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Ethics in Public Management

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Introduction

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This volume follows two earlier projects undertaken by Frederickson (1993) and Frederickson and Ghere (2005) to present collections of theoretical essays and empirical analyses on administrative ethics. Three years before the publication of the first volume—Frederickson's *Ethics and Public Administration*—the National Commission on the Public Service released *Leadership for America* (also known as the Volcker Commission Report) that attested to "the quiet crisis" in government whereby

> too many of the best of the nation's senior executives are ready to leave government, and not enough of its most talented young people are willing to join. This erosion in the attractiveness in public service at all levels—most specifically in the federal civil service—undermines the ability of government to respond effectively to the needs and aspirations of the American people, and ultimately damages the democratic process itself. (1989, xiii)

For the Volcker Commission, the issue of political legitimacy at that time appeared foundational to both the nature of the quiet crisis and proposals to address it. Specifically, the commission's Task Force on Public Perceptions of the Public Service recognized the causality between perceptions of ethical abuse in government and challenges to legitimacy as follows: "Contributing to the public's negative image of government is the succession of ethics scandals [and similar failings] . . . The resulting sense of alienation ricochets against public servants" (1990, 64).

Although only a few specific references to improving ethics and professionalism appear within the broad scope of the commission's recommendations, the

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context of the report related administrative ethics to the problem of political legitimacy in a manner generally consistent with this logical syllogism:

1. Legitimacy depends upon trust in government.
2. Perceptions of ethical failures on the part of "faceless bureaucrats" threaten legitimacy.
3. Therefore, ethics reform promises to restore political legitimacy.

Further, the commission's report implied that the rather straightforward nexus between ethics and public perception could be understood as low-hanging fruit calling for immediate attention in rebuilding the public service. In particular, the report quotes President George H.W. Bush in support of "goal one—rebuild[ing] the public's trust: It's not really very complicated. It's a question of knowing right from wrong, avoiding conflicts of interest, bending over backwards to see that there's not even a perception of conflict of interest" (1990, 14).

Particular references to ethics and the public trust in the Volcker Commission Report delineated the scope of conversation about public ethics leading up to the conference that George Frederickson convened on the Study of Government Ethics at Park City, Utah, in June 1991 and to the publication of *Ethics and Public Administration* (based on the Park City papers) in 1993. In fact, President Bush's remark—as clear and forthright as it appears—actually spoke to some rather complex, dialectical conundrums that festered beneath the surface of "government ethics talk" as it related to political legitimacy. The president spoke in earnest that "knowing right from wrong" would seem not at all complicated, but it followed that such awareness might extend beyond matters of law to more generalized public standards and expectations. In this regard, it could be argued that *Leadership for America* more directly addressed the extralegal offenses of "deceit and manipulation" associated with the Vietnam conflict and Watergate affair than with particular illegalities, although these did in fact occur (Jos 1993, 365). In referring to the obligation of "avoiding conflicts of interest, bending over backwards to see that there's not even a perception of conflict of interest," President Bush implied that for the public official, conserving the public trust or *legitimacy* is as often a matter of satisfying public perceptions as abiding by the law.

In his "Conclusion" to *Ethics and Public Administration*, Frederickson situated each of that volume's chapter contributions within various theoretical categories "concerned with what we know about government ethics" (1993, 243). To varying degrees in each of the five categories, he revealed the conceptual wrinkles that follow from a perceptual underpinning of legitimacy as public trust. For example, although the first category "The Nature of Per-

sons: Good or Bad" might seem directly resolvable through tests of Kantian imperatives, Frederickson raised the intervening problem of *context* related to either societal or organizational cultures as eclipsing Kant's imperatives. In terms of the second category, "Making Ethical Decisions: Doing Right or Wrong," he borrowed from Herbert Simon to propose a "bounded ethics" wherein the public administrator's moral authority to make ethical decisions is hemmed in by any number of legislative and budgetary constraints. Interpreting that decision-making quandary as a question of accountability, Frederickson introduced a third category, "Democracy and Ethics: The Issue of Accountability," which pits the perceived need to exact accountability as a bureaucratic control against the ethical warrant to "take responsibility" proactively or claim extensive bureaucratic discretion to foster ethical governance in a democracy. Fourth, Frederickson opened Pandora's box to deal with the big questions related to "Policy Ethics and Politics" as distinct from the (more?) "petty ethics" of government corruption (253–254). Here, he mused as to whether and to what extent appointed public administrators bear responsibility for "big" policy questions as distinct from legislators, elected executives, and jurists formally involved in policy processes. In each of these four discussions, Frederickson traced the contours of the government ethics dialogue that reflects creative tensions in the dialectic between the obvious and forthright ("knowing the difference between right and wrong") and the more complicated relationship between legitimacy and perception.

