

EMPOWERING PUBLIC ADMINISTRATORS

ETHICS AND PUBLIC SERVICE VALUES

EDITED BY AMANDA M. OLEJARSKI
AND SUE M. NEAL



“High praise for the new book which addresses the importance of different public service approaches. *Empowering Public Administrators: Ethics and Public Service Values* is a must-read book for anyone wanting to understand the complexities, nuances, and the creation of public service approaches from ontology and epistemology perspectives. Olejarski and Neal have sagely assembled a collection of chapters that are both thought-provoking and also very useful from an organizational level.”

Richard Gregory Johnson III, *University of
San Francisco, USA*



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

EMPOWERING PUBLIC ADMINISTRATORS

Public administrators need to be empowered to make difficult decisions. Acting in the public interest often means doing what is ethical even when it is an unpopular choice. Yet, too often, public servants at the local, state, and federal levels internalize the notion that their hands are tied and that they are limited in their ability to effect change. *Empowering Public Administrators: Ethics and Public Service Values* provides a much-needed antidote to inaction, offering a new lens for viewing administrative decision-making and behavior.

This book makes a case for bringing historically significant theories to the forefront of public service ethics by applying them to a series of current ethical challenges in practice. Exploring administrative discretion as modern bureaucrats govern public affairs in a political context, this collection builds on the normative foundations of public administration and provides readers with a scaffold for understanding and practicing public service values. Questions for discussion and applications to practice are included in each chapter making this collection of interest to public affairs master's and doctoral students as well as public service practitioners.

Amanda M. Olejarski teaches public administration courses at the University of Central Florida. She serves as the Editor-in-Chief of *Public Integrity*. Her research has been published in the top public administration journals, and she is the author of several books on ethical decision-making including *Ethics for Contemporary Bureaucrats* (Routledge, 2020).

Sue M. Neal is Assistant Professor of Public Administration at Arkansas State University, USA. She is the Cofounder of the Veterinary Care Accessibility Project, a research nonprofit aimed at improving animal welfare in the United States and beyond. She was employed for over two decades as an executive director in the nonprofit sector and has done extensive research consulting for a number of national animal welfare organizations. Her research interests include ethics in the public sector and animal welfare, and her work has appeared in a number of journals. Dr. Neal serves as the Managing Editor of the journal *Public Integrity*.

EMPOWERING PUBLIC ADMINISTRATORS

Ethics and Public Service Values

Edited by Amanda M. Olejarski and Sue M. Neal

Designed cover image: © Getty Images

First published 2024

by Routledge

605 Third Avenue, New York, NY 10158

and by Routledge

4 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2024 selection and editorial matter, Amanda M. Olejarski and Sue M. Neal; individual chapters, the contributors

The right of Amanda M. Olejarski and Sue M. Neal to be identified as the authors of the editorial material, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

ISBN: 978-1-032-65182-8 (hbk)

ISBN: 978-1-032-65175-0 (pbk)

ISBN: 978-1-032-65183-5 (ebk)

DOI: 10.4324/9781032651835

Typeset in Sabon

by Deanta Global Publishing Services, Chennai, India

This work is dedicated to Big Ry, Ry, Kevie, and Baby Nathan

—Amanda

This work is dedicated to the memory of MGP and to my big bro, Larry,
in recognition of his 40 years (and counting!) of dedicated service in the
public library field.

—Sue



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

CONTENTS

<i>List of Contributors</i>	<i>xii</i>
<i>Acknowledgments</i>	<i>xvii</i>
Introduction <i>Amanda M. Olejarski and Sue M. Neal</i>	1
PART 1	
Ontology and Epistemology	5
1 Ethics and Public Service Values: Ontological and Epistemic Frameworks for Study and Practice <i>Sharon H. Mastracci and Norma M. Riccucci</i>	7
2 Autonomy as Public Service <i>Beverly Harkema</i>	22
3 Call the Budget Police!: How the Public Service Values of Ontology and Epistemology Can Support Public Administrators in a Gray Budgeting Environment <i>Ratna Okhai and Terry N. Henley</i>	46
4 The Ethical Voids of the Principal Agency and Stewardship Approach <i>Rik Koolma</i>	64

PART 2

The Public Interest 85

- 5 How Public Administrators Empower Themselves 87
David S. Reed
- 6 Political Polarization, Transcendent Values, and the
Urgency of Moral Leadership among Campus Leaders
as Public Administrators 105
Lynn Pasquerella
- 7 The Ethics of Public Employees' Disparaging
Private Social Media Use, Erosion of Trust, and the
Advancement of the Public Interest 122
Marcus D. Mauldin

PART 3

Bureaucracy in a Democracy 135

- 8 Principle Organizational Dissent and Public Service 137
Robert Roberts
- 9 The Influence of Public Service Values on
Implementation and Performance: Evidence from the
Housing Policy 162
Melissa Gomez Hernandez
- 10 The Institutionalization of Integrity Policies and the
Management of a Growing Ethics Bureaucracy 193
Christoph Demmke

PART 4

Balancing Politics and Administration 215

- 11 Balancing Politics and Administration: Dangers of
Administrative Discretion 217
Steven G. Koven
- 12 Ethical Codes, the Politics–Administration Dichotomy,
and Public Financial Managers 230
Vickie Edwards and Vincent Reitano

- 13 Discretionary Ethics and Governing Public Affairs in
Jails and Prisons: Upholding Constitutional Rights to
Health and Safety 253
*Cynthia Golembeski, Gabriel Eber, Carolyn Sufrin,
Jacqueline Lantsman, and Homer Venters*

PART 5

The Hollowing of Government 289

- 14 Mending the Fragile Credibility of a Hollow State with
Storytelling 291
Jourdan A. Davis
- 15 Gaming the System: Ethical Constraints in
Implementing Co-production 302
Meril Antony
- 16 Sports as Mirrors: Athletes and Agenda Setting in a
Hollowed-Out State 316
Jamie Levine Daniel and M. Blair Thomas

PART 6

Transparency in Reporting 327

- 17 Public Service Values and Financial Reporting in U.S.
Local Governments: Reconciling Transparency in
External Financial Reporting with Political Expectations 329
Jane Beckett-Camarata
- 18 Transparency in Preserving and Administering Sites of
Collective Memory 337
Daniel Boden
- 19 New Public Management Reforms, Ethics Training
Programs, and Ethical Conduct of Public Servants in
Tanzania 355
Wilfred Lameck
- Conclusion 369
Amanda M. Olejarski and Sue M. Neal

- Index* 373

CONTRIBUTORS

Meril Antony is Robert Curvin Postdoctoral Researcher with the Joseph C. Cornwall Center for Metropolitan Studies, Rutgers University, Newark, USA. Her research agenda focuses broadly on public management, social equity, and urban education policy. She has a PhD in Public Administration from the School of Public Affairs and Administration, Rutgers University, Newark.

Jane Beckett-Camarata is Teaching Professor of Public Administration at Pennsylvania State University-Harrisburg, USA, with internationally recognized expertise in public management, budgeting, and finance. She conducts research and teaches in the Master's and PhD programs.

