

**SYLLABUS****POLS 6870 SEMINAR IN PUBLIC ADMINISTRATION AND ETHICS**

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**Office Hours:** By appointment. You can also correspond by email.

**Classroom: Social Work 131**

**Intensive Weekend Format:** This class meets over 3 weekends – Fridays 5:30-9pm, Saturdays 8-4pm. We will order in food (pizza, sandwiches/salads, etc.) for a working lunch. Students are encouraged to bring breakfast items and snacks to eat during class. It is customary to assign groups to bring food/snacks for each weekend. Class sessions will be highly interactive, with videos, case analyses and lots of discussion.

**REQUIRED TEXTS**

Robert Bolt, *A Man for All Seasons: A Play in Two Acts*. New York: Vintage Books/Random House, 1962. ISBN 394-70321-9 pbk

J. Patrick Dobel, *Public Integrity*. Baltimore: Johns Hopkins University Press, 1999. ISBN: 0-801-86916-1 pbk.

Sissela Bok, *LYING: Moral Choice in Public and Private Life*. New York: Vintage Books/Random House, 1978. ISBN 0-394-72804-1 pbk

John A. Rohr, *Public Service, Ethics & Constitutional Practice*. Lawrence, KS: University Press of Kansas, 1998. ISBN: 0-7006-0926-1 pbk.

Rosemary O'Leary, *The Ethics of Dissent: Managing Guerrilla Government*. Washington, D.C.: CQ Press 2006. ISBN:1-933116-60-9

Electronic Documents Readings: A collection of required readings is available on my webpage at [http://www.cpga.utah.edu/mpa/richard\\_green/index.html](http://www.cpga.utah.edu/mpa/richard_green/index.html) .

**COURSE OBJECTIVES**

This course is designed to familiarize students with the ethical nature and dilemmas of public administration in American society. The most common approach to ethics in government focuses on avoiding impropriety. This is generally a negative and technical dimension stressing ethical boundaries defined by law. Typical examples include conflict of interest, misuse of public resources for private ends, whistleblowing, and resignation in protest. Though these matters are at times important, they arise infrequently relative to the dilemmas faced in day-to-day decision making, and seldom have implications beyond the career of the affected administrator.

This course takes a very different approach. It focuses on ethical dilemmas and concerns arising from the daily exercise of legitimate discretionary power. We will, therefore, address positive and negative uses of administrative discretion, and discuss questions such as: "How do I make 'right' or 'wise' decisions?" "What is a 'wise' decision?" "To what and to whom do my obligations extend?" "Should/do I have sufficient authority to make a decision?" "What values do I serve, and what are their priorities?" "When should I engage in compromise, and

when not?" "Can I legitimately deceive others in the public interest?" "What role should character and status play in public life?" "Can one meaningfully distinguish between public and private ethics?" Most of these questions cannot be answered definitively, but public administrators must still ponder them if they are to perform their duties effectively and appropriately.

More specifically, this course will address:

- The nature and types of ethical obligation involved in American public administration;
- The integration and application of various types of moral judgment in administrative contexts;
- The relation of American constitutional and political theory to the ethical obligations and loyalties of public administrators;
- The character and ethical relation of administrative politics to electoral, judicial, and pluralistic politics;
- Typical moral dilemmas in public-sector decision making.

Students will read a variety of texts, articles, and cases that can help them learn about and apply various types of moral reasoning to specific administrative situations. The principal goals of this course are to

- Help students refine their reflective capacity concerning decisions in the public sector;
- Give students a sense of the types of character and excellence that are desired of them as professional public administrators; and
- Become familiar with the literature on ethics in the field of Public Administration.

## COURSE REQUIREMENTS

This course will be highly discursive and exploratory. Emphasis will be placed upon the joint contributions of students and instructor. Regular class attendance and participation in discussions will, therefore, be necessary to secure a satisfactory grade. The following requirements are intended to enhance the student's ability to participate meaningfully in the course.

- (1) Students must prepare answers to study questions (attached) by the date on which they are assigned for class discussion. **Each answer should NOT exceed two type-written pages** (they may be shorter, but must be answered completely). The answers should be assembled in the order they are assigned, and should be stapled or bound for easy handling (I hate those plastic covers with the clip bar!).

