Lecture goals: Discuss the tensions that organizational norms and structures pose for public management ethics.

Guerilla governance

The ‘Nevada Four’. The Rosemary O’Leary article addresses an interesting case study that I think I first heard about in about 1993, and which eventually morphed in to a book titled The Ethics of Dissent: Managing Guerilla Government. For our purposes, the case is interesting as an example of conflicting ethical obligations (an ongoing discussion in this class), and regarding how these can clash with organizational norms and structures.

Some broader context. She puts the issue in a broader context in an article titled “Guerrillas in our Midst,” available online. Other examples of administrative ‘guerillas’ include:

- Mark Felt, who leaked information related to the Watergate break-in, which eventually contributed to the resignation of President Nixon. Felt is described as motivated by disgust at “the dirty politics that had taken over the White House.”
- Private Bradley Manning, who leaked troves of classified documents. Manning “is described as wanting people to see the truth about government actions that are ‘awful’ and ‘horrifying’ but also is portrayed as almost giddy with the power of his access to top-secret documents.” Other, less dramatic examples are offered.

The central tension. O’Leary sets up the central tension of the case early in the article: “These public officials worked behind the scenes, first to develop support for the bill before Senator Reid decided to sponsor it, and later as ghost writers of parts of the final Act. At some junctures they put their jobs in jeopardy by directly disobeying their superiors and promoting policies against which their organizations officially and unofficially argued.
“In this article I examine this strand supporting [the legislation] with the goal of
documenting the bureaucratic politics behind the legislation and assessing the paradox
posed by these policy innovators, who are also ‘organization deviants.’” (p. 444)

*Moral autonomy*. In other words, they violated both organizational norms and structures, or
practiced the ‘moral autonomy’ that Philip Jos argued for in our week nine reading. O’Leary’s
Nevada Four reflected a complicated moral autonomy, though:

- “…the major force driving the Nevada Four was neither disobedience for the sake of
  disobedience nor pure self-interest. Rather, each expressed being driven by scientific and
  moral outrage at the environmental degradation caused by Bureau of Reclamation policies.
  Each expressed being driven out of a personal sense – one a spiritual sense – of what is right”
  (p. 462).
- “Thus, on the one hand the Nevada Four may be seen as refreshing winds of change –
  activist, caring public servants who are committed personally to protecting the environment.
  On the other hand, they may be seen as threats to accountability, control, and hierarchy since
  they took secret actions against the wishes of their supervisors...
- “It is undeniable that the Nevada Four as public administrators must be accountable and
  responsive to the public. But…what or who, exactly, is ‘the public’ in this instance” (p. 463).
- Possible responses to that “who is the public” query: “the public as interest group, the
  public as consumer (of government products), the public as elected representative, the
  public as client…, and the public as citizen.”
- “To environmental and conservation groups, clearly part of the Nevada Four’s public…their
  actions are examples of brilliant entrepreneurship…
- “To others, however, some actions of the Nevada Four are seen as outrageous
  insubordination. It is indeed part of the paradox that the ‘deviant’ behavior of the Nevada
  Four can be looked at as an extremely savvy use of public management tools, such as the
  cultivation of the press and alliances with interest groups” (p. 464)
- “But suppose the Nevada Four were anti-Black, anti-Jew skinheads who used these tools
  to undermine federal civil rights actions. Or what if there were antienvironmentalist
  bureaucrats bent on destroying wetlands and rerouting rivers in order to build
  more…irrigation systems and dams against the wishes of their superiors” (p. 464-5).

**Integrating ethics with organization norms and structures**

Cooper’s chapter examines “the problem of maintaining responsible conduct from the
perspective of the manager” (p. 183). He broadens the definition of irresponsible conduct to
include both traditionally unethical behavior, as well as “willfully inadequate work performance”
(ibid). He identifies conflict between internal (residing in the individual) and external (rules
imposed on the individual) controls (discussed in week 11) as central to these problems, and
offers two examples:

- **Sexual orientation in law enforcement**: despite external controls (an EEO ordinance
  which included sexual orientation), the homophobic internal departmental culture was
  allowed to veto the hiring of a job applicant suspect to be gay.
- **Natural death**: a ‘do not resuscitate’ law was undercut by lack of physician buy-in.
  Despite this external control, with physicians identified as key implementing agent, few
  (if any) citizens signed the necessary forms. Cooper argues this is due to physician
squeamishness in not doing all they could to prolong life. In short, the professional norms of physicians were contrary to the law.