Frederickson's examination of the fifth theoretical category, "Methodology and Knowledge in Public Administration Ethics," encountered a fundamental dilemma that accompanies the dialectic between forthright legalism and perceived legitimacy. Clearly, knowledge about laws, rules, controls, and other interventions is amenable to

> the primary and dominant approach to the study of public administration
> [, which] is positivist, rational, and empirical . . . To the rationalist, reason
> alone can provide the knowledge of the existence and nature of theory.
> Rationality is also used to describe the view that reality is a unified, coher-
> ent, and explicable system. (255)

He then differentiated among particular positivist methodologies (survey research, interviews, use of secondary data, case studies, and experiments) that researchers followed in their chapter contributions for the 1993 volume.

Then Frederickson turned to alternative, post-positivist thought that challenges the "presumed objectivity of the positive-empirical-rational school," which asserts that "social structures such as laws, rules, organizations, and governments 'do not exist independent of human consciousness' . . . . To the

post-positivist analysis *is* interpretation, not an objective interpretation of the facts" (256–257, quoting Harmon and Mayer 1986, 287; emphasis theirs). After citing two chapter contributions that approached post-positivist analysis, Frederickson argued that such interpretation provides a clearer lens for observing actual behavior. Often, assessments of legitimacy (as anchors for "public standards and expectations") straddle the divide between the two research orientations; on the one hand, positivist methods for measuring public opinion are available on the presumption that expectations (placed upon governments and political systems) are relatively convergent and constant rather than dynamic "moving targets" (see Jos 1993, 362).

On the other hand, Philip Jos (whom Frederickson quoted in the 1993 "Introduction") raised still another dilemma that arises in examining expectations (in particular, expectations about the nature and severity of corruption) that are by nature dynamic. In this regard, Jos illustrates this movement by explaining the essence of nonlegal corruption as follows:

> Once the notion of a public sphere and public offices gains a foothold in society, these offices can be corrupted in ways that may or may not violate the law. This is so because these offices and the people who serve in these offices, because they are public offices and public officials, become part of a dynamic political process that generates new standards and expectations. These offices become linked to larger processes and goals in a way that generates new demands. (364)

In this 1993 essay, Jos appears to have been prophetic in suggesting that "legal corruption" could ultimately prove more destructive than outright bribery (363). As political theorist Michael Sandel points out in *What Money Can't Buy*, influence peddling and similar legal activities constitute corruption as processes that lead to the degradation of government institutions:

> We often associate corruption with ill-gotten gains. But corruption refers to more than bribes and illicit payments. To corrupt a good or social process is to degrade it, to treat it according to a lower mode of valuation than is appropriate to it. (2012, 34)

By implication Jos recommended that researchers direct attention to specific contexts, just as Frederickson did in discussions of the first four theoretical categories concerning the nature of persons, making ethical decisions, exercising discretion, and attending to the big policy questions. Thus, the cumulative effects of interrelated dialectics (of legality versus expectations, observation of facts versus interpretation, and dynamic—or perhaps less than

stable—expectations versus durable norms) implied that knowledge acquisi-
tion through public ethics research could indeed be messy. All the while, the
ethics conversation had become fertile and robust.

Although the second of the three volume, *Ethics and Public Management*
(2005), moved Frederickson's concern for *context* forward, it reached out as
well to capture conversation within the academy about what administrative
ethics are or should be in relation to societal issues. The identity conversa-
tion about administrative ethics as reflected through scholarly research had
been aptly characterized in Terry Cooper's commentary "Big Questions in
Administrative Ethics: A Need for Focused, Collaborative Effort" (2004),
which presented the crux of the issue as follows:

> More than a passing fad, administrative ethics has demonstrated its sus-
> tainability and its centrality to the field. What is lacking with respect to
> these developments is anything like a focused effort by groups of scholars
> to study specific sets of significant research questions in a sustained and
> systematic fashion . . . Not intended to preclude or exclude other work on
> other questions, the call here is for the establishment of a center of gravity
> for the development of administrative ethics around some focused col-
> laborative efforts. Diversity of interests articulated by many from various
> areas in public administration are needed to keep the field fresh and lively;
> focused efforts of those mainly committed to studying administrative ethics
> may be required to provide sustainability, coherence, and sufficient weight
> to advance it solidly into the core of public administration. (395)