You may consult with other students in preparing your answers. Discussions among students can be very helpful in learning the material. HOWEVER, do not treat this as an excuse to skip your own reading of and thinking about the material. Answering the study questions will help you organize and summarize reading material in a manner that enhances understanding and retention. It will also prepare you for some engaging class discussion. **Answers to study questions should be turned in at the end of the class session for which they are assigned.**

- (2) Pro/Con Briefings: For each weekend class session, students will prepare a 2-page briefing which addresses arguments pro and con regarding a case-study question as assigned. At the end of the briefing, students should indicate which arguments they find more persuasive or compelling. Students may use an outline form if desired.

## GRADING CRITERIA

Grades are based on the following criteria: Class Participation = 25%; Study Question Answers = 60%; Pro/Con Briefings 15%. **Regarding attendance, you cannot miss an entire weekend class and pass this course! If you must come late to class or leave early, you must notify me in advance. Excessive tardiness will result in a grade deduction.**

## STATEMENT ON ACADEMIC HONESTY

In academic and journalistic writing it is required that all sources from which ideas and words are drawn be fully acknowledged and cited. It is also a basic principle that we should not represent someone else's work as our own. Therefore, make sure that you use quotation marks to indicate use of someone else's writing or words in your work, and provide a full citation that identifies the author(s), title, publisher, location of the publisher, year published, and page(s) at which the quotation may be found. If you use WEB sources, make sure to include a full WEB address for the specific work. When in doubt about a proper citation form, consult a style manual, and be sure to use one style consistently throughout any given paper.

A citation should also be given when using someone else's idea(s) or concept(s), even if you are not quoting directly from their work. A common form for such a citation is to put the author and year of his/her published work in parentheses at an appropriate place in the sentence that employs the concept. Then put the full citation of the work in the references. Consult Turabian or another style manual for specifics on proper styles of citation.

Academic honesty is so important that severe sanctions exist in all universities and colleges for cases of proven dishonesty. Expectations of honesty are especially high for graduate students. Correspondingly, abuses of academic honesty are not tolerated. Sadly, we have had to take action against MPA students each year. **If a clear case of dishonesty is discovered, the affected student(s) will fail the class at minimum, and the Dean will be informed of the offense and sanction. If you are in doubt as to a proper standard of honesty in a specific situation, please consult your professor.**

## REASONABLE ACCOMMODATION UofU ADA Policy

The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in the class, reasonable prior notice needs to be given to the instructor, and to Center for Disability Services, 162 Olpin Union Building, 581-5020 (V/TDD). CDS will work with you and the instructor to make arrangements for accommodations. All written information in this course can be made available in alternative format with prior notification to the Center for Disability Services.

## COURSE SCHEDULE AND ASSIGNMENTS

(Assigned readings and answers to study questions are to be completed by the date at which they are listed.)

**April 30:** Introduction to course, review of syllabus. Discussion of ethics and types of moral judgment.

**May 18/19:**

**Theme I: Typical Approaches to Public Ethics.** **READ:** Rohr, *Public Service...*, chaps 3-4. **Answer question #1.**

**Theme II: Public Ethics in Action.** **READ:** Bolt's preface & play, *A Man for All Seasons*. In DOBEL, *Public Integrity*, Chapter 7. **Answer study questions 2-3. Discussion:** What roles do rules ethics and character ethics play in a regime based upon the rule of law?

**Theme III: Integrity and Public Moral Character** (*Scenario on the problem of "Dirty Hands"*).

**READ:** DOBEL, *Public Integrity*, chapter 1; ROHR, *Public Service*, chapter 10. **Answer study questions 4-5. Discussion:** Does integrity, as classically conceived, demand too much? **Video (in class):** "Politics, Privacy, & the Press."

**Theme IV: The Temptations of Power & the Problem of Compromise.** **READ:** DOBEL, chapters 2-3 (*Brief lecture on the promise and problems of compromise*). **Answer study question 6.**

**Pro/Con Briefing: Read:** O'LEARY, *Guerilla Govt...*, Chapter 2, "Guerrilla Govt and the Nevada Wetlands." Prepare 2-page pro/con briefing on question: "Did the Nevada 4 act responsibly and appropriately?"

**June 1-2:**

**Theme I: Ethical Practice and Lying. READ:** Bok, *LYING*, chapters 1-8, 10-12. (Students interested in philosophical analysis of lying should also read the Appendix.) **Answer study questions 7-9.**

**Questions to consider:** How do we distinguish truth from truthfulness? Are we naturally inclined to lie? How can we avoid telling lies when under pressure? Are there good professional reasons to tell lies? Is it possible that some people are not entitled to the truth? **Video:** “The Deadly Deception,” NOVA.