Components of ethical conduct. Cooper identifies four:

- **Individual attributes.** Ethical decision-making skill, mental attitude, virtues (we discuss this further below, in the Kernaghan article), and professional values.
  - Necessary mental attitudes
    1. “A recognition of the moral ambiguity of all people and all public policies…”
    2. “A recognition of the contextual forces that condition moral priorities in the public service…”
    3. “A recognition of the paradoxes of procedures. This attitude acknowledges both the need for standardized procedures and the threat they represent. Order, predictability, efficiency, and equality of treatment all require some kind of established procedure in conducting the public’s business. (Still, procedures have a way of becoming ends in themselves)” (pp. 190-1).
  - Necessary moral qualities
    1. Optimism (reasonable optimism)
    2. Courage
    3. “Fairness tempered with charity… the ability to balance courageous commitment to equal standardized treatment of all, with a sensitivity to significant individual difference” (p. 191).

- **Organizational structure.** Clear accountability, collaborative arrangements, dissent channels, and participation procedures.
  - Critical here is that the organizational chart not become a cage: employees know who to report to, but have alternate avenues for reporting if the normal chain of command might be part of the problem.

- **Organizational culture.** Widely regarded as critical. For organizational cultures contrary to the mission of the agency, Cooper suggests as solutions exemplars, norms for conduct, and symbols.

- **Societal expectations.** Public participation (breaking the bubble of government), and laws & policies.
  - “The point here is that a society projects in many ways what it expects from people who work in government: the relative level of remuneration for public servants, the body of law that regulates official conduct, public opinion of public administrators, and their public image as revealed in popular culture, including books, plays, political cartoons and movies” (p. 211).

**Integrating values in to public service**

*Definition.* “…enduring beliefs that influence the choices we make among available means or ends” (p. 711).

*Focus.* Kernaghan’s focus is on the importance of values, and how these “can be best integrated into the structures, processes, and systems of public organizations” (p. 711). As a laundry list of potential values, he later offers Table 1, on the following page.
Table 1 – Categories of Public-Service Values

<table>
<thead>
<tr>
<th>Ethical</th>
<th>Democratic</th>
<th>Professional</th>
<th>People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrity</td>
<td>Rule of law</td>
<td>Effectiveness</td>
<td>Caring</td>
</tr>
<tr>
<td>Fairness</td>
<td>Neutrality</td>
<td>Efficiency</td>
<td>Fairness</td>
</tr>
<tr>
<td>Accountability</td>
<td>Accountability</td>
<td>Service</td>
<td>Tolerance</td>
</tr>
<tr>
<td>Loyalty</td>
<td>Loyalty</td>
<td>Leadership</td>
<td>Decency</td>
</tr>
<tr>
<td>Excellence</td>
<td>Openness</td>
<td>Excellence</td>
<td>Compassion</td>
</tr>
<tr>
<td>Respect</td>
<td>Responsiveness</td>
<td>Innovation</td>
<td>Courage</td>
</tr>
<tr>
<td>Honesty</td>
<td>Representativeness</td>
<td>Quality</td>
<td>Benevolence</td>
</tr>
<tr>
<td>Probitry</td>
<td>Legality</td>
<td>Creativity</td>
<td>Humanity</td>
</tr>
</tbody>
</table>

Source: Kernaghan 2003, p. 712.

Definitional squabbles. Despite this definition, Kernaghan notes that it isn’t this simple:

- “The terms ‘values’ and ‘ethics’ are often used as synonyms, but they do not mean the same thing. Not all values are ethical values, that is, enduring beliefs as to right and wrong behavior” (p. 711). Quoting Nick Henry, he goes on to note that values can be unethical: presumably if power is one of your values, this can be pursued in an unprincipled way.
- “The concept of principles, like that of ethics, is often used interchangeably with the concept of values...
- “The principles that Covey names – fairness, equity, justice, integrity, honesty, and trust – are widely described by other scholars as values...”
- “…The perennial problem of trying to separate values into watertight compartments can be seen in the fact that certain values fall into more than one category (for instance, accountability as both an ethical and a democratic value)” (p. 712). The italicized values in Table 1 are those that straddle Kernaghan’s categories.

The history of ‘valuing values’. It is older than Kernaghan suggests.

Table 2 – A summary of Nicomachean ethics

<table>
<thead>
<tr>
<th>DEFICIENCY</th>
<th>MEAN VIRTUE</th>
<th>EXCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowardice</td>
<td>Courage</td>
<td>Rash</td>
</tr>
<tr>
<td>Insensible</td>
<td>Temperance</td>
<td>Dissipation</td>
</tr>
<tr>
<td>Stinginess</td>
<td>Generosity</td>
<td>Wastefulness</td>
</tr>
<tr>
<td>Chintziness</td>
<td>Magnificence</td>
<td>Vulgar</td>
</tr>
<tr>
<td>Smallness of Soul</td>
<td>Greatness of Soul</td>
<td>Vanity</td>
</tr>
<tr>
<td>Unambitious</td>
<td>(no name)</td>
<td>Ambitious</td>
</tr>
<tr>
<td>Spiritlessness</td>
<td>Gentleness</td>
<td>Inascibility, Irritable</td>
</tr>
<tr>
<td>Self-deprecation: Pretense as understatement</td>
<td>Truthfulness</td>
<td>Boastfulness: pretense as exaggeration</td>
</tr>
<tr>
<td>Boorishness</td>
<td>Wittiness, Charming</td>
<td>Buffoonery</td>
</tr>
<tr>
<td>Quarrelsome, Sultry</td>
<td>Friendliness</td>
<td>Obsequious if for no purpose, Flatterer if for own advantage</td>
</tr>
</tbody>
</table>

• *Ancient.* Kernaghan dates the modern interest in values from the 1960s, but let’s not forget that just within the Western cultural world, there has been an interest in ethics and ‘virtues’ since at least Aristotle’s *Nicomachean ethics,* nicely summarized in Table 2.

