Lecture goals: Combine the concepts of ethical autonomy with the pragmatic reality of conflicting responsibility. In the previous chapter Cooper focused on how to manage subordinates, providing a structure and culture that will enhance their ethics, and sense of responsibility. In this chapter the focus is upwards, on how the manager ‘accounts’ to superiors who may themselves be acting unaccountably. Whereas the manager can thump the irresponsible subordinate, this is far less easy to one’s superiors.

Cooper opens his chapter with a brief mention of A. Ernest Fitzgerald. Another short discussion of his case can be found here (and the link on the right of this page is where I saw the reference to Spitzer). A third example that Cooper offers is Roger Boisjoly, especially jarring because at face value, you’d think the Challenger disaster would not have happened had Boisjoly and colleagues been listened to. His formal discussion of his case can be found here, among the no doubt numerous riveting discussions to be found in the publication Accounting Horizons.

Finally, a fourth example of the perils of whistleblowing can be found in the James F. Alderson case study, by Ventriss and Barney.

Ethical autonomy. Jos’s concept of moral autonomy is a useful way of thinking about ‘safeguarding’ administrative ethics. To copy in some of our discussion of this from earlier, he begins by identifying a number of…

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 an economic liberal society. Suspicion of government is great (oddly: despite evidence of national success).
• The public interest is, it is argued by some (though not all) 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).
• “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).

Solutions
• Closing the ‘knowledge gap’. To elaborate on this a bit, one of my fave essays in this field is the 1984 paper by Bill McGregor, which we also discussed earlier. His identification of the problem:
  • "an extraordinary knowledge disparity exists between public service careerists... and a civitas that wants problems solved. The gap is not only large, it appears to be growing and the effects can only be worrisome. The knowledge gap may well contribute to mistrust of institutions by citizens to know when things are not working but not able to say what the possibilities for successful intervention are. The gap may explain some of the measured contempt public bureaucrats have displayed toward an unknowing and disrespectful public" (p. 127).
McGregor's solutions:
• Relying on professional ethics to give the public administrator the courage to 'educate' the public, in the sense of challenging them with the hard choices that he implies above.
• Devolving "responsibility for service delivery and production back to the communities where the problems reside" (p. 128).
• "nurturing a potentially argumentative public... a dominant ethic of public service must be that careerists keep citizens fully informed about the possibilities for public service... The democratic point is that the public need is for intelligently organized information presented so that informed decisions can be made. Stonewalling public scrutiny by dumping masses of unintelligible data into the laps of inquiring citizens is as bad as shredding public records" (p. 128).
• "Reconciliation of civism and career public service.” Three central elements of this:
  ▪ "One is to defend career administrators. Only a secure service will be willing to make itself vulnerable to the experimentation recommended in this discussion...
  ▪ "A second goal is that of civic capital formation. Here the goal is to enhance the knowledge base of public affairs so that citizens can understand how real public affairs operate, how practical problems affect public affairs, what the action options are, and what the criteria are by which options can be judged...
  ▪ "A third goal is to broaden the meaning of public service" (p. 130). This last point refers more to the blurring of public and private (for and nonprofit) lines in the provision of public services.
• **Moral autonomy.** Given the above, 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).

**Responsibility to superiors**

*Primary issue:* Cooper presents the fundamental issue here as external controls (organization rules over the individual) being inconsistent with internal controls (the individual’s conscience, or sense of the public interest, see his p. 226). I’d go a bit further than this and point out that, in Dwight Waldo’s terms, the administrator may be acting consistent with bureaucratic-administrative norms, but the supervisor is acting contrary to these norms, and using the power of her/his office to squash dissent.

*Consequences for whistleblowers.* Substantial! Cooper cites an article by Jos and two co-authors, which studied 161 whistle-blowers, and “found that 62 percent lost their jobs, 11 percent had their salaries reduced, and 18 percent experienced harassment or transfers. Over half indicated that their actions embroiled them in controversy for more than two years” (p. 226), costing them an average of nearly $30,000. Resignation in protest has been shown to result in similar costs (p. 231).

• **No data.** Worse, no one seems to care, at least not in terms of the old cliché that if you can’t count it, it doesn’t count. Applied here, this might be read: if you don’t count it, then clearly it doesn’t count, for you. As Cooper notes: there is little systematic data on whistle-blowing (pp. 224-5).

**Sources of pressure.**

• Political pressure.

• The team play ethic.

• The nature of public organizations: fraud and waste do not often affect the employee’s personal livelihood.