Cooper then extended the conversation by proposing four questions that
might lend coherence to public ethics research:

1. What are the normative foundations for public administrative ethics?
2. How do American administrative ethical norms fit into a global
   context?
3. How can organizations be designed to be supportive of ethical
   conduct?
4. When should we treat people equally in order to treat them fairly,
   and when should we treat them unequally? (404)

Ethics and Public Management (Frederickson and Ghere 2005) drew upon
two of these questions as organizing criteria; five chapter contributions ap-
peared under the volume section "Organization Designs That Support Ethical
Behavior" and three under "Administrative Ethics in Global Perspective." It
is worth noting that the chapters included in the global perspectives section

corresponded to critical events that had occurred during the previous decade, including global economic activities and controversial trade agreements, the 9/11 terrorist attacks, the Afghanistan and Iraq wars, and the abusive treatment of prisoners at the Abu Ghraib and Guantánamo detention facilities.

But more important, editorial efforts in the 2005 volume were deliberate in assessing whether and how chapter contributions related to Cooper's focus and coherence criteria (in the "Introduction") and to the overall comportment of "Administrative Ethics in the Twenty-First Century" (in the "Conclusion").

Notwithstanding its attentiveness to research focus and coherence, the 2005 volume did, at least implicitly, address the public ethics–legitimacy conundrum in chapter contributions that focused on (1) the legitimacy of appropriately used executive power, (2) the variation of moral agency in thick and thin accountability environments, (3) the questionable legitimacy of the private-sector-oriented new managerialism, and (4) blind spots in adjudicating responsibility in public-private partnerships. If *Ethics in Public Management* (in reference to the 1993 volume) amounted to old wine in new bottles, it is hard to decipher whether the "old" or "new" is desirable to which particular stakeholders (and why) in conversations about public ethics. We might speculate that administrative practitioners, along with some in the academy, expect lineages of theoretical continuity accompanied by innovative strategies that elicit efficacious behavior; if this is the case, commentaries about dilemmas and dialectics do little to satisfy those expectations. That said, a number of critical events have occurred since *Ethics in Public Management* was published in 2005 that in some manner reflect alarming levels of political discontent, polarization, and mistrust that diminish governmental legitimacy. Consider, for example, the following events:

- the 2008 financial crises in the United States that led to provocative federal assistance to major financial institutions and auto makers;
- ongoing political accusations charging that governmental agencies (such as the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration) have fabricated climate change narratives;
- the U.S. Supreme Court's 2010 landmark decision, *Citizens United v. Federal Election Commission*, that prohibited governmental restrictions on political expenditures by corporations and employee unions as encumbering First Amendment "free speech" rights;
- an ideological schism in the U.S. Congress, so dysfunctional as to thwart vital legislation for federal debt and spending limits in 2011, resulting in a downgrade of the nation's credit rating;

- the 112th U.S. Congress (2011–2012) having passed the fewest number of bills in forty years (and less than one-third of those passed by the 111th), some members placing a higher priority on paring back the federal government than on making the nation's laws.

As was the case with the events highlighted in the 2005 volume, these recent developments as well affect expectations about public roles and responsibilities as profound challenges to the essence of government legitimacy or at least to traditional logics of legitimate governmental actions. The stridency and shrillness of these legitimacy challenges have become commonplace in the rhetoric of congressional figures. Consider, for example, how various representatives of the majority party of the House of Representatives have excoriated the Independent Payment Advisory Board, an appointed panel created through health-care reform legislation to review Medicare costs, as "a centralized board of bureaucrats to control how health care is allocated" (Cantor, Virginia); "an egregious violation of privacy and patient rights" (Gingrey, Georgia); and "15 unelected, unaccountable, bureaucrats who are there for one and only one reason and that is to ration health care to our seniors and engage in price controls"(Hensarling, Texas) (*USA Today* 2012). Such rhetoric speaks convincingly of a highly toxic political culture, which government scholars Thomas Mann and Norman Ornstein—respectively from prestigious center-left and center-right policy institutions—appraise as follows in their recent book *It's Even Worse Than It Looks:*

> Trashing others, undermining their very legitimacy, and lying openly and repeatedly about individuals and institutions now bring no viable penalty or public obloquy. In fact, it can mean fame and fortune. Changing the country's poisonous political culture, which has metastasized beyond the political area, requires first an effort to restore some semblance of public shame. (2012, 180)

Efforts that put partisan ideology above national problem-solving and hold institutions hostage (3–30) constitute direct assaults on government legitimacy. In the words of a party leader in the Senate, "I think that some of our members may have thought the [financial] default issue was a hostage you might take a chance at shooting. Most of us didn't think that. *What we did learn is this—it's a hostage worth ransoming*" (25; emphasis in original).