Daniel Boden is Associate Professor in the Department of Political Science and Public Administration at the University of Toledo, USA. His professional experiences include management roles in the public, nonprofit, and for-profit sectors. His research interests include the intersection of politics and history, public administration ethics, and collaborative management.

Jourdan A. Davis is Assistant Professor at the University of North Carolina at Charlotte, USA, in the Department of Political Science and Public Administration. Davis's research agenda focuses on the role of fair and equitable government actions and decision-making in citizen-government relations. Prior to her academic career, she worked for a health-care research-funding institution.

Christoph Demmke is Professor of Public Management at the University of Vaasa, Finland. He holds a PhD in Administrative Sciences from the German University of Administrative Sciences in Speyer (D). He is a long-standing advisor to almost all EU institutions and national governments on HR reforms and ethics. Mr. Demmke is the author of many publications in the field of comparative HR reforms and ethics.

Gabriel Eber is with the Johns Hopkins School of Public Health and Center for Public Health and Human Rights, Johns Hopkins University, USA. He taught at Georgetown University and was the American Civil Liberties Union (ACLU) National Prison Project's Senior Staff Counsel. He has a BA from Harvard University, MPH from Johns Hopkins, and a JD from Georgetown University.

Vickie Edwards is Assistant Professor and the Director of Undergraduate Programs in the School of Public Affairs and Administration, Western Michigan University, USA. Her research interests include nonprofit management, strategic planning and action, civic engagement, democratic and ethical governance, volunteerism, and organizational behavior.

Cynthia Golembeski is a Robert Wood Johnson Foundation Health Policy Research Scholar and Institute on Race, Power, and Political Economy Fellow, The New School, USA. She researches how policy, law, ethics, philanthropy, and management operate at the nexus of criminal legal and health systems. She is completing JD/PhD degrees with an MPH from Columbia University and a BS from UC Berkeley.

Melissa Gomez Hernandez earned her PhD in Public Affairs from Florida International University. She was awarded a Fulbright Scholarship to pursue her doctoral studies. Her research agenda focuses on social equity, gender, ethnic-racial justice, peace, LGBTQ+ rights, DEI, public service values, public organizations and program performance, management, and housing policy. Back in Colombia, she continues researching on Latin American issues and consulting for several organizations. She is currently the Director of the Afrodiasporic Studies Center, CEAf, and Full-time Professor at the Department of Political Studies at La Universidad Icesi, Cali, Colombia. Dr. Gómez Hernández was recently nominated for the Fulbright Excellence Award 2022.

Beverly Harkema, Grand Valley State University, USA, is a Strategic Project Manager. Her engagement with the concept of autonomy began with a BS in Psychology, working in retail management and volunteering. While her Master's degree culminated with a publication on autonomy within

nonprofit organizations, she advocates for thoughtful reflection on autonomy in any sector.

Terry N. Henley, PhD, is a visiting lecturer at the School of Public Administration at the University of Central Florida, USA. His teaching and research interests include public financial health, ethics, local government, and special districts.

Rik Koolma, VU University of Amsterdam, The Netherlands, has a Master's grade in Architecture. In 2009, he defended a dissertation on a public management reform by which stewardship of housing corporations was promoted. He works both as a private business consultant and as an MsC/PhD thesis supervisor. He combines unconventional thinking with thorough empirical research.

Steven G. Koven is a Professor of Urban and Public Affairs at the University of Louisville, USA. He has written extensively about public sector ethics. His ethics-related books include *Responsible Governance: A Case Study Approach* and *Public Sector Ethics: Theory and Application*.

Wilfred Lameck is Senior Lecturer in Public Administration at the School of Public Administration and Management of Mzumbe University, Tanzania. His research interests include public administration, local government studies, public policy, and public sector governance.

Jacqueline Lantsman, Deloitte, USA, is a Deloitte Senior Consultant who conducts sentencing system reform research and designs reentry and hiring program models. She has an MPH from George Washington University and a BA from American University. She focuses on equity and the cross section of criminal legal and health systems.

Jamie Levine Daniel is Associate Professor of Nonprofit Management and Public Service at New York University's Wagner School of Public Service. She studies nonprofit resource acquisition and service delivery within the context of public policy, process, and practice. This scholarship was conducted while she was at IUPUI's O'Neill School of Public and Environmental Affairs.

Sharon H. Mastracci is a professor at the Center for Public Administration and Policy at Virginia Tech, USA. She studies the public-sector workplace, including the experience of public service. She was a Fulbright Scholar in the United Kingdom and is a Fellow of the National Academy of Public Administration (NAPA).

Marcus D. Mauldin, The University of Tennessee at Chattanooga, USA, is Associate Professor of Public Administration and Policy. He teaches courses in public policy, budgeting and finance, and community economic development. His research interests include targeted economic development policy, public ethics, and policy design.

Sue M. Neal holds a Doctorate in Public Administration from West Chester University of Pennsylvania. She also holds a Master of Geography in GIS from West Chester and an MPA from Arkansas State University. She is Assistant Professor at Arkansas State University and the Cofounder of the Veterinary Care Accessibility Project, a research nonprofit aimed at improving animal welfare in the United States and beyond. Her research interests include ethics in the public sector and animal welfare. Her work has appeared in a number of journals including *Public Administration Review*, *Journal of Public Integrity*, *Review of Public Personnel and Administration*, *Frontiers in Veterinary Medicine*, and *Journal of Shelter Medicine and Community Animal Health*. She serves as the Managing Editor in the journal *Public Integrity*. Sue resides in Michigan with her rescue cats and bicycles.

Ratna Okhai, University of Central Florida, USA, PhD, is Assistant Professor at the School of Public Affairs at the University of South Florida. Her research has been focused on the range of issues that confront emergency management, local government public policies, and gender and leadership.

Amanda M. Olejarski teaches public administration courses at the University of Central Florida. She serves as the Editor-in-Chief of *Public Integrity*. Her research has been published in the top public administration journals, and she is the author of several books on ethical decision-making. Originally from New Jersey, she lives in Florida with her husband, three sons, and rescue cats. She enjoys gardening, fitness, and reading mystery novels.

Lynn Pasquerella is the President of the American Association of Colleges and Universities, USA. She served as the 18th president of Mount Holyoke College and is the immediate past president of the Phi Beta Kappa Society. Pasquerella, who is an ethicist, is the host of Northeast Public Radio's *The Academic Minute*.

David S. Reed is the Founder of Center for Public Administrators, USA, and a former civil servant. His research interests are innovation, guerrilla government, and the role of public sector workers in democratic checks and balances. He holds a Master's in Public Policy from the Harvard Kennedy School.

Vincent Reitano is an Associate Professor in the School of Public Affairs and Administration at Western Michigan University, USA. His research appears in a range of journals, including *American Review of Public Administration*, *Contemporary Economic Policy*, *Public Finance Review*, and *Public Budgeting & Finance*, among others.