• Private sector norms: lack of a civic ethic, rampant individualism, and the pursuit of Mammon.

• Anti-tattling: don’t be a ‘narc’.

• Bureaucratic norms: follow orders or, as Cooper puts it, the “agentic shift” (p. 234).
• The classic example: the Nazi extermination camps. Folks just ‘followed orders’.

*Organizational remedies:* protecting whistleblowers is clearly important for Cooper. As indicated above, this is challenging, as those seeking to retaliate against whistleblowers can be creative. Also not adequately raised in Cooper’s discussion is that you can have false accusations, muddling further the issue. So:

• *Protect heroes.* It clearly is important to protect those public servants (in the truest sense of the word) who have the courage to put their jobs on the line and point out misdeeds.

• *Avoid false positives.* On the other hand, not everyone who ‘blows the whistle’ is acting like a responsible referee:
  • The whistle-blower might be using the accusation of fraud to attack an enemy.
  • The whistle-blower might be seeking financial rewards, and so make speculative accusations.
  • The whistle-blower might be right, but this cannot be proved satisfactorily.
  • The whistle-blower might just be wrong.

As indicated above, Cooper also notes that organizational remedies have not proven terribly effective:

• *U.S. Office of Special Counsel* of the *Merit System Protection Board* established a fraud task force, which now appears to be under their *Inspector General*, whose page opens with instructions on reporting fraud. A search of the site yields a document titled *Whistleblower Protections for Federal Employees*.
  o Cooper reports 1925 complaints to the OSC. 5% were whistleblowers, while 27% were complaints about reprisals. Ouch.

*Government Accountability Office.* Cooper reports over 6000 reports to a GAO Fraud Task Force (which launched a *special initiative* to combat fraud related to the ‘Recovery Act’ stimulus spending). Now the GAO has a *FraudNet*, online fraud reporting system, as well as the *No Fear Act*, the “Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,” Public Law 107-174. In addition to anti-discrimination provisions, it also makes clear that:

  “A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

  “Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8), as made applicable to GAO by 31 U.S.C. 732(b)(2).”

• Now you know.

*Individual responsibility.* This is a key point for Cooper, with his view of the public servant as professional citizen, acting on our behalf.

• *The Nuremberg principle, again:* ‘just following orders’ doesn’t cut it. As an illustration of accountability challenges within an organization, and the ethics of this, consider a recent
article in The Economist newsmagazine, about the Obama administration’s recent decision to withdraw the last US troops from Iraq. The article offers a number of interpretations of this announcement:

- Mr. Obama: “The troops could leave ‘with their heads held high, proud of their success.’”
- Mitt Romney: “The president’s ‘astonishing failure to secure an orderly transition in Iraq’ put at risk the victories won through ‘the blood and sacrifice’ of thousands of Americans. ‘The unavoidable question’ about why it did not is whether to blame Mr Obama’s ‘naked political calculation’ or his ‘sheer ineptitude in negotiations.’”
- Jon Huntsman: “it would have been ‘ideal’ to leave a few troops behind.”
- “Michele Bachmann, scolding Iraqis for their ingratitude, said that Mr Obama should have ‘demanded’ that they ‘repay the full cost of liberating them’ with their rich oil revenues.
- “Herman Cain, Napoleon of pizzas, said he would not have let the enemy know how many troops were going to leave, or when.
- The Economist on the above views:
  - “At least Mr Cain admits that he is still learning about foreign affairs. For the rest, you have to ask: Do they have no shame? The decision to withdraw America troops by the end of this year was enshrined in a treaty negotiated in 2008 not by Mr Obama but by George Bush… Given how many Iraqis see the Americans as occupiers and not as liberators, and America’s wish for its remaining troops to be immune from Iraqi law, it is no surprise that an agreement proved elusive.
  - “But no matter: the idea that Mr Obama is feckless in foreign policy slots neatly into the Republican fairy story that the apologiser-in-chief inherited successful campaigns in Iraq and Afghanistan and deserves no credit for the recent decapitation of al-Qaeda or the fall of Muammar Qaddafi.”
- More broadly: “the war’s architects are busy refighting it in a barrage of self-serving memoirs.
  - “In his own memoir (“Decision Points”) a year ago Mr Bush stood by his decision to go to war but acknowledged mistakes, such as ‘mission accomplished’, keeping too few troops in Baghdad after the regime had fallen, and the ‘massive blow’ to American credibility when it turned out that Saddam had indeed got rid of his weapons of mass destruction.
  - “In contrast, Dick Cheney’s recent memoir (“In My Time”) is magnificently untroubled of second thoughts, though the former vice-president spoons poison on Colin Powell, Mr Bush’s secretary of state, Condoleezza Rice, his national security adviser, and sometimes his own boss.
  - “Ms Rice says in “No Higher Honour” (to be published next week) that she saw the need for more planning for the invasion’s aftermath, but was blocked by the absence of prescience in those around her. She would be entitled to strike back against Donald Rumsfeld, Mr Bush’s defence secretary, whose “Known and Unknown”, published in February, accused her of running a dysfunctional National Security Council.
- The Economist on squabbles among the Bush administration:
  - “Not one of Mr Bush’s principals has said flat out that the war was a mistake (Mr Powell has come closest). But since success can live with a thousand fathers, it is reasonable to wonder whether these memoirs would contain quite so much bile if their authors thought it a triumph. The verdict of Americans at large is bleaker—
or more honest. Even among those who fought in Iraq or Afghanistan, who lean disproportionately Republican, only 44% now think that the war was worth fighting, according to recent polling by the Pew Research Centre; and an even smaller proportion of the general public, 36%, agrees with the veterans.