Reacting to Mann and Ornstein's book, Paul Volcker (former Federal Reserve Board Chairman) comments, "More than anytime in my lifetime, the United States is challenged at home and so our place in the world. When Thomas Mann and Norman Ornstein get together to sound a loud alarm about

the way our system is being torn apart, it's time to listen—and listen hard . . . We better get to work" (Mann and Ornstein 2012, back cover). Presuming that competent public professionals will shoulder much of this work, an appropriate syllogism linking fragmented legitimacy, ethics, and public service *now* casts the public administrator as part of the solution rather than the problem (in stark contrast to the syllogism of the 1990s above):

1. Broken *political* institutions in the United States are currently undermining government legitimacy.
2. Perceptions of broken politics delegitimize *administrative* institutions nonetheless.
3. Therefore, public sector professionals can help regain legitimacy by *doing ethics*.

Put another way, it is now time to extend ethics conversations both in the academy and the professional community in such ways as to situate traditional concerns for designs and controls, corruption as illegal activity, global ethics as consistent with U.S. reforms, and others into broader scale in reference to the problem of legitimacy, which is fundamental to virtually all governing systems. These extended conversations should center upon the ethical competence of professionals (see Bowman, West, and Beck 2010) needed to function effectively in, and improve, the public arena as much as or more than upon strategies to rein those professionals in.

Deteriorated legitimacy calls upon committed public servants to become all the more reliant on moral qualities such as those commended by Stephen Bailey: "optimism, courage, and fairness tempered by charity" (1965, 286). Moreover, those ethical agents are well advised to condition their mental attitudes to remain "pliable" by recognizing that

> men and measures . . . are morally ambiguous. Even if this were not a basic truth about the human condition, however, moral judgments in the public service would be made difficult by the shifting sands of context. An awareness of the contextual conditions which affect the arranging of moral priorities is an essential mental attitude for the moral public servant.
> (Bailey 1965, 289)

If the current political landscape is one of legitimacy at bay, it might again be asked—as in the Volcker Commission Report—what this means for ethical professionals in public service and for subsequent research that might support them. Applying Stephen Bailey's perspective, we would focus on how in this current situation "public service [can be] consistent enough to

deserve respect from others (and oneself) and pliable enough to accomplish ethical objectives" (quoted in Bowman, West, and Beck 2010, 92). In this regard, it appears important to direct as much attention to what ethics *do* or *can do* for the professional as to what ethics *are* or *can be* as a unified body of theory and research. And if the spirit of public administration is ultimately contingent on the courage (or more crudely stated, the guts) of the committed, dialogue could turn to what it means to build ethical competency such that consummate professionals can *do democracy* under trying circumstances. In this respect, Bowman, West, and Beck elaborate upon the necessity to build ethical competence as follows:

> Ethics is a system that determines right or wrong in society and provides a means by which individuals can behave accordingly. It is a quest for, and understanding of, the "good life." Ethics, therefore, is not primarily about staying out of trouble; it is about creating strength in individuals and organizations. (2010, 73, 75)

Such an expanded conversation coaxes out questions that relate to three particular issues. First, following Bailey, questions surface as to exactly what measures of continuity and pliability are required of public servants committed to act boldly in a contentious, polarized public arena. Second, conversations of ethical competence invite inquiry about component aptitudes and abilities such as those that Bowman, West, and Beck (2010) consider: values management, moral reasoning, and individual morality, versus public morality and organizational ethics. Third, it is appropriate to direct the conversation back to the problem of theoretical focus and coherence, this time with a particular sensitivity for how the current scope of research (as unified as it may be) supports administrative leadership among strident challenges to political legitimacy.