Norma M. Riccucci is a Board of Governors Distinguished Professor at the School of Public Affairs and Administration at Rutgers University, Newark, USA. She is the author of several articles and books in the areas of public management and social equity. Riccucci has received several national awards, including the Public Management Research Association's H. George Frederickson Award. She is a Fellow of the National Academy of Public Administration.

Robert Roberts has taught at James Madison University, USA, since 1982. He is the author or Coauthor of *White House Ethics* (1988), with Marion T. Doss, *From Watergate to Whitewater: The Public Integrity Wars* (1997), and *The Death of Public Integrity* (Routledge 2020). Articles by Professor Roberts have appeared in the *Public Administration Review*, *International Journal of Public Administration*, *Public Integrity*, *PS (Political Science)*, and *Politics & Policy*. Professor Roberts has taught state and local government since the early 1980s. Professor Roberts holds a BA, MPA, JD, and PhD in Public Administration from Syracuse University.

Carolyn Sufrin is an Ob/Gyn, Medical Anthropologist, and a Professor at Johns Hopkins University, USA. She has worked extensively on reproductive health issues affecting incarcerated women, from providing clinical care in jail to research, policy advising, and advocacy. Her work is situated at the intersection of reproductive justice, health care, and mass incarceration. She authored *Jailcare: Finding the Safety Net for Women Behind Bars*.

M. Blair Thomas serves as a Faculty at the University of Central Florida, USA. His recent research broadly examines the impact that athletes have on local citizen engagement. Specifically, his work explores how an athlete's role as a voice amplifier for underrepresented populations seeking local administrative changes. You can find this work in several leading public administration and public policy journals.

Homer Venters, United States Department of Justice, USA, is a Physician, Epidemiologist, and Federal Court Monitor of jail and prison health services. He has led over 50 scientific publications and authored *Life and Death in Rikers Island*. He has testified before Congress regarding immigration detention and prison system health care. He has an MD from the University of Illinois and an MPH from NYU, where he has also taught.

ACKNOWLEDGMENTS

My heartfelt thanks go to Kathy Farley, Mike Potter, and Jeremy Phillips for always being there, you guys are the best! Thanks to my mentors for their guidance over the years. I am grateful to Sue Neal for making writing fun—we finally wrote our ethics book! And thank you to my family for all of the snuggles and laughter.

—Amanda

My thanks to my cats which impeded progress on every aspect of this project. All errors and omissions are theirs. I am grateful to Amanda for being an inspiration, a friend, and an awesome collaborator. I can't wait to see what we do next! And thank you to my mum and dad for everything. I will forever miss you both.

—Sue

The editors would also like to acknowledge the assistance of Lauren Hammond in preparing this volume.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

INTRODUCTION

Amanda M. Olejarski and Sue M. Neal

This volume is written from a normative perspective or one that focuses on the way things ought to be—public administrators should be empowered to make decisions based on ethics and public service values. Here, public service values are operationalized as some of the more persistent themes that have endured the field of public administration: ontology and epistemology, the public interest, bureaucracy in a democracy, balancing politics and administration, the hollowing of government, and transparency in reporting. To be sure, this is not an exhaustive list, but it is our list of public service values that practicing managers should use to make difficult decisions. A foundational premise of this book is that too often public servants at the local, state, and federal levels hide behind the notion that their hands are tied and that they are limited in their ability to effect changes. Not so, however, as they are professionally trained experts in policy and management and have the choice to act value-neutral or exert their soft power. This collection builds upon normative foundations of ethical decision-making to empower public administrators.

The primary aim of this book is to educate students, scholars, and public servants on ethics and public service values in domestic and international administrative contexts. It was inspired by the Uvalde elementary school shooting that rocked the United States in 2022—a law enforcement officer was quoted as saying that they were waiting for someone to tell them what to do and that was the reason they waited so long to take action against the active shooter. An empowered administrator would have a stronger sense of public service values on which to make a decision to act rather than wait while children are at risk.

2 Introduction

This book is organized around the six aforementioned public service values. Each chapter includes 1. An overview of a current ethical issue, 2. Key stakeholders and relevant policy factors that shape the issue, 3. Connections between the administrative discretion, the ethical issue, and the public service value, 4. Specific action-oriented recommendations to empower current practicing administrators, 5. Broad normative and practical recommendations, and 6. Discussion questions that may be useful for class instruction.

Ontology and epistemology is the first public service value studied in the volume and begins with Sharon Mastracci and Norma Riccucci's chapter on epistemic silencing and colonization of knowledge. Beverly Harkema's chapter focuses on individual freedom and how autonomy is conceptualized. Ratna Okhai and Terry Henley's chapter is on public budgeting and fostering trust. Rik Koolma uses principal agent and stewardship theories to examine governance. The second public service value is the public interest. Chapter 5 by David Reed explores how administrators can empower themselves through strategic actions. Lynn Pasquerella's chapter is on how colleges can maintain the public trust. Chapter 7 is Marcus Mauldin's contribution, which analyzes social media and the ethical challenges public employees face.

Bureaucracy in a democracy is the third public service value included in this book. Robert Roberts leads the section with a focus on the costs and benefits to administrators who engage in principled ethical dissent. In Chapter 9, Melissa Gomez connects administrators' professionalism and values systems with policy implementation and public performance. Christoph Demmke's chapter highlights the relationship between institutions, organizational design, ethics, and workplace behavior. In the fourth public service value, "Balancing Politics and Administration," Steven Koven opens the section with a chapter on the challenges of permitting administrators to exercise their discretion, given the limited accountability and oversight. For Chapter 12, Vickie Edwards and Vincent Rietano show how finance managers face political pressure and influence from elected officials. Cynthia Golembeski and colleagues study how to create conditions of care and advance patient safety in Chapter 13.

The "Hollowing of Government" is the fifth public service value. Jourdan Davis begins with an analysis on using storytelling as a mechanism to maintain public trust. Meril Antony writes Chapter 15 on co-production and institutional accountability. Finally, the last chapter is by Jamie Daniel and Blair Thomas on how third parties carry out government operations and their role in agenda-setting.

"Transparency in Reporting" is the sixth and last public service value of the book. Chapter 17 by Jane Beckett-Camarata studies how cities

build trust using external financial reporting mechanisms. Daniel Boden's chapter is on how governmental organizations partner with nongovernmental actors to create, preserve, and administer historical sites. Wilfred Lameck's work is featured in Chapter 19 on organizational culture and leadership training programs.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

PART 1

Ontology and Epistemology

Simply put, ontology is the way you view the world, and epistemology is how you know what you know. Both ontology and epistemology take hold at the individual level of analysis and transcend public service ethics as they take root in group decision-making. Epistemic traditions exist in public administration like normative ethics or the way things ought to be in the administrative state. Events like September 11th and the Uvalde school shooting that shake us, as individuals, to our core, result in an ontological destabilization that leaves us questioning our perceptions of the world and how it is we come to understand them.

