revenue problem, as city revenues are tied to house values. As these drop, homeowners get a tax cut. Elected leaders can either seek to broaden the revenue base, and/or raise the millage rate to keep revenues stable, or ask city employees to bear the cost of these fluctuations.
- Ethical conflict #2: we are, of course, seeing the latter option here in Jacksonville (and more broadly in Florida). This will mean cuts especially in public safety, education and infrastructure for, as we saw in our week five budgeting lecture: this is what local government does. While optimizing the self interest of current tax payers and especially elected leaders; this comes at the cost of future taxpayers, who will have to bear the costs of any under-investment in job-creating infrastructure, education, and public amenities.

Conflicts of interest

Cooper means this to refer beyond the legal definition of conflict of interest to (quoting Davis): interests, loyalties, concerns, emotions and such that can cloud one’s professional judgment, and so the administrator’s “fiduciary role as trustees of the public interest” (p. 130). Drawing on Kernaghan, Cooper identifies seven potential conflicts, adding one of his own:

- **Bribery.** Pretty straightforward, with [Congressman William Jefferson](http://www.congress.gov/member/8730) perhaps the most obvious recent example.
- **Influence peddling.** Similar to bribery, with former [Congressman ‘Duke’ Cunningham](http://www.congress.gov/member/1273) the classic recent example.
- **Information peddling.** [Bradley Manning](http://www.bradleymanningsite.com) might be the highest profile recent exemplar.
  - **Non-financial considerations.** The Manning case also reflects an important dimension of the issue, in that these conflicts do not always revolve around money. Instead, they can involve anything that we value, including policy preferences.
- **Financial transactions.** This is the issue surrounding accusations that Florida [Governor Rick Scott](http://www.governor.state.fl.us/) has a conflict of interest due to his (and family’s!) own financial interests in the health care industry, and the large role of the state in financing health care.
- **Gifts and entertainment.** The [Minerals Management Service](http://www.mms.gov) is a high profile, recent example. The folks the MMS was supposed to be regulating had corrupted MMS agents with gifts of drugs and prostitutes. For some, this clearly shows government can’t be trusted, and we should instead rely on markets, and the private sector firms who operate in them, to protect our interests. [Don’t miss the irony]
- **Outside employment.** [UNF policy](http://www.unf.edu/policies/).
- **Future employment.** The ‘revolving door’ phenomenon is important here.
- **Dealings with relatives.** Nepotism. [Click the link](http://www.forbes.com/sites/daniellevorce/2014/01/12/forbes-executive-guide-to-nepotism/) for an ironic discussion from the business world.

*Maintaining the public trust.* Cooper closes with the common formulation that regardless of how carefully the agency recognizes and works around a conflict of interest, “the appearance of conflict of interest may be sufficient to jeopardize faith in the integrity of government” (p. 140). Though might this be another area where civic responsibility needs to be applied, in that citizens need to formulate informed views on the integrity of government, occasionally looking beneath the surface.
References


Appendix (late additions)

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Is there an equality-efficiency trade-off?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>1.</td>
<td>Maintaining equality eliminates people's motivation to work.</td>
</tr>
<tr>
<td>2.</td>
<td>Maintaining equality requires government interference with individual choice, and free choice is necessary for exchanges to produce efficiency.</td>
</tr>
<tr>
<td>3.</td>
<td>Maintaining equality requires a large bureaucracy and bureaucracy equals waste.</td>
</tr>
<tr>
<td>4.</td>
<td>A trade-off between equity and efficiency is inevitable.</td>
</tr>
</tbody>
</table>

Source: Stone, p. 84

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Is there a security-efficiency trade-off?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>1.</td>
<td>People are not motivated to work when they are secure, so productivity declines with increased security.</td>
</tr>
<tr>
<td>2.</td>
<td>The more security society provides, the bigger its service sector. The service sector has the lowest economic productivity.</td>
</tr>
<tr>
<td>3.</td>
<td>Economic inefficiency requires technological changes and innovations that necessarily make some people worse off (and insecure).</td>
</tr>
</tbody>
</table>

Source: Stone, p. 107
### Table 3
Is there a liberty-security trade-off?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Security creates dependence on the provider of security.</td>
<td>Insecurity deprives a person of capacity to make truly free choices; security creates true liberty.</td>
</tr>
<tr>
<td>2.</td>
<td>People need to be self-sufficient in order to be truly independent and free.</td>
<td>The ideal of complete self-sufficiency is illusory; being able to rely on a community creates a sphere of freedom for individuals, and public policies can protect recipients of aid from domination by providers (including the state itself).</td>
</tr>
<tr>
<td>3.</td>
<td>If government acts paternalistically, protecting people from harming themselves, it must necessarily limit people's freedom.</td>
<td>Public policies can make honest, nondiscriminatory distinctions between people who are competent to make decisions affecting their well-being and those who are not.</td>
</tr>
</tbody>
</table>

Source: Stone, p. 127

---

### Table 4
Is there a liberty-equality trade-off?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>To maintain equality, government has to take away from the better off, thereby restraining their liberty</td>
<td>Power, wealth, and knowledge are prerequisites to genuine liberty. By equalizing these resources, government enhances &quot;positive liberty,&quot; the control over one's own life.</td>
</tr>
<tr>
<td>2.</td>
<td>Liberty is all-or-nothing; only the complete absence of interference with individual decisions counts as genuine liberty.</td>
<td>There are degrees of liberty. Relatively minor restrictions on some people might enable relatively major expansions of liberty for others. Liberty itself can be equalized.</td>
</tr>
<tr>
<td>3.</td>
<td>Liberty is decreased whenever some people are coerced by public policies aimed at creating more equality for others.</td>
<td>Human freedom can be expanded by society's willingness to bring problems (even natural disasters) under control, sometimes by compelling cooperation in collective endeavors.</td>
</tr>
</tbody>
</table>

Source: Stone, p. 130