Consistency, Pliability, and Ethical Competence as Related to Legitimacy

Each of the fourteen chapter contributions to follow falls under one of five topical themes; it is worth noting how three of these section titles vary from those in the 1993 and 2005 volumes. Borrowed from terminology in Chapter 4 (O'Kelly and Dubnick), the first theme, "The Moral Architecture of Organizations," extends conversation about *organization designs that support ethical behavior* (used in 2005) so as to direct attention to the underlying institutional norms that account for overt practices and regulations. The second theme, "Reassessing Corruption in the Twenty-First Century," carries

Frederickson's (1993) theme *the problem—understanding public corruption*
forward to include the phenomena of *legal* (along with illegal) corruption,
particularly those that degrade public institutions and public life. A third sec-
tion heading, "Individual Volition in Public Institutions," subsumes a wide
range of individual behaviors and actions (some ethically commendable and
others not) from a variety of rational, political, and psychological perspec-
tives. A fourth topic, "Ethics in Nonprofit Organizations," acknowledges the
reality of what Paul Light calls the *new public service*, implying that we have
witnessed "the end of the government-centered public service and the rise
of a multi-sectored service to replace it" (1999, 1). Finally, the last theme,
"Ethical Issues in Global Contexts," parallels *administrative ethics in global
perspective* (in the 2005 volume) in depicting international efforts to improve
government ethics; nonetheless, it includes concern for the normative character
of global organizations as well.

To varying degrees, the chapter contributions in each of the five topical sec-
tions deal with Bailey's (1965) emphases upon *consistency and pliability* and
ethical competence (as outlined in Bowman, West, and Beck 2010) as related to
the problematic nature of system legitimacy. For example, in Part I: The Moral
Architecture of Organizations, Carole Jurkiewicz's account of ethically dysfunc-
tional organizations focuses upon legitimacy as reflected through reputation, a
crucial asset that determines the degree of trust placed in the organization. That
reputation depends on the ethical competence of the leader with regard to how
efficacious behavior is modeled, policies are articulated, and organizational
meanings are shared. Jurkiewicz demonstrates how dysfunctional leadership
and cultures inhibit responsible and responsive actions.

In a case study that compares cultural contexts in Israel and Canada, Robert
Schwartz demonstrates how in-culture and in-group loyalties reflect "thick
ethics" that undermine legitimacy associated with universal moral standards
of public governance. Schwartz argues that, in order for public administra-
tors to become ethically competent and pliable, they need to recognize and
work through the often-emerging dialectic between concern for close ethical
relationships and detached moral standards. He asserts, "It is time for public
administration to stop putting its head in the sand about conflicting moral
pulls and ethical pushes faced by many public officials." Schwartz's chapter
draws upon Ciarán O'Kelly and Melvin Dubnick's interest in "thick" versus
"thin" accountability (as developed in their contribution to the 2005 volume)
that carries over to their chapter "Power and the Ethics of Reform" herein.
O'Kelly and Dubnick focus on the interplay between a *moral tradition* of
administrative ethics (i.e., the "application of moral principles to conduct . . .")
and an *instrumental tradition* (i.e., attention to the functionality and role of
ethics in adapting to particular contexts in efforts to control and coordinate)

in order to probe legitimacy questions about *power manifested through ethics*. For these authors, the individual is inherently *fungible*, "subject to the power articulated as moral knowledge" conveyed through an "appropriate" administrative ethics in sync with organization control, rather than proactively *pliable* (Bailey's [1965] desired attribute).

To reiterate, Part II: Reassessing Corruption in the Twenty-First Century embraces the proposition that perfectly legal forces and actions that degrade the quality of public life, civic dialogue, and institutions amount to corruption as corrosive to political legitimacy as (or perhaps even more corrosive than) patently illegal abuses of power and misappropriations of funds. In this section, George Frederickson calls attention to the legitimacy of "publicness" in the forms of citizen engagement and grassroots participation emerging globally as part of the new public service. In regard to the virtue of consistency, he expresses concern as to whether the traditional public administration canon (or basic set of rules) will carry over to this new public service of contracted-out governance and quasi-governmental entities. In terms of teaching ethical competence, Frederickson is impartial as to the pedagogical approach followed so long as students of public affairs engage in learning (however directed) that inculcates fundamental public values to be applied in various public arenas, whether "new" or "old." Relating to the trepidations of contracted-out governance, Frank Anechiarico and Gjalt de Graaf examine entangled conundrums—some constituting illegal corruption and others that are legal but toxic in relation to the public trust—concerning military contingency contracting in Afghanistan and Iraq. In their comparative case study of U.S. and Dutch contracting behaviors, these scholars undertake analysis that encounters fundamental legitimacy questions that "reveal an expanding gray-area, between public and private, between sovereign identity and private prerogative, in which public ethics and civic values are largely absent. The result is a free-floating zone of uncertainty, where the ever-larger disbursement of public funds is met with increasingly inadequate regulation and assessment." In stark contrast to Bailey's interpretation of pliability as an ethical virtue, government "flexibility" in these contracting contexts (such as the leeway to subcontract with a brothel service) amounts to a recipe for corruption.