The following section of this book tackles the nuances between ontology and epistemology as a public service value. Empowered public administrators should first understand the basic assumptions they bring to the decision-making table, for only then can they fully appreciate the breadth, depth, and challenge of ethical dilemmas.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

1

ETHICS AND PUBLIC SERVICE VALUES

Ontological and Epistemic Frameworks for Study and Practice

Sharon H. Mastracci and Norma M. Riccucci

Introduction

In this chapter, we address the significance of ontological and epistemic approaches to how researchers and practitioners theorize and conceptualize such phenomena as public service values and ethics. In particular, we focus on relatively new constructs in public administration, including epistemic silencing and the colonization of knowledge, whereby the construction of truth and knowledge revolves around the experiences of only certain types of scholars. This chapter also addresses governments' reliance on "evidence-based practice" (EBP), which raises such questions as exactly what is evidence and knowledge production in government? And what is acceptable evidence? Finally, we also address an additional practice-based framework known as post-normal science (PNS), a process of inquiry that is relevant when high risks, uncertainty, and divergent values prevail for which objectivity is not always achievable.

Each of these frameworks is relevant for theory building, as well as practice, and is particularly suitable for addressing such phenomena as ethics and public service values. As Stout (2012, p. 388) argues, "Public administration scholars should focus on the theoretical questions of scientific methods and alternative ways of knowing as the basis of our theory and practice." This chapter offers alternative ontological and epistemic traditions to foster theory and practice in public administration.

The Relevance of Epistemology and Ontology

The applied nature of public administration calls for a variety of ways to study the phenomena in an effort to promote practices that are not only effective and efficient but also ethical and foster such public service values as equity, fairness, openness, accountability, and transparency. These values are critical for democratic governance in our nation. Thus, our approaches to ontology—the nature of existence or reality, or what we set out to examine—and epistemology—how truths are known about reality—must be varied, as there is no one or one *best* way to arrive at the truth (Riccucci, 2010). In this sense, there is a diversity of traditions to studying and conducting research in the field of theory as well as practice.

The dogmatic persistence of particular ontological and epistemic traditions has been detrimental to theory building as well as practice in public administration (Riccucci, 2010). Bozeman (2007, pp. 1–2) addresses this issue in the context of public interest theory as it intersects with public values:

The reasons for a decline in public interest argument and theorizing are many and *varied*. Social and academic fashion seems to have played a role. The development of quantitative social sciences and its inexhaustible demand for empirical evidence lessened our patience for topics that seem to hold little possibility of precise answers. The harshest critics of public interest theory rail loudest about its ambiguities and a seeming inability to determining when and if public interest theory has progressed.

Mainstream knowledge deemed legitimate, and universal actually originates from a very specific time and place. The archetypical orthodox theorist is a White, Western European Christian man from the Enlightenment period (Starke & Mastracci, 2023). The breadth of issues confronted by public administration as well as its global reach demand a broader intellectual foundation than the specific time and place represented by the Enlightenment and exported by the Global North. Public service encounters involve meaning-making between individuals, oftentimes in high-stakes contexts such as determining eligibility for child care, health care, or housing benefits, assessing the case for a restraining order, or judging the suitability of a foster placement (Guy, 2022; Mastracci, 2022). Encounters between individuals that are studied in public administration involve power dynamics, involve developing understandings, and are fraught with subjectivity and meaning. Interpersonal encounters in public administration rarely involve simple material transactions. The field demands a range of insights and perspectives, especially in terms of the ethical treatment of recipients of public services.

Relevance for Ethics and Public Service Values

Alternative ways of knowing and doing are particularly important for topics such as ethics and public service values. Public servants who act ethically and uphold the values of public service can instill trust and confidence in public agencies and serve to uphold the legitimacy of government. Behavior falling short of ethics risks the legitimacy of government and foments distrust in governmental institutions. Furthermore, as Cox, Hill and Pyakuryal (2008, p. 15) argue, it is critical to

define the individual and organizational parameters within which the ethical exercise of discretion may occur. The application of tacit knowledge is the introduction of judgment prior to deciding. Discretionary judgment is not an assignment or position. It is not the product of explicit knowledge. It cannot be delegated based on explicit criteria. But it will emerge from the practices and activities of tacitly defined informal networks.

The stakes on which administrative discretion is exercised are high and the consequences potentially substantial.

Moreover, disciplinary foci, as driven by ontological and epistemological foundations and properties, affect the study and practice of ethics and public service values. As de Graaf and van der Wal (2017, p. 196) point out,

political scientists intuitively connect PVs [public values] to the actual public rather than to government agencies and employees, whereas legal scholars often view PVs as public interests or rights. Economists are mostly concerned with how PVs can be qualified vis-à-vis private ‘value’ and values. In short, each discipline views PVs in accordance with its key foci.

(also see Garofalo, 2015)

Public administration scholarship is embedded in practice. Thus, it is imperative that we examine issues of ethics and public values from the perspective of public administration. But even here, the field lacks consensus around frameworks for study and practice as it is characterized by fragmentation and dispersion (Raadschelders, 2019; Dubnick, 2018). We are offering relevant frameworks that more wholistically capture the essence of ethics and public service values that ultimately work to better serve public servants as well as the citizenry in these capacities.

Epistemic Silencing and Decolonizing Knowledge

Knowledge creation across a diversity of perspectives demands a range of voices: a range of knowledge creators as diverse as the populations under study. Privileging certain voices in the production of knowledge while

silencing others, for instance, privileging perspectives of White, Christian, male thinkers as orthodoxy or mainstream knowledge while “othering” the rest—is epistemic silencing. Public administration’s inheritance as a social science developed in the Global North means that epistemic silencing is baked into our norms underpinning evidence and proper scientific practice. To be sure, ethical and public service values are areas of public administration where this is especially imperative.

Stivers’ (2000) critical examination of the origins of public administration chronicles how male municipal reformers privileged discourses of science and managerialism and silenced the contributions of their contemporary female social reformers. This is an example of epistemic silencing, specifically, epistemic sexism. Roberts’ (2020) critical analysis of the origins of public administration reveals that the field was originally devoted to learning and teaching best practices for the efficient and effective administration of American colonies in the late 1800s and early 1900s. Ignoring this legacy represents an attempt to rewrite history, which goes beyond epistemic silencing. Roberts (2020) describes the marginalization at that time of the lone scholar of color, Dr. Sudhindra Bose, and his position on public administration in the American dependencies. This further exemplifies epistemic silencing, specifically epistemic racism.

Public administration as an academic discipline has acknowledged its racist and sexist origins only very recently as described above, but a continually growing body of literature analyzes social equity and inclusion in public administration teaching and practice and has done so for more than 20 years (Alexander, 1997; Alkadry & Blessett, 2010; Bearfield, 2009; Blessett et al., 2019; Love, Gaynor & Blessett, 2016; Starke, Heckler & Mackey, 2018; Trochmann et al., 2022). Some of this literature is also examined within representative bureaucracy research. So, although public administration has considered racism and sexism in its practice and teaching, far less consideration has been given to racism and sexism in the development of its knowledge base. Turning the lens inward in this way will build upon the important work conducted thus far (Roberts, 2019, 2020; Stivers, 2000).