**Pro/Con Briefing: Read:** (on WEB PAGE) Bruce Payne, "Richard Helms and the Foreign Relations Committee." Prepare 2-page pro/con briefing on question: “Did Richard Helms act appropriately in lying to Congress?”

**Theme II: Ethical Dilemmas of Modern Professionalism. Read:** ROHR, *Public Service....*, chapters 2 & 6; **Answer study questions 10-11.** (*Brief lecture on internal/external goods of practices*)

**Discussion:** What are the problems and prospects of applying utility in a regime dedicated to individual rights? **Video:** “To Defend a Killer”

**Theme III: Bureaucratic Responsibility: The Problem of Discretion in Democratic Governance. READ:** ROHR, *Public Service....*, chapters 1,9,11,12&13; **Answer study question 12.** (*Brief lecture on the “Friedrich-Finer Debate, and John Burke’s external theory of bureaucratic responsibility.* **Question:** Can we reconcile the existence of bureaucratic discretion in our democratic system?

### June 15/16:

**Theme I: Professionalism & Obligations of Citizenship. Read:** In ROHR, Chapter 8; On WEBPAGE, read Terry L. Cooper, "Citizenship and Professionalism in Public Administration." “(Brief lecture on administrative tradition of civic engagement). **Answer study questions 13-14. Discussion:** How can we cultivate citizenship through our agencies? (Application: law enforcement scenario)

**Theme II: Patriotism, Honor, and Humility in Public Life. READ:** DOBEL, chapters 5-6; On WEBPAGE: John Schaar, "The Case for Patriotism"; (*Brief lecture: Resisting the “ethic of structure” and “the ethic of neutrality.”*) **Answer study question 15-16. Discussion:** What does it mean to have honor? How can bureaucratic life enervate honor? **Video:** “The Whiskey Priest.”

**Theme III: Thinking Institutionally. READ:** In ROHR, chapter 13; In DOBEL, *Public Integrity*, chapter 10. **Answer study question 17. Discussion:** Analyze the following question from an institutional perspective: “Should the U.S. be the policeman to the world?” **Video:** “Under Orders, Under Fire," Pt I.

**Theme IV: Institutional Dissent. READ:** In O’LEARY, *Ethics of Dissent*, chapters 4-5; **Answer Study Question 18. Video:** "Under Orders, Under Fire," Pt II.

**Pro/Con Briefing: Read:** (ON WEB PAGE) Pfiffner, “Torture & Public Policy.” Summarize the arguments pro and con regarding the question: “Is the use of torture justifiable in conditions of war or emergency?”

## POLS 5480 ETHICS IN GOVERNMENT STUDY QUESTIONS

1. Per Rohr, chapters 3-4, explain why grounding public administrative ethics in philosophy, psychology, conflict of interest, resignation in protest, or human decency is not as appropriate as constitutional principles (e.g., “regime values”).
2. Per Bolt’s introduction and play, explain why character, oaths, and law are important in public life.
3. According to Dobel, chapter 7, what are three types of “sleaze” in public office?
4. Per Rohr’s chapter 10, explain why we should be cautious about demanding too many restrictions on

public officials for the sake of appearances and “integrity.”

5. Per Dobel, chapter 1, what is public integrity? Briefly summarize the different models of public integrity and explain why he weaves them into a “triangle” model of public responsibility and commitment.
6. Per Dobel, chapters 2-3, how can the “pressures of exercising power wear down obligations, commitments, and capacities of public officials”? Use an example from chapter 3 to illustrate.
7. Per Bok, summarize the arguments for never telling lies.
8. What is Bok’s approach to justification (not excuses) of lies?
9. What is Sissela Bok's approach to "lies in a crisis" and to "lies for the public good?"
10. John Rohr questions whether financial disclosure requirements and other intrusions on the private affairs of public officials might actually lead them to become insensitive to the privacy interests of the people they govern. Explain.
11. According to John Rohr why do professional statements or codes tend to be self-serving, and what problem does this pose for public administration as a profession?
12. Per Rohr’s chapters 1,9,11,12&13, summarize his constitutional theory of public administration, showing how the oath and separation of powers set up both the obligation and necessity to act fully as political officers of the regime.
13. According to John Rohr (Chapter 8), citizenship doesn't mean much in this country. Why? Then explain why bureaucrats shouldn't consider themselves "second-class citizens."
14. According to Terry Cooper, what is "high citizenship?" Why are utilitarian decision techniques such as cost/benefit analysis unsuited to our political heritage?
15. Per Dobel, what are the reasons for staying in office, and those for getting out?
16. According to John Schaar, what is the difference between patriotism and nationalism? Also, what is the difference between "natural" and "covenanted" patriotism? Why is covenanted patriotism more relevant to our society?
17. Per Rohr, chapter 13, explain the tension in executive power between clerkship and leadership, and how this muddles the institutional sources of responsibility in the public administration.
18. Professor O’Leary received the following email from a government employee: “*Your work on guerilla government really upsets me. A public servant has a duty to obey all orders given by superiors. If one disagrees with those orders, the proper thing to do is to quit and find another job. Guerilla government activity is always wrong.*” (O’Leary p.122) Craft a response to this person based on insights you have gained in this course.