• *Not quite so ancient* (but still pre-1960s). No less an authority than Woodrow (Wildman) Wilson opined on the topic:

  “This is why there should be a science of administration which shall seek to straighten the paths of government, to make its business less unbusinesslike; to strengthen and purify its organization, and to crown its duties with dutifulness.” (1887, p. 201)

• *Ethics rules.* This is what Kernaghan describes as having developed from the 1960s, as opposed to…

• *Values,* which began to be formally incorporated into modern Anglophone public administration from the 1980s. This Kernaghan credits to:
  o The ‘corporate culture’ movement.
  o The ‘new public management’ movement. The issue of public service values was emphasized by
    o “the call for strategic plans with mission, vision, and
    o “values statements, the
    o “increased focus on accountability for results, the
    o “emphasis on business values such as innovation and service, and
    o “the downplaying of traditional public service values” (pp. 712-3).

• Two streams. Since the mid-1980s, Kernaghan argues that this process has seen two streams:
  • *Ethics rules.* Updating these, and…
  • *Values statements.* Developing these.

**CANZUK.** He goes on to highlight developments in Canada, Australia, New Zealand and the United Kingdom. Just for the fun of it, I thought I’d do some searches to see how prominently ethics and values appear on the national government websites of these countries.

• **Australia.**
  • *Ethics Advisory Service.* “…is available to all Australian Public Service (APS) employees who want advice on ethical issues in the workplace and on how to make sound decisions around these issues. We provide guidance on how to apply the APS Values and Code of Conduct and strategies and techniques for ethical decision-making in the APS.”
  • *APS Values.*
  • *Code of Conduct.*

• **Canada.**
  • The *Public Service Commission* does have a link to a *Mission, Vision and Values statement.*

• **New Zealand.**
  • *Integrity and Conduct* within the State Services Commission website.
  • *Code of conduct for the state services.*

• **United Kingdom.**
  • *UK Civil Service.* This website was the least easy to find of the four countries, but it does have a link indicating *Values.*
I looked at the values described in each, and have combined them for comparative purposes in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
<th>United Kingdom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethical</td>
<td>Integrity</td>
<td>Responsible</td>
<td>Integrity</td>
<td></td>
</tr>
<tr>
<td>Meritocratic, anti-discriminatory, equitable, fair</td>
<td>Fairness</td>
<td>Fair</td>
<td>Impartiality</td>
<td></td>
</tr>
<tr>
<td>Transparency</td>
<td>Trustworthy</td>
<td>Honesty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Courteous, responsive</td>
<td>Respect</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apolitical, impartial</td>
<td>Impartial</td>
<td>Objectivity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leadership</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultative</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Effective</td>
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The first three lines, especially, seem broadly shared between the three: ethics/integrity, fair/impartial, and honest.

**Implementation.** Two approaches:
- **Statutory**
  1. “Signal and symbolize strong government support for the statement [of values]…
  2. “Promote public, legislative, and media discussion of the statement’s form and content…
  3. “Inform the public in a high-profile manner of the values that public servants stand for, thereby enhancing public appreciation of the public service…
  4. “Inform public servants in a formal manner of the values to which they are expected to aspire
  5. “Permit the possibility of greater bipartisan support for the statement” (p. 717). He attributes the messy Australian list to Parliamentary debate, as every bloke in Parliament wanted to get a word in.
- **Non-legislative (or non-statutory)**
  1. “Help to achieve objectives 3 and 4 outlined above…
  2. “Make it easier to revise the statement to account for new challenges…
  3. “Avoid the possibility of partisan conflict over the statement” (ibid).

**Lessons.**
- Be clear: link values and ethics, so that they are consistent.
- Link values/ethics, and the rules that implement them.
- Try to impose consistency between broader public service values, and those of individual departments and agencies.
- Be open to change. Kernaghan discusses the effect of the market/business-oriented new public management on adding (or at least re-emphasizing) new values to public service.

‘**Final thoughts’**. Three questions, and one restated ‘myth’:
• Where is the organization now in terms of an open understanding of its core values?
• Where does the organization want to be in terms of an open understanding of its core values?
• How can the organization get where it wants to be?
• Values-centered leadership essential to make it happen.

References