Although it might appear odd to include Patrick Dobel's chapter on collegiate athletic amateurism in a section devoted to public corruption, there is reason to associate the degradation of the amateur-athlete ideal—and the communal life surrounding college sports—with the forces of commercialization that crowd out the public good and that drive officials in universities and related organizations toward corrupt practices. Regarding ethical competence and pliability, Dobel concludes that these officials should take the initiative to

"do ethics" by rethinking the nature of amateurism (and recalibrating rules) by factoring in the current-day realities of student life and the various (in some cases, hidden) costs incurred in simultaneous pursuits of athletic excellence and academic success.

Part III: Individual Volition in Public Institutions situates Frederickson's (1993) concerns for *the nature of persons: good or bad* and *making ethical decisions: doing right or wrong* in a more expansive range of inquiries that probe individual behavior and discretion. James Bowman and Jonathan West propose a psychological approach to individual decision-making as an alternative to more philosophical, rule-based orientations reflected in traditional expectations of legitimate government. These authors encourage moral actors to rely on a psychological model that triangulates among results of an action (consequentialism or teleology), pertinent rules (duty ethics or deontology), and personal integrity or character (virtue ethics) to resolve ethics conundrums. Bowman and West argue that this technique "enables the management of ethical ambiguity and provides help in making the inevitable compromises. When choices are guided by benevolence, creativity, and an ethic of compromise—a moral tenet of democracy—there is at least the satisfaction that the problem has been fully examined and that the decision can be rationally defended." Such moral reasoning lays the groundwork for ethical competence that "responds to the complexity of the human condition." In a related chapter that homes in on varying interpretations of *conflict of interest*, Andrew Stark demonstrates how both psychological and political understandings of conflict and of interest have changed over time. Although Stark does not address questions of political legitimacy per se, it could be said that his findings implicitly characterize legitimacy in flux—such that competent professionals need to recognize and negotiate the multiple meanings and expectations attached to even the most basic of ethical standards in government.

In her provocative chapter on *guerrilla government*, Rosemary O'Leary in essence questions the efficacy of some individual motives to "do good" in public bureaucracies in spite of perceived institutional barriers to doing so. Can personal passion, zeal, and outrage be reconciled with legitimate operations in government agencies, or are they in fact the primary ingredients of ethics abuse? O'Leary's guerrillas are clearly *pliable* in that "they are not afraid to reach into new territory and often seek to drag the rest of the system with them to explore new possibilities." Yet presumably, that courage needs to be leavened by an ethical competency that discerns between personal and public moralities (see Bowman, West, and Beck 2010, 84–85).

Raymond Cox and Sucheta Pyakuryal introduce readers to the emerging field of knowledge management and its potential for understanding the

legitimate uses of discretionary judgment. Duly noting the *political* in "political legitimacy," these scholars wonder if public administration education programs that disparage politics in effect undermine legitimacy rather than affirm it. But more to their point, they argue that within public organization, corruption is *learned behavior* that inhibits the use of discretion in making the hard calls to say "no" (as well as "yes"), particularly when dealing with equity considerations. Drawing on knowledge management ideas, Cox and Pyakuryal recognize that *tacit knowledge*—that absorbed and embedded through experience—is vital to an ethical competence that approaches what Max Weber understood as becoming "a mature [person]" with a future orientation (1946, 128).

Parts IV and V deal with ethics concerns relating to increasingly visible governance arenas that fall outside the U.S. governmental sector—respectively, nonprofit entities and global organizations. In Part IV: Ethics in Nonprofit Organizations, Guy Adams and Danny Balfour focus on macrolevel legitimacy problems that government, business, and nonprofit sectors confront in an era of hypermodernity. Adams and Balfour speak to the particular problem of external legitimacy in asserting that U.S. political institutions are viewed by others around the globe as "a system of government that allowed Wall Street to write self-serving rules, which put at risk the entire global economy . . . They [those of other societies] see, in short, a fundamental problem of political accountability in the American system of democracy." For Adams and Balfour, restoring legitimacy requires an ethic of social responsibility (rather than compliance) that fulfills obligations to diverse stakeholders broadly construed.