Epistemic racism and sexism are not new concepts, nor is epistemological colonization. What is new, however, is the attention paid to the origins of our field’s orthodox narrative. In the past several years, social science has become more sensitive to the impact of its narrow foundation in Western Enlightenment thought. Public administration is part of this collective realization. Epistemic racism and sexism, or epistemic silencing in general, privileges some knowledge and ways of producing knowledge over others. Ways of thinking that are not consistent with Enlightenment philosophy are characterized as “other” and are silenced or at least

subjected to greater scrutiny compared to “mainstream” thought. Public administration is an area of inquiry with global reach and impact, yet the scholarship and best practices of the Global North dominate mainstream thought. This is intellectual colonization.

Colonialization of knowledge assumes that some cultures or countries consume *and* produce knowledge while other cultures or countries *only* consume knowledge (Bourabian, 2020; Grosfoguel, 2015; Kubota, 2020; Moosavi, 2020; Scheurich & Young, 1997; Singer, 2005). In other words, some peoples and cultures are not considered legitimate sources of knowledge. The two concepts are related: Western Enlightenment thought is privileged as the ultimate source of knowledge. But not only is this thinking bound by time and place—a handful of Western European countries in the 17th and 18th centuries—but also its architects were demographically similar to one another. Their similarities allowed them to more easily recognize one another as legitimate sources of knowledge. Leading thinkers of that age were educated in European universities and, therefore, were White, Christian men of means. Intellectual colonization, then, is the export around the world of these ideas—bound by time and place and generated by a narrow slice of the population—yet upheld as universal, as orthodoxy (Manning, 2021; Stout, 2010). Epistemological silencing is the conscious or subconscious habit of ignoring knowledge from other sources or dismissing it as “other” or “heterodoxy.” Our examination of the ontological and epistemic traditions around such phenomena as ethics and public service values is intended to dismantle the hierarchies of thought and methods that have arisen in the field because such hierarchies still threaten to restrain scientific progress. To the extent that evidence-based policy research reifies one or a few approaches to the study and practice, then these pursuits artificially restrict the growth of the field as well.

EBP and Governments’ Use of Evidence

When we think about scientific inquiry and how it should be carried out, we tend to think of scholarly research conducted by social scientists in academia. However, evidence-based practice (EBP), sometimes referred to as evidence-based policy, has gained traction recently in public administration (Jennings & Hall, 2012; Hall & Jennings, 2008). It calls for public policies and practices to be driven by relevant and effective evidence, including experiential (Gooden & Berry-James, 2018). As Giacalone (2015) argues, it is important for practitioners to move toward an evidence-based understanding of ethics and public service values, which focuses on real-world decision-making.

Jennings and Hall (2012, p. 245) have pointed out that EBP refers to “focusing on the ways scientific evidence can be used (or better used) and challenges to incorporating evidence into agency practices.” Similar to performance measurement, the goal of EBP is to improve the quality of decision-making and policymaking in public agencies and to promote the accountability of public managers in making those decisions. Evidence has been interpreted in many ways and may include results from performance measurement, formal program evaluations as well as relevant research available in the field (Eller, Gerber & Robinson, 2018). Evidence can be produced by the government itself, as well as policy research centers, think tanks, and universities. And the source of evidence is contingent upon the field applying EBP. For example, in clinical health-care fields, evidence may be collected from “randomized controlled trials; evidence from other scientific methods such as descriptive and qualitative research; as well as use of information from case reports, scientific principles, and expert opinion” (Titler, 2008, para. 3). However, ranking evidence according to a hierarchy also risks the colonization of knowledge.

A continuing challenge of EBP in public administration and policy is that there is no consensus over what valid evidence is or what is the best evidence to collect and rely on. This certainly engages the larger issue of determining what exactly comprises “scientifically rigorous” research for guiding practices and policymaking in government (see Raadschelders, 2019; Muller, 2018). Heinrich (2007) addresses this concern in the context of the performance management movement and EBP, raising questions about appropriate methods for collecting, analyzing, and disseminating data. Although she as well as others advocate for certain quantitative methods in EBP, Heinrich (2007, p. 273) concedes that when governments are “under high-stakes pressures to demonstrate performance improvements, data collected ... are more likely to be misused or manipulated in performance analysis.” She further states that

despite advances in our analytical tools and capacity for assembling performance information and scientific evidence, it has become increasingly clear that we are still far from a consensus—intellectually or politically—regarding what should count as evidence, how it should be produced and validated, and how it should be used to influence policy making.

(Heinrich, 2007, p. 259)

Certainly, Heinrich’s veiled message is that qualitative methods may be more appropriate when governments face an immense amount of external pressures to establish and demonstrate improvements in organizational performance.

Similarly, Head (2010, p. 78) points out that the “demand for rigorous social and economic research stems largely from government agencies and legislative bodies which may be seeking information to report on performance and meet the needs of decision-makers.” This opens the door for the politicization of evidence and, in effect, outcomes. Head (2010, p. 78) goes on to say that “Government-funded research has become, directly and indirectly, the most important source of social science input to government.” This, too, begs the question of how objective the evidence will be, to the extent that the “preferences of government bodies for certain types of research have a large impact on how research is conducted” and, ultimately, the decisions or policies that will emanate from research or the evidence (*ibid*). Muller (2018) puts it in simpler terms—that the overwhelming desire to measure performance has turned into a fixation on measuring itself.

Yang (2020, p. 707) explicitly argues that EBP “Typically ... considers the randomized controlled trials (RCTs) as the golden standard for evidence.” But he goes on to say that RCTs do not always produce sufficient, reliable, or valid evidence and, thus, may not be effective in certain situations. He further points out that many scholars have argued that qualitative data and methods, including storytelling, may be just as effective (see, e.g., Buss & Buss, 2011; Smith, 2013; Stoker & Evans, 2016).

To be sure, EBP is obviously necessary and important in government, but the conflict between the nature of science—however conceptualized—and the normative function of values, ethics, and politics must be acknowledged. Moreover, no matter how desirable, the scientific process is not democratic. Policy experts may agree on the evidence needed to solve a particular societal problem, but as it moves to politicians, it gets distorted and even perverted. Head (2010, p. 77) argues that there are “practical limitations on rational processes typical in the real world of political decision-making, which is characterised [*sic*] by bargaining, entrenched commitments, and the interplay of diverse stakeholder values and interests” (also see Muller, 2018).

Gerber and Patashnik (2011) address these issues in the context of the politicization of evidence-based medicine (EBM). They point out, for example, that the

Obama Administration pushed for CER [“comparative effectiveness research”] funding to be included in the massive economic stimulus bill to lay the groundwork for a more evidence-based medical system. In the context of the heated partisan debate over how to improve the American health care system, in turn, CER became the target of charges from conservatives claiming that the Obama Administration

was promoting “‘rationing’ and government intrusion in the private lives of patients.