• “Unlike the invasion of Afghanistan, a direct response to the September 11th attacks, this war had mixed motives as well as mixed results. To millions of people, including plenty of Americans, it will always be the illegal war, trumped up in order to damage Islam, grab oil or help Israel. Did Mr Bush and his allies really believe in Saddam’s weapons of mass destruction? If so, it was a calamitous mistake. Were they sincere in wanting freedom for Iraqis? The war’s heavy toll probably did more to taint the cause of democracy in Arab eyes: nobody likes armed missionaries.”

In short: not much personal responsibility in evidence here.

**Individual ethical autonomy.**

- The central problem here for Cooper is that the organizations we work for have tremendous influence over our lives:
  - **Financial** influence obviously, in that for most of us, even in a good economy, losing a job can mean financial disaster if a new one is not found quickly. This is especially the case in professions in which the time between applying for a job, and starting pay can be long, if selling one’s home quickly is difficult, etc.
  - **Social**. We make friends. We drink beer together (example at right).
  - **Identity**. I’m an Osprey! We transform! No one like you, no place like this!
  - **Overstatement**! As Cooper points out, a lot of the claims regarding the dominance of organizations on individuals are often “colored with an overly dramatic apocalyptic vision of imminent totalitarianism” (p. 250).

- **Guerreiro Ramos** was one such apocalyptic overstater of the problem. Still, his major contribution to American (and Brazilian) public administration theory was a reasonably cogent discussion of the multi-dimensional nature of humans. His point was not dramatically different from Dwight Waldo’s competing ethical obligations. To summarize: humans are not what economists often like to portray as *homo economicus*, or economic man. Rather than self-interested utility maximizers, we often:
  - **Practice compassion**. We do unto others, even the least among us (from whom we are unlikely to receive reciprocation). No self interest here.
  - **Pursue non-economic goals**. We volunteer for local theatre, work in our gardens, tinker in our workshops, bake, etc. No real economic benefit here: working overtime, or a second job, would yield more money.
  - **Seek the respect of others**. Granted, nothing evokes envy like wealth, but there are other ways to earn the respect of peers: reputation as sports trivia savant, usher in Church, get a promotion (with satisfaction independent of the pay rise).
• **Seek a sense of belonging.** Loyal member of NASCAR Nation, ‘card carrying’ Liberal, church member, etc.

• **Self fulfillment.** Think of this in terms of Maslow’s hierarchy of needs.

• Beyond these relatively uncontroversial observations, what Guerreiro Ramos and allies seemed to be implicitly arguing for was conscious efforts by government to facilitate these other outlets for the pursuit of happiness.

**Components of individual autonomy.**

• Cooper begins by identifying three essential elements of individual autonomy:
  1. Keep work out of private life, and establish an identity away from the workplace.
  2. Establish legal and institutional constraints on organizational power.
  3. “self-awareness concerning values, rights, needs, duties, and obligations within and beyond the organization” (p. 257).
    ▪ Perhaps another way to put this is to think now and again, ask yourself what you’re doing, why, and if this is a good idea!
  4. I’ll add his ‘role evaluation’ as a fourth: assessing the legitimacy of individual roles that the individual occupies, and potential conflicts between these.
    ▪ Failure to do this, in some way, is what got Elliott Spitzer in trouble.
    ▪ The ability to do this, in another very different way, is what got James F. Alderson in trouble.

**References**