By contrast, Kevin Kearns concentrates on local-level nonprofit organizations (NPOs) that are typically involved in fierce competition for donor funding. For these organizations, legitimacy depends upon the ability to demonstrate the use of business management processes; such pressures push NPOs toward "a more commercial approach to management and service delivery" and away from community-based missions. (In comparing these two chapters, it is hard to miss the irony that the institutional processes that legitimize NPOs in the United States are much the same bureaucratic forces that other societies around the world see as "stultifying and suspect.") Kearns maintains that nonprofit organizations can counterbalance these imposed market pressures by attending to civic activism and juggling a variety of commendable value orientations (or impulses) such as volunteerism, professionalism, and civic activism in addition to commercialization.

In Part V: Ethical Issues in Global Contexts, Diane Yoder and Terry Cooper update previous studies of emerging standards and regional efforts to establish common ethics frameworks by now focusing on such

initiatives in northern and sub-Saharan African countries. Generally, these attempts to embed integrated frameworks that support transparency and democratic processes are yet at an awareness-raising stage of normative development, anticipating a time when those values can be institutionalized as enforcement mechanisms. Implicitly, Yoder and Cooper's contribution addresses legitimacy questions related to a dialectic between a strong culture of communal harmony (through the traditional values of *ubuntu* and *seriti*) and the current context of destabilizing forces attributable to global economic malaise, government downsizing, and foreign initiatives to extract natural resources form the continent. In his study of global (i.e., development, humanitarian, human rights, and regulatory) organizations, Richard Ghere examines how leaders rely upon manipulative rhetoric to establish and maintain legitimacy (or claim "the moral high ground") in exerting policy power in international discourse communities. Since most if not all rhetoric is manipulative (i.e., persuasive) by nature, ethical competence calls for the speaker to abide by particular fairness guidelines that govern how messages are conveyed to global audiences.

Institutional Themes and Theoretical Coherence

Substantive commonalities among the various chapter contributions described above coax out a few institutional themes that pertain to norms and ethics in public organizations—for example:

1. The boundedness of ethics, particularly in ambiguous contexts;
2. The power forces around (and within) institutional legitimacy— and their exploitative potential;
3. The value of institutional learning and understanding;
4. Moral personhood and prudent judgment for ethical discernment.

This section tracks each of these themes to the four questions Terry Cooper (2004) proposed for lending theoretical coherence to public ethics research— relating to (1) normative foundations, (2) American administrative norms in global contexts, (3) organization designs to support ethics, and (4) the treatment of equals and unequals. What follows offers some indication of whether emphases on institutional legitimacy in the study of ethics align with or diverge from current trends in public ethics theory and research.

First in the 1993 volume, George Frederickson clarified boundedness of ethics as follows: "In bounded ethics the administrator functions within the limits of enabling legislation, with limited budgets, usually advocating or at least supporting the purposes of the agency. Fundamental questioning of

the purposes and practices of the agency, on the basis of issues of morality, is seldom found and rarely encouraged" (249). This particular theme relates directly to Cooper's "big question" about the *normative foundations of public administration ethics*, but the alternative foundations he identifies would lead to starkly different opinions on the appropriateness of these constraints. On the one hand, most interpretations of *regime values* (see Rohr 1989) as a legitimate foundation would duly align this boundedness with constitutional theory. Clearly, this standard would castigate the escapades of government guerrillas (O'Leary, Chapter 10) as egregiously unethical. On the other, those who advance *virtue* as the foundation of ethical obligation would argue that boundedness merely reflects a professional (ethics) agenda to reduce the scope of one's personal morality. Cooper quotes one such virtue philosopher, Edmund Pincoffs, as follows: "It is our daily business to assess, to appraise, to judge persons. It is a task so important and central in life that it takes on a life of its own" (in Cooper 2004, 398). Thus, Pincoffs would likely applaud Dobel's conclusion (in Chapter 7) that universities and related organizations (particularly the NCAA) need to take the initiative to rework the amateur-athlete ideal—certainly in reaction to the increasing boundedness of commercialism and market power in U.S. society (Frederickson in Chapter 5; Kearns in Chapter 13).