(Gerber & Patashnik, 2011, p. 1)

Gerber and Patashnik point to the importance of EBM for decision-making around medical options as well as helping to reduce wasteful funding for health care. But, as they argue, it had succumbed to a broad ideological struggle over national health reform. Evidence is political and politicized.

Another example of where EBM was politicized can be seen in the U.S. government’s response early on to the coronavirus or COVID-19. The Trump era’s mantra during this pandemic was to “follow the science” and “trust the science and scientists.” Yet the actual scientists, such as Anthony Fauci, who relied on evidence from epidemiological research in their efforts to make crucial decisions, were marginalized by pseudoscientists who told Trump what he wanted to hear; science, in effect, was masked by political deliberations and value judgments. The credibility of science was ultimately marginalized by political and personal agendas which gave way to fiction over science. Furthermore, the evidence does not speak for itself.

Even when scientific data do drive decisions, interpretations of the data as well as the values humans assign to those data affect decision-making. Take for instance, how the Centers for Disease Control (CDC) and the American Academy of Pediatrics (AAP) released different guidelines for the reopening of schools in July 2020 during the COVID-19 pandemic. Recommendations conflicted on social distancing, health screening, and lunchrooms (Prothero, 2020). For example, the CDC recommended spacing desks six feet apart, while AAP suggested as little as three feet apart provided masks were worn; the latter allowed for a larger number of K–12 students to be packed into classrooms. How did data allow for such conflicting decisions and recommendations? Were institutional priorities a decision point? Were powerful employee unions key to decision-making? Were data mistaken for knowledge? That politics and personal or professional biases were prioritized in decisions where human life is involved illustrates the extent to which evidence can be compromised.

A Post-Normal Science Framework

Another practice-based framework is post-normal science (PNS). It is a concept conceived by Weinberg (1972) and further developed by Funtowicz and Ravetz (1992, 1993a, 1994) to address the existence of societal and ethical complexities in the environments we study. Funtowicz and Ravetz drew from the work of Weinberg (1972), who defined “trans science” as that which includes issues and questions that involve values

as well as facts and that which involves an expanded peer community beyond practicing scientists because they transcend normal, factual scientific issues and questions. Weinberg went so far as to classify all social sciences as “trans-science” given the fundamental inscrutability of human consciousness compared to the knowability of facts in the natural sciences. Funtowicz and Ravetz (1993b, p. 112) take this as a starting point and expand the concept to include methods and practices that transcend normal science (see Kuhn, 1962), thereby offering “a qualitative transformation of science.” They choose the term “post-normal,” not to suggest a temporal progression from normal science—to suggest normal science has been eclipsed—but, rather, to situate PNS in opposition to normal science in ways similar to those separating modernity and post-modernity (see their discussion of Toulmin, 1990). Indeed, Funtowicz and Ravetz leave room for the continued operation of normal science and observe that routine puzzle-solving can and will progress according to the activities described by Kuhn (1962). They argue, however, that the complex nature of real-world problems renders routine puzzle-solving less and less applicable to contemporary issues and questions. A PNS framework addresses issues and questions in which “facts are uncertain, values in dispute, stakes high, and decisions urgent” (Funtowicz & Ravetz, 1993b, p. 86). This is the real world of wicked problems in which public administration is practiced and studied.

Given that PNS is a framework for guiding research practice in those situations where decision stakes are very high and characterized by uncertain, incomplete, or contested knowledge, it calls for including the lay public in an expanded peer community, unlike in normal science (Kuhn, 1962). However, given an unavoidable amount of uncertainty, facts and values cannot be agreed upon within this expanded peer community. Moreover, the scarcity of time makes it extremely challenging to gather the information needed to reduce uncertainty. Together, these dimensions characterize a PNS framework. As Funtowicz and Ravetz (1993b, p. 111) argue, PNS frameworks are thus relevant and applicable as they describe problems typified by uncertainty, urgency, high stakes, and an expanded peer community.

Disciplines that focus on post-normal problems have relied on PNS as an epistemic approach to problem-solving in practical settings, including ecological economics (Swedeen, 2006; Muller, 2003), food safety (Ravetz, 2002), medicine (Sweeney & Kernick, 2002; Laugharne & Laugharne, 2002), and climate science (Bray & von Storch, 1999; Saloranta, 2001). An example from climate science is found in the Netherlands Environmental Assessment Agency (PBL), which looks at the role of science in policy or, more explicitly, the science–policy interface. In early 1999, Dr. Hans de Kwaadsteniet, a senior statistician at the Netherlands Environmental

Assessment Agency (PBL, in Dutch, “Planbureau voor de Leefomgeving”), went public with a perennial problem faced by his agency. (see Petersen, et al. 2011, 363) De Kwaadsteniet spent years arguing that the agency’s environmental assessments were misleadingly too accurate because of its use of computer modeling and simulation. He began by addressing the dichotomy between policy and science, asking

Should scientists communicate about uncertainties with decision makers and let the decision makers decide on how to deal with these uncertainties or should scientists instead give in to the demand often expressed by decision makers to offer “certainties,” in the form of ‘best available scientific information’ (thus, in effect repressing uncertainty)?

(Petersen et al., 2011, pp. 363–364)

De Kwaadsteniet recognized that politics is imbued with uncertainty and competing demands and that science could not be value-free or completely objective. In effect, as Petersen and colleagues (2011, p. 364) observed, the “presence of conflict among scientists, both epistemic and social, makes it hard to provide politicians with neutral advice.” A PNS approach was introduced in this instance to appease the policy-science conundrum in the areas of sustainable development policy and urban development policy.

PNS drove the development of two key instruments to guide the PBL in addressing and attempting to solve complex, high-stakes policy problems interfacing with public values. One is “Guidance for Uncertainty Assessment and Communication,” produced in collaboration with political scientists from Utrecht University in 2003, and the other is “Guidance for Stakeholder Participation” in 2007, with professors from political sciences of the environment at Radboud University. The former focused on how complex problems call for the participation of stakeholders and the significant contribution they make to solving policy problems. Complexity was characterized as the lack of information or uncertainty around its veracity and a fundamental disagreement around the norms and values for determining and assessing problems (Hage & Leroy, 2007a). The research team determined “that not all uncertainties can be quantified and that in complex issues, unquantifiable uncertainties can well be more relevant and salient than the part of uncertainty for which we have enough knowledge to quantify it in some reliable way” (Petersen et al., 2011, p. 370). The issues, they went on to say call “for an approach that openly deals with deeper dimensions of uncertainty, such as those stemming from problem framing, choice of system boundaries, indeterminacy, ignorance, assumptions, value loadings, underdetermination ... and even institutional dimensions” (ibid). Representing complex and uncertain social problems

with quantitative data is to invoke a misleading level of accuracy that would be unethical to act upon.

Acknowledging a critical feature of the PNS strategy, the interdisciplinary research team then determined that not only internal stakeholders would participate but also external stakeholders, including politicians, policymakers, and the Dutch people. To be sure, challenges arose around the dialogue of scientific knowledge from the “expert” team members and the practical knowledge from other stakeholders. Interestingly, the team opted for a narrative approach to hammer out potential policy strategies and solutions as it allowed for an open debate between and among the various stakeholders (see Hage & Leroy, 2007b, for details on the participation of stakeholders).

