ADMINISTRATIVE ETHICS AND JUSTICE

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Introduction and Overview:

This graduate seminar is designed to promote awareness of and reflection upon the normative dimensions of administrative decision-making in government settings. Normative questions arise constantly in both the policy and administrative dimensions of public administration and are crucially important, but get little systematic attention. It is my hope and belief, finding expression in this course, that if graduate students can be conditioned to look for ethical issues, and to analyze them systematically in the classroom setting, they will be better prepared to discover and deal with them in the organizational world.

The student will be asked to analyze administrative decision situations for their ethical content, recognize ethical dilemmas when they arise, learn and be able to apply (in a rudimentary way) various common guidelines for resolution, and address strategic and procedural aspects of working through ethical problems in practice settings. I cheerfully admit to certain biases in the way I have structured the course. Most, perhaps all of us, share a culture, (a liberal university education, individual freedoms, Judeo-Christian religious teachings, attitudes about property, Anglo-American legal institutions, and so forth) which elevates certain values and internalizes them within us. These values need to be made explicit: democratic governance, justice and fairness, constitutionalism and due process, tolerance of differing life styles and social diversity, are included and are very relevant to the way we approach the public service.

Requirements and Grading:

Analysis of cases (40%)

Paper (30%)

Reports on principled reasoning approaches (20%)

General participation, attendance included (10%)

Important note: **The class is designed to be a seminar experience for adult learners. In this model, each student is expected to have read and grappled with the written material in the assignments prior to class, to attend all classes, to participate fully in the class discussion relating to the readings, and to share in performing in-class group projects that teach the application of personnel concepts.**

Readings:

Four books are required:

1. Harold F. Gortner, *Ethics for Public Managers* (Praeger, 1991)

2. James S. Bowman (ed.), *Ethical Frontiers in Public Management* (Jossey-Bass, 1991)

3. Amitai Etzioni, *The New Golden Rule: Community and Morality in a Democratic Society* (Basic Books, 1996)

4. *Normative Foundations of Public Administration: A Course Reader* (Virginia Tech Bookstore, 1998)–see last page of syllabus for contents

Additionally, you may wish to consult other, more or less comprehensive, texts in the field, including:

Terry L. Cooper (editor), *Handbook of Administrative Ethics* (Marcel Dekker, 1994)

John Rohr, *Ethics for Bureaucrats: An Essay on Law and Values*, 2nd Edition (Marcel Dekker, 1989)

James S. Bowman and F.A. Elliston (editors), *Ethics, Government, and Public Policy* (Greenwood, 1988)

Joel L. Fleishman, L. Liebman, and M.H. Moore (editors), *Public Duties: The Moral Obligations of Government Officials* (Harvard University Press, 1981)

E. K. Kellar (editor), *Ethical Insight, Ethical Action* (ICMA, 1988)

Harry W. Reynolds, Jr. (editor), "Ethics in American Public Service," *The Annals of the American Academy of Political and Social Sciences*, Vol. 537, January 1995

See the course bibliography for a more complete listing.

Policy on Non-Discrimination:

I expect to maintain a positive learning environment based upon open communication, mutual respect, and non-discrimination. Virginia Tech does not discriminate on the basis of race, sex, age, disability, veteran status, religion, sexual orientation, color, or national origin. Any suggestions as to how to further such a positive and open environment in this class will be appreciated and given serious consideration, If you are a person with a disability and anticipate needing any type of accommodation in order to participate in this class, please advise me and make appropriate arrangements with the proper office of disability services at Virginia Tech.

Policy on Original Work:

The question sometimes arises as to whether a paper or other work submitted in another class, or work done with another student or students, can be submitted to meet course requirements. The policy of the department is that papers, presentations and other submitted work must be original for

the specific course and for each student. Students may build on work and topics developed previously or in other courses as long as substantially distinct efforts and analysis are involved (for example, a bibliography previously developed for another paper may be used). In questionable situations, consult the instructor and follow the advice you are given.

Working together in sharing ideas, developing common approaches to answer examination questions, and reviewing material is encouraged; but when you start writing an analysis, report, or paper that will be submitted for evaluation, work alone.

Topical Outline and Schedule

I.   Administrative Ethics - General Features   **Sessions 1, 2**

Alligator River exercise

Luke (Bowman)

Lilla, Reader

Levine, "When Catsup Was a Vegetable" (handout)

II.   Framework For Analysis   **Session 3**

Pops essay (handout)

III.   Administrative Discretion, Role and Responsibility   **Session 4**

K.C. Davis, *Discretionary Justice* (recommended)

Thompson, Reader

Stewart, Reader

Friedrich, Reader

Finer, Reader

IV.   Mapping Ethical Dilemmas   **Sessions 5, 6**

Cases—Welfare Eligibility, Snowstorm, Brubaker (film)

Marini, Reader (Case: Antigone)