Ethical boundedness relates as well to Cooper's third question about *how organizations can be designed to support ethical conduct.* Here the institutional nature of this boundedness issue frustrates some ethics reformers intent on imposing instrumental designs (see O'Kelly and Dubnick in Chapter 4) since dysfunctional behavior is often learned from culture inside and beyond the organization (Jurkiewicz in Chapter 2; Cox and Pyakuryal in Chapter 11). In essence, ethics reformers would do well to acknowledge the ethical boundedness of the individual psyche as it relates to various interpretations of appropriateness and honesty (Bowman and West in Chapter 8; Stark in Chapter 9).

Second, the institutional dialectics related to raw power and exploitation resonate through each of Cooper's four big questions. Again, a normative foundation steeped in *virtue* would obligate one to "build strong ethics cultures in organizations" and "sustainable, responsible social institutions" in the face of power (Adams and Balfour in Chapter 12). But the question of power concerning the viability of *American global values in global contexts* becomes dicey regarding (1) the dominance of market ideology embedded within "global governance values" that some global organizations impose on developing societies (Ghere in Chapter 15), (2) the disruptive effects of such "universal" moral standards on ethical bonds of relationship within particular cultural traditions (Schwartz in Chapter 3), and (3) the differences of rules

and expectations between nations involved in parallel efforts such as military contracting (Anechiarico and de Graaf in Chapter 6). Ethics reformers intending to re*design organizations* "to do good" should expect their efforts either to reinforce or rearrange power—in other words, "[understanding] ethics [is understanding] the enforcement of power through ethics" (O'Kelly and Dubnick in Chapter 4). Finally with regard to *equals and unequals*, those who wield raw power can exacerbate inequalities between rich and poor nations in the context of international development (Ghere in Chapter 15), commercial entities profiting from college sports and student-athletes (Dobel in Chapter 7), and market-savvy nonprofit organizations and vulnerable populations in local communities (Kearns in Chapter 13).

Third, the value of institutional learning relates back to Chris Argyris's distinction between *single-* and *double-loop* learning that adds clarity to what organization learning means: "Double-loop learning occurs when errors are corrected by changing the governing values and then the actions" (2002, 206). It therefore occurs in a questioning (rather than defensive) atmosphere in which all participants (including leaders) "say what they know yet fear to say" and advocate their ideas "in a way that invites inquiry into them" (217)—in this case, regarding how espoused norms relate to how systems and processes actually work. Again, emphases on institutional (or double-loop organizational) learning add texture to each of Cooper's four big questions. Institutional knowledge supports the *foundational* virtue of mature judgment directed toward an ethos of democracy (Cox and Pyakuryal in Chapter 11) that is often seasoned by the ability to synthesize differing perspectives (Bowman and West in Chapter 8)—for example in terms of *ethics in a global context*, what humanitarian leadership entails in the midst of armed conflict (Ghere in Chapter 15).

Fourth, the theme of *moral personhood through judgment*—at least as it was characterized by Weber, "Here I stand: I can do no other" (1946, 128, quoted in Cox and Pyakuryal in Chapter 11)—raises some vexing questions related to *normative foundations* in general and regime values in particular. Such could be the proclamation of a government guerrilla (O'Leary in Chapter 10), provided the subversive action in question was predicated on seasoned judgment. As both a virtue and an area of ethical competence, judgment based on institutional knowledge prepares one to negotiate the tough value terrain where *organization designs*, protocols, and best practices do not suffice, particularly where decisions deal with the treatment of *equals and unequals* (Cox and Pyakuryal in Chapter 11).

So does an understanding of public ethics centered upon system legitimacy lie within the existing stream of theory and research, or does it charge off in other directions? Even though numerous commonalities can be found

(as indicated above) between the institutional themes outlined here and core theoretical questions (such as Cooper's), the question nonetheless appears difficult to answer—at least at the beginning of this volume. What possibly nags at practitioners and scholars alike may well be the sometimes faint but often-present dialectical character that an institutional perspective brings to public ethics in particular and public administration in general. The conclusion (Chapter 16) of this volume first demonstrates how competent administrators *do ethics* in ways that respond effectively to institutional problems in their midst; second, it revisits concern about how particular sensitivities toward legitimacy affect theoretical coherence in public ethics research.

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