## WEB PAGE READINGS

### Table of Contents

1. Bruce Payne, "Richard Helms and the Foreign Relations Committee." *HBS Case Services*, Harvard Business School,

Boston, Mass. 1981.

2. Terry L. Cooper, "Citizenship and Professionalism in Public Administration," *Public Administration Review*, Vol. 44, Special Issue (March 1984).
3. John Schaar, "The Case for Patriotism," *American Review*, no.17, (May 1973).
4. James Pfiffner, "Torture and Public Policy," *Public Integrity*. Vol. 7, no. 4: 313-330.

## COMMON TYPES OF MORAL JUDGEMENT

The following are some common types of moral judgment that are pervasive in public life. They underpin our policies and administrative practices. We will discuss examples of their application throughout the course. The intent is to help you readily identify and analyze them for strengths and weaknesses.

**Moral Equations**: The simplest type of moral judgment. Equates one moral category with another as a matter of fact or assertion. (Look for definitions of things – they are often moral equations.) **Examples**:

1. "Abortion is murder."
2. "Capital punishment is simply organized revenge."
3. "Administration is an executive matter."
4. "The United States is (or should be) the policeman of the world."
5. Welfare mothers have multiple boyfriends, lots of kids, are neglectful, lazy, etc. All leading to conclusions that they are dishonest, lazy, cheaters, immoral, etc.
6. The ecosystem is a natural organism. (Don't mess with it!)
7. "Natural unemployment" is that level of unemployment about which we can do nothing. (Note: We redefine it every few years. At one point it was 4%, at another it was 9%, at another time it was 6%.)
8. Helping the poor is the same as rewarding them for their condition.
9. Any attempt at income redistribution or social engineering will just perpetuate the problems you seek to ameliorate. (Asserts impossibility of human control.) "Futility thesis." Change is futile!
10. The budget is balanced. Implies that an imbalanced budget is bad! Can you think of situations where an imbalanced budget is good?
11. Alcoholism is a disease.
12. "Random drug tests are an invasion of privacy." (War metaphor – tests are an act of war! The testers are invaders, not fellow citizens, or "one of us.")
13. Govt helping business is called a "partnership." Govt helping social security is called "spending." Govt helping the poor is called "a giveaway." Aid to the middle class is an "economic stimulus." Aid to a private firm is a "bailout."
14. "Unemployment is active job hunting." Counts only those actively seeking employment. Those who are too discouraged or otherwise unable to look for work are not counted.
15. "Homeless people are those who sleep on the streets." What of those in detox centers, homeless shelters, mental institutions?
16. Surplus in an agency budget is "fat." Surplus in an agency budget is evidence of efficient mgt.

**Moral Analogies:** Less extreme than equations, they assert at least a rough similarity between one moral category and another – enough so to justify some kind of action or policy. Examples:

1. “Lying is much like exerting force over someone else.”
2. “Saturation bombing is very much like reckless homicide.”
3. “Agency rulemaking is much like legislating.”
4. “Education is now so important to living a meaningful life in America that it should be considered much like property, and therefore protected as a right.”
5. “Regulations are like a wet blanket.” They smother business and innovation.
6. “Must avoid an epidemic of teen pregnancy or high-school dropouts.” (These are like diseases.)
7. “Communism is like a disease, it’s infectious.” Must contain it.
8. “Must let the employees vent.” They are like pressure cookers.
9. “Services are like products” – thus, they can be measured, doled out in standardized units, are fungible/interchangeable, etc. This makes them amenable to market-styled treatment, which justifies privatization and competition.

