The Ethical Leader: Rules and Tools

Instructor:

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Ethics Beyond the Law – The Ethical Leader

“The most ethical way to deal with an unethical situation would be to simply say, “We did something wrong.” - Patti Davis

Sounds like the most logical thing in the world. When we are wrong, admit that we are wrong.

Yet how often do we and others find ourselves tempted to do exactly the opposite, to insist that we were right? And how often do we give in to that temptation?

In addition to the fear of the consequences of ethical failure made public, there often is a lingering uncertainty about our conduct. Yes, there are public officials who clearly know what they are doing is wrong, and do it anyway, for as long as they can get away with it. But most municipal elected officials with whom I’ve worked don’t approach their public service that way. It’s the gray stuff that gets us in trouble.

You thought I meant ‘gray’ as in ‘not black, not white’? No, that’s not what I mean.

I mean the gray stuff inside our skulls.

As vitally important as ethical thinking is to public service (and to leadership more generally), it is not something we teach as much as we should. Yes, we have ‘ethics training,’ but typically, the ethics we teach is about ethics law, not ethics.

Most ethics laws are inspired by ethical principles that are widely accepted. Sometimes ethics laws go too far, constraining perfectly reasonable and otherwise ethical behavior in the name of ethics reform. The law is, after all, a blunt instrument, more of a meat cleaver than a surgeon’s scalpel.

Whatever the state of our ethics laws, they are an imperfect guide to ethical conduct. They only codify as illegal what our council or commission or the state legislature has chosen to codify. They don’t cover every ethical consideration, and they aren’t always truly ethical in their impact or enforcement.

Of course, we should obey the ethics laws that apply to us. But being an ethical leader involves a much higher standard than simply not breaking the law.

The Ethical Leader: Rules and Tools focuses on ethics beyond the law. We will develop a practical understanding of how one can make ethical decisions when what is ethical is unclear. And I believe participants will discover that this most practical of the fields of philosophy offers us much more in the way of good counsel and challenging inspiration than the ethics code any government has (or can) adopt.
Congressional City Conference

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#NLCU
Agenda

So What is Ethics?
Sample Ethical Principles
Making Ethical Decisions
Concluding Thoughts on Ethical Leadership
So What is Ethics?
Ethics is Not . . .

Abstract and irrelevant to real-world practice

Just a matter of personal preference

About what is best for me
Ethics is Not . . .

Simply following the ethics laws.

- There are actions that are lawful but not ethical
- There are actions that are ethical that may violate the law
  - Some actions, if not for the law, would be perfectly acceptable ethically
  - Some actions may be ethically required but are illegal
So . . . What is Ethics?

“moral principles for living and making decisions.”


“the study of what we ought to do.”

The Foundation: Values

That is . . .

- Whatever it is that we value
- And that is relevant/important to consider

‘Moral values’

- Broadly defined
The Values of a Public Servant

Not only what we ourselves value personally

Values associated with our role

- The values of our constituents/community
- Institutional values
- Collective goods for which we bear special responsibility
The Necessity of Inconsistency

Public servants need to adopt codes of ethical conduct that reflect their *roles*, not just their *personal values*

In this sense, *consistency* between one’s public and one’s private conduct *may not be a virtue*
Discussion
The Role of the Facts on the Ground

Guide us in determining which of our values should be considered

Determine the decision(s) that must be made

Guide us in evaluating the merits of various options
The Role of the Facts on the Ground

DO NOT determine whether something is or is not valued

DO NOT change the rules
Ethical Principles

Guides to deciding what to do, given our values and the facts on the ground

Methods of applying our values to the facts
Sample Ethical Principles
Character/Virtue

Do that which avoids both the extremes of too much and too little.

The “Golden Mean” (Aristotle)
Character/Virtue

Do that which you can justify and for which you are willing to take complete responsibility.

Existentialist (Jean-Paul Sartre)
Ethic of Care

A commitment “to flourishing and growth of individuals, . . . [while] acknowledg[ing] our interconnectedness and interdependence.”

(Maurice Hammington)

“more a characterization of a social relation than the description of an individual disposition.”

(Virginia Held)
Duty

Do that which you would want every person to do, as if required by law.

The “Categorical Imperative” (Immanuel Kant)
Duty

Do unto others what you would have them do unto you.

The “Golden Rule” (Jesus of Nazareth)
Consequentialist

The greatest good for the greatest number, while doing the least harm possible

Utilitarianism (John Stuart Mill)
Consequentialist

Imagine that you do not know anything about who you are in the society in which the results of your decision are to be experienced. What decision would you choose?

‘Veil of Ignorance’ (John Rawls)
Contrasts

Character

Duty

Care

Consequence
Reason and Intuition

Some ethicists insist that ethics is all ‘in our heads’

• We must set aside everything except rational thought

Some ethicists insist that an important element of ethics is in our hearts

• Call it conscience, or intuition, or inspiration, or discernment
• Something that is not strictly ‘irrational’, but more accurately nonrational
Questions?
Making Ethical Decisions
Ethical Dilemma

A difficult choice between two or more alternatives, each of which can be defended plausibly in ethical terms.

Struggling with doing the right thing, when the right thing is obvious, is not an ethical dilemma.

- It is a character test.
Case #1 – The Parking Ticket

**Fact Summary:**

- You have parked illegally
- No ‘harm’ has resulted
- A ticket is being written as you approach
- When the officer recognizes you, he/she starts to put the ticket book away.
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The Ethical Question: ???
Decision: ???
Rationale: ???
Case #2 – Help from an Old Friend

Fact Summary:

• You have an old, wealthy and powerful friend in town
• Your adult child is looking for that first career job
• Your friend personally offers him/her a job
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The Ethical Question: ???
Decision: ???
Rationale: ???
Case #3 - Renewal

Fact Summary:

• A well-funded, well-respected developer proposes a major revitalization project for a blighted area
• In order to implement the project, the city will need to exercise its power of eminent domain
• The residents of the area are unified in their opposition to the project and the threat of the loss of their properties
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Decision: ???

Rationale: ???
Concluding Thoughts on Ethical Leadership
Ethical Decision Making Involves . . .

Applying relevant values

To the facts of a situation

By means of one or more tested ethical principles
Being an Ethical Public Leader . . .

Requires us to consider values unique to our role

Requires us to be able to explain our actions so that others can at least understand, if not agree with, our actions

• And see them as the legitimate acts of a public servant
On Being an Ethical Public Leader

Being ethical can be costly
- Emotionally
- Interpersonally
- Socially
- Economically
- Politically

Of course, being unethical can be costly, too!
On Being an Ethical Public Leader

Your office brings with it unique ethical obligations

Your office also brings with it a higher degree of visibility and public interest in your activities

- Which is a form of *power* that you have received
On Being an Ethical Public Leader

Use the power you have to change the way others see government, politics . . .

. . . and what it means to conduct oneself with real honor and integrity
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