In the end, PBL’s top management endorsed the PNS-driven “guidance” manuals, which are now mandatory for assessing and tackling policy problems and ensuring that procedures and strategies are of the highest quality. They help to identify critical uncertainties and to guide and manage the choices of policymakers on high-stakes issues. And again, a key component is the participation of internal and external stakeholders, or “expanded peer communities.” Subsequent editions of the Guidance manuals have been published (see, e.g., PBL Netherlands Environmental Assessment Agency, 2013).

Discussion

The logic of inquiry around the phenomena of public administration is multifaceted. As with other fields in the social sciences, there is immense room for diversity in research traditions. And this applies to scholarly research as well as practice in terms of the “scientific” evidence relied upon for EBP or PNS frameworks. The important point is that as a social science, public administration continues to advance as a field of inquiry. Progress is made with each piece of good, sound research, notwithstanding the methodology.

In sum, silencing some perspectives and some sources of evidence in favor of others can culminate in unethical academic practice. Epistemic silencing is an unethical academic practice. Falsely claiming a level of accuracy also fails to serve the field of public administration. The situatedness of scholarship in practice in public administration means that the practice of public administration is negatively impacted by epistemic silencing. Hierarchies of evidence may not be rooted in anything other than prejudiced silencing and may likewise harm scholarship and practice. Wicked problems bring academics together with communities in a practice of post-normal science. Methods are best selected in light of the wicked problems they seek to understand; in other words, methods follow

research questions. “How” is borne of “What.” Public administration scholars are at their best when sound research practices take this to heart.

Questions for Discussion

1. How could evidence-based practice be improved, according to the authors?
2. How could epistemic equity change the public administration classroom?
3. What could public administration practice draw from the PBL experience in the Netherlands?
4. How do ways of knowing differ between the Global North and the Global South?

References

- Alkadry, M. G. & Blessett, B. (2010). Aloofness or dirty hands? Administrative culpability in the making of the second ghetto. *Administrative Theory & Praxis*, 32(4), 532–556.
- Alexander, J. (1997). Avoiding the issue: Racism and administrative responsibility in public administration. *The American Review of Public Administration*, 27(4), 343–361.
- Bearfield, D. A. (2009). Equity at the intersection: Public administration and the study of gender. *Public Administration Review*, 69(3), 383–386.
- Blessett, B., Dodge, J., Edmond, B., Goerdel, H. T., Gooden, S. T., Headley, A. M., Riccucci, N. M. & Williams, B. N. (2019). Social equity in public administration: A call to action. *Perspectives on Public Management and Governance*, 2(4), 283–299.
- Bourabian, D. (2020). Everyday sexism and racism in the ivory tower: The experiences of early career researchers on the intersection of gender and ethnicity in the academic workplace. *Gender, Work & Organisation*, 28(1), 248–267.
- Bray, D. & von Storch, H. (1999). Climate science: An empirical example of postnormal science. *Bulletin of the American Meteorological Society*, 80(3), 439–455.
- Bozeman, B. (2007). *Public value and public interest: Counterbalancing economic individualism*. Washington, DC: Georgetown University Press.
- Buss, T. F. & Buss, N. J. (2011). Four controversies in evidence-based public management. In Shillabeer, A., Buss, T. F. & Rousseau, D. M. (Eds.), *Evidence-based public management*. Armonk, NY: M.E. Sharpe, 17–45.
- Cox III, R. W., Hill, M. L. & Pyakuryal, S. (2008). Tacit knowledge and discretionary judgment. *Public Integrity*, 10(2), 151–164.
- de Graaf, G. & van der Wal, Z. (2017). Without blinders: Public values scholarship in political science, economics, and law—Content and contribution to public administration. *Public Integrity*, 19(3), 196–218.
- de Kwaadsteniet, H. (1999). De samenleving heeft recht op eerlijke informatie, het rijk heeft die niet. Society has a right to honest information, which rijk does not provide’. *Trouw*, 16.

- Dubnick, M. J. (2018). Demons, spirits, and elephants: Reflections on the Failure of Public Administration Theory. *Journal of Public and Nonprofit Affairs*, 4(1), 59–115.
- Eller, W. S., Gerber, B. J. & Robinson, S. E. (2018). *Public administration research methods tools for evaluation and evidence-based practice*. New York: Routledge.
- Funtowicz, S. O. & Ravetz, J. R. (1994). Emergent complex systems. *Futures*, 26(6), 568–582.
- Funtowicz, S. O. & Ravetz, J. R. (1993a). Science for the post-normal age. *Futures*, 25(7), 739–755.
- Funtowicz, S. O. & Ravetz, J. R. (1993b). The emergence of post-normal science. In Schomberg, R. von (Ed.), *Science, politics, and morality: Scientific uncertainty and decision making*. Dordrecht: Springer Science, 85–123.
- Funtowicz, S. O. & Ravetz, J. R. (1992). Three types of risk assessment and the emergence of post-normal science. In Krinsky, S. & Golding, D. (Eds.), *Social theories of risk*. Westport, CT: Praeger, 251–273.
- Garofalo, C. (2015). Where should we draw the line?: Governance, public values, and outsourcing national security. *Public Integrity*, 17(2), 189–202.
- Gerber, A. S. & Patashnik, E. M. (2011). The politicization of evidence-based medicine: The limits of pragmatic problem solving in an era of polarization. *California Journal of Politics & Policy*, 3(4), 1–13.
- Giacalone, R. A. (2015). The Error of our whey. *Public Integrity*, 17(3), 225–226.
- Gooden, S. T. & Berry-James, R. (2018). *Why research methods matter: Essential skills for decision making*. Irvine, CA: Melvin & Leigh Publishers.
- Grosfoguel, R. (2015). Epistemic racism/sexism, Westernized universities and the four genocides/epistemicides of the long sixteenth century. In Araújo, M. & Maeso, S. R. (Eds.), *Eurocentrism, racism and knowledge*. Cham: Springer, 23–46.
- Guy, M. E. (2022). Harnessing human capital for peak performance: How emotion work strengthens the citizen-state encounter. In Holzer, M. & Ballard, A. (Eds.), *Public productivity and performance handbook* (3rd ed.). New York: Routledge, pp. 387–399.
- Hage, M. & Leroy, P. (2007a). Stakeholder participation guidance for the Netherlands Environmental Assessment Agency. Netherlands Environmental Assessment Agency and Radboud University Nijmegen. <https://repository.ubn.ru.nl/bitstream/handle/2066/46160/46160.pdf>, accessed August 11, 2022.
- Hage, M. & Leroy, P. (2007b). Stakeholder participation guidance for the Netherlands Environmental Assessment Agency-practice guide. Netherlands Environmental Assessment Agency and Radboud University Nijmegen. <https://repository.ubn.ru.nl/bitstream/handle/2066/46161/46161.pdf>, accessed August 11, 2022.
- Hall, J. L. & Jennings, E. T. (2008). Taking chances: Evaluating risk as a guide to better use of best practices. *Public Administration Review*, 68(4), 695–708.
- Head, B. W. (2010). Reconsidering evidence-based policy: Key issues and challenges. *Policy and Society*, 29(2), 77–94.
- Heinrich, C. J. (2007). Evidence-based policy and performance management challenges and prospects in two parallel movements. *American Review of Public Administration*, 37(3), 255–277.