**Raison d’Etre Arguments:** Suggests that the reason or grounds for a decent moral life are threatened if something occurs or is allowed. Common Variants: “camel’s nose” and “slippery slope” arguments. Examples:

1. “Nuclear bombing destroys the human ecosystem so thoroughly that neither victor nor vanquished could thrive there.”
2. “Regulated abortions deny any meaningful right to privacy for women.”
3. “Gun control spells the end of the right to bear arms.”
4. “If we grant this exception, then our standards will become meaningless.”
5. “Euthanasia should be avoided, even in hard cases where everyone might agree that it would be excusable.”
6. “Even one drink can lead to alcoholism, and one joint may lead to addiction.”
7. “Once the regulators get their foot in the door....!”
8. “If she can’t manage her family affairs, how can we expect her to manage an agency?!”

**Application of Moral Principles from Philosophical Systems:** Applies principles from philosophical theories such as utilitarianism, idealism, casuistry, stoicism, pragmatism, etc. Moral principles are characterized by ambiguous meanings, and tensions with other principles. Examples:

1. “Efficiency is the hallmark of good administrative practice.”(instrumentalism)
2. “The operative principle of administration is achieving the greatest happiness for the greatest number.” (utilitarianism)
3. “We should stymie government programs that benefit thousands if the dignity of one person is violated by their operation.” (Idealism)
4. “The best is often the enemy of the good.” (idealism)
5. “Government officials must exhibit calm, rational deliberation in the face of impending disaster.” (stoicism)
6. “Each case should be handled on its own merits.” (casuistry)
7. Treat like things alike. (casuistry)
8. Respect human dignity. (idealism)
9. To each his due, or fairness in result (a form of justice often called equity)
10. Treat others as you would like to be treated (golden rule of justice, implying fairness of process).
11. First avoid harm
12. Preservation of life
13. Peace/tranquility
14. Security
15. Order
16. Prudence
17. Harmony, unity
18. Integrity

**Application of Regime Values Embodied in Institutions/Practices of Society:** Interpreting and applying

cultural, communal, and institutional values that are sewn deep into the fabric of a political society. For Americans, these include such values as equality, liberty, and property, and principles such as “due process” and “checks & balances.” We should discern how these should apply in administrative contexts of public agencies. The theories of John Rohr (“regime values”), John Burke (legal/bureaucratic responsibility), Terry Cooper (institutional practices), and many others exemplify this approach. Examples:

1. Understanding the discourse and development of the American doctrine of equal protection of the laws, and applying the resulting insight to your policy/administrative arena.
2. Applying standards of free speech and press to public organizational life.
3. Interpreting and applying property rights to newly evolving arenas of social interaction – e.g., intellectual property rights, regulatory takings, and social welfare dependency.
4. Liberty (such as freedom from restraint, freedom to do as you will, freedom to apply your talents or virtues in society)
5. Freedom of religion & establishment issues
6. Freedom of association
7. Private property and property held in common
8. Justice
9. Rights
10. Accountability & open government
11. Rule by law (vs rule by human will or fiat)
12. Due process of law
13. Governmental powers (delegation doctrine, separation of powers, checks & balances, federalism)
14. Democratic rule

### **Major Research Paper Guidelines**

Students matriculated Fall Semester 2002 or later:

1. You can write the paper in this course and I will be your supervisor.
2. You should discuss possible topics with me, and submit a brief written proposal (1-2 pages) that outlines the basic contents and structure of the paper.
3. The paper may expand upon an assignment required for this course. This would require research of relevant sources (cases, literature, agency documents, etc.) that would extend and deepen your analysis.
4. The project should include the following elements:
  - a. An introduction that summarizes the main purpose, topics, and structure of the paper.
  - b. A review of literature that is representative of scholarship on the topic. An extensive or exhaustive literature review is NOT necessary.
  - c. A fair/balanced portrayal and assessment of contending views on the topic.
  - d. Explanation of your own views on the issues, defending them against reasonably anticipated challenges.
  - e. A conclusion that suggests lines of further inquiry and some likely trends related to your research and analysis.
5. Recommended length: approximately 20-25 pages.
6. You must receive a grade of “B” or better on the paper to count it as your MRP.
7. You must notify the MPA Administrative Assistant (Linda LeCheminant) when you have successfully completed your MRP in this class, and send an electronic version with the grade designated at the top of the cover page.
8. The MRP must have a cover page that clearly indicates that it is an MRP, and gives the title, your full name, student ID number, name of the MRP supervisor, and course number and title in which the MRP was completed.