V.   Guidelines for Principled Reasoning   **Sessions 7, 8**

A. Intuition vs. Principled Reasoning

1. Serpico (video)

2. Other exemplars (Wright and Cooper, recommended)

    B. Principled Reasoning—Various Approaches

        1. General Reasoning Patterns

            Deontological and Teleological Reasoning

            Ethics in PA—Leys, Bailey, and Lane, Reader

            On Justice—Deutsch and Frankena, Reader

        2. Specific Approaches

            Codes of Ethics and Ethics Laws—Chandler, Reader (required) and Reynolds (recommended)

            Fairness—Rawls, Reader

            Social Equity—Hart, Reader

            Compassion—Frederickson and Hart, Reader

            Ethics of Virtue—Cooper, Reader

            Action—Harmon, Reader

            Casuistry

            Regime Values—Rohr, Reader (Rohr, *Ethics for Bureaucrats* is recommended)

            Utilitarianism

            Public Choice Theory—Buchanan and Tullock (recommended)

            Citizenship—McSwain, Reader

            Administrative Justice—Pops (in Bowman), Walker/Lind/Thibaut, Reader

      3. Communitarian Reasoning   **Session 9**

            Etzioni

      4. Case Application—Organ Transplant

VI.   **Strategic Choices and the Ethics of Process**   **Sessions 10, 11**

    Administrative Law Model—Pops/Pavlak (recommended)

    Openness vs. Secrecy—Cleveland, Reader

    Exit, Voice, and Dissent—Bok, Reader, Hirschman (recommended)

    Citizen Involvement

    Negotiation—Zartman (recommended), Fisher and Ury (recommended)

    Administrative Advocacy

VII.   **Follow-up, Student Presentations**   **Sessions 12-15**

Articles Collected in *"Normative Foundations Reader"*

Bailey, S.K. (1964). Ethics and the Public Service, *Public Administration Review*, 24: 234-243.

Lilla, M.T. (1981). Ethos, 'Ethics', and Public Service, *The Public Interest*, 63: 3-17.

Friedrich, C.J. "Public Policy and the Nature of Administrative Responsibility."

Finer, H. "Administrative Responsibility in Democratic Government."
  [In *Politics of the Federal Bureaucracy*, (A. Altshuler), Dodd & Mead, New York, 1968]

Leys, W.A.R. (1943). Ethics and Administrative Discretion, *Public Administration Review*, 3: 10-

Stewart, D.W. "The Moral Responsibilities of Individuals in Public Sector Organizations," and
Thompson, D.F. "The Possibility of Administrative Ethics."
  [In *Ethical Insight, Ethical Action*, (E.K. Kellar), International City Management
  Association, 1988]

Chandler, R.C. (1983). The Problem of Moral Reasoning in American Public Administration: The
  Case for a Code of Ethics, *Public Administration Review*, 43: 32-39.

Rohr, J.A. (1976). The Study of Ethics in the P.A. Curriculum, *Public Administration Review*, 36:
  398-406.

Rawls, J. "Justice as Fairness."
  [In *Philosophy of Law* (J. Feinberg and H. Gross), Dickenson, Encino, CA, 1975]
  Hart, D.K. (1974). Social Equity, Justice, and the Equitable Administration, *Public*
  Administration Review, 34: 3-11.

Cooper, T.L. (1987). Hierarchy, Virtue, and the Practice of Public Administration: A Perspective
  for Normative Ethics, *Public Administration Review*, 47: 320-328.

Frederickson, H.G. and D.K. Hart (1985). The Public Service and the Patriotism of Benevolence,
  Public Administration *Review*, 45: 547-553.

Harmon, M.M. (1989). "Decision" and "Action" as Contrasting Perspectives in Organizational
  Theory, *Public Administrative Review*, 49: 144-150.

McSwain, C.J. (1985). Administrators and Citizenship: The Liberalist Legacy of the Constitution,
  Administration and Society, 17: 131-148.

Lane, L. (1988). Individualism, Civic Virtue, and Public Administration: The Implications of
  American Habits of the Heart, *Administration and Society*, 20: 30-45.

Frankena, W.K., "Some Beliefs About Justice."
  [In *Philosophy of Law* (J. Feinberg and H. Gross), Dickenson, Encino, CA, 1975]

Deutsch, M. (1975). Equity, Equality, and Need: What Determines Which Will be Used as the
  Basis of Distributive Justice?, *Journal of Social Issues*, 31: 137-149.

Cleveland, H. (1975). How do You Get Everybody in on the Act and Still Get Some Action, *Public
  Management* 57: 3-6.

Bok, S. (1981). Blowing the Whistle, *Public Duties: The Moral Obligations of Government Officials* (J. Fleishman, L. Liebman and M.H. Moore, eds.), Harvard U. Press, Cambridge, MA.

Cases, including Marini, F. (1992). The Uses of Literature in the Exploration of Public Administration Ethics: The Example of Antigone, *Public Administration Review*, 52: 420-426.

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