- Jennings, Jr., E. T. & Hall, J. L. (2012). Evidence-based practice and the use of information in state agency decision making. *Journal of Public Administration Research and Theory*, 22(2), 245–266.
- Kubota, R. (2020). Confronting epistemological racism, decolonizing scholarly knowledge: Race and gender in applied linguistics. *Applied Linguistics*, 41(5), 712–732.
- Kuhn, T. S. (1962). *The structure of scientific revolutions*. Chicago, IL: University of Chicago Press.
- Laugharne, R. & Laugharne, J. (2002). Psychiatry, postmodernism and postnormal science. *Journal of the Royal Society of Medicine*, 95(4), 207–210.
- Love, J., Gaynor, T. S. & Blessett, B. (2016). Facilitating difficult dialogues in the classroom: A pedagogical imperative. *Administrative Theory & Praxis*, 38(4), 227–233.
- Manning, J. (2021). Decolonial feminist theory: Embracing the gendered colonial difference in management and organisation studies. *Gender, Work & Organization*, 28(4), 1203–1219.
- Mastracci, S. H. (2022). Dirty work and emotional labor in public service: Why government employers should adopt an ethic of care. *Review of Public Personnel Administration*, 42(3), 537–552.
- Moosavi, L. (2020). The decolonial bandwagon and the dangers of intellectual decolonization. *International Review of Sociology*, 30(2), 332–354.
- Muller, A. (2003). A flower in full blossom? Ecological economics at the cross-roads between normal and postnormal science. *Ecological Economics*, 45(1), 19–27.
- Muller, J. Z. (2018). *The tyranny of metrics*. Princeton, NJ: Princeton University Press.
- PBL Netherlands Environmental Assessment Agency. (2013). *Guidance for Uncertainty Assessment and Communication* (2nd ed.). https://dspace.library.uu.nl/bitstream/handle/1874/314846/PBL_2013_Guidance_for_uncertainty_assessment_and_communication_712.pdf?sequence=1, accessed August 11, 2022.
- Petersen, A. C., Maria Hage, M., Kunseler, E. & van der Sluijs, J. P. (2011). Post-normal science in practice at the Netherlands Environmental Assessment Agency. *Science, Technology & Human Values*, 36(3), 362–388.
- Prothero, A. (2020, July 9). How the CDC and pediatricians differ on school reopening guidance. *Education Week*. <https://www.edweek.org/leadership/how-the-cdc-and-pediatricians-differ-on-school-reopening-guidance/2020/07>, accessed August 1, 2022.
- Raadschelders, J. C. N. (2019). The state of theory in the study of public administration in the United States: Balancing evidence-based, usable knowledge, and conceptual understanding. *Administrative Theory & Praxis*, 41(1), 79–98.
- Ravetz, J. R. (2002). Food safety, quality, and ethics: A post-normal perspective. *Journal of Agricultural and Environmental Ethics*, 15(3), 255–265.
- Riccucci, N. M. (2010). *Public administration: traditions of inquiry and philosophies of knowledge*. Washington, DC: Georgetown University Press.
- Roberts, A. (2019). Bearing the white man’s burden: American empire and the origin of public administration. *Perspectives on Public Management and Governance*, 3(3), 185–196.

- Roberts, A. (2020). The third and fatal shock: How pandemic killed the millennial paradigm. *Public Administration Review*, 80(4), 603–609.
- Saloranta, T. (2001). Post-normal science and the global climate change issue. *Climatic Change*, 50(4), 395–404.
- Scheurich, J. J. & Young, M. D. (1997). Coloring epistemologies: Are our research epistemologies racially biased? *Educational Researcher*, 26(4), 4–16.
- Singer, J. N. (2005). Addressing epistemological racism in sport management research. *Journal of Sport Management*, 19(3), 4645–4479.
- Smith, K. (2013). *Beyond evidence-based policy in public health: The interplay of ideas*. London: Palgrave Macmillan.
- Starke, A. M., Heckler, N. & Mackey, J. (2018). Administrative racism: Public administration education and race. *Journal of Public Affairs Education*, 24(4), 469–489.
- Starke, A. M. & Mastracci, S. H. (2023). Epistemic racism and sexism in public administration and theory's unfinished business. *Administrative Theory & Praxis*, 45(1), 16–24.
- Stivers, C. (2000). *Bureau men, settlement women: Constructing public administration in the progressive era*. Lawrence, KS: University Press of Kansas.
- Stoker, G. & Evans, M. (Eds.). (2016). *Evidence-based policy making in the social sciences*. Bristol: Policy Press and Bristol University Press.
- Stout, M. (2012). Competing ontologies: A primer for public administration. *Public Administration Review*, 72(3), 388–398.
- Stout, M. (2010). Refusing ontological colonization. *Administrative Theory & Praxis*, 32(4), 600–605.
- Swedeen, P. (2006). Post-normal science in practice: A Q study of the potential for sustainable forestry in Washington State, USA. *Ecological Economics*, 57(2), 190–208.
- Sweeney, K. & Kernick, D. (2002). Clinical evaluation: Constructing a new model for post-normal medicine. *Journal of Evaluation in Clinical Practice*, 8(2), 131–138.
- Titler, M. G. (2008). The Evidence for evidence-based practice implementation. In Hughes, R. G. (Ed.), *Patient safety and quality: An evidence-based handbook for nurses*. Rockville, MD: Agency for Healthcare Research and Quality. <https://www.ncbi.nlm.nih.gov/books/NBK2659/>, accessed May 20, 2021.
- Toulmin, S. (1990). *Cosmopolis: The hidden agenda of modernity*. Chicago, IL: The University of Chicago Press.
- Trochmann, M. B., Viswanath, S., Puello, S. & Larson, S. J. (2022). Resistance or reinforcement? A critical discourse analysis of racism and anti-Blackness in public administration scholarship. *Administrative Theory & Praxis*, 44(2), 158–177.
- Weinberg, A. M. (1972). Science and trans-science. *Minerva*, 10(4045), 209–222.
- Yang, K. (2020). What can COVID-19 tell us about evidence-based management? *American Review of Public Administration*, 50(6–7), 706–712.

2

AUTONOMY AS PUBLIC SERVICE

Beverly Harkema

Introduction

Most people have a simplistic understanding of autonomy, equating its definition to that of freedom or liberty. In this sense, it is considered a personal value, equal to other values such as security, creativity, or justice. But how we conceptualize autonomy goes well beyond individual freedom in choosing what to think and what to do, because the very act of choosing has societal and ethical implications, in that it must address how and why choices are made, the effects the choices have on other people, and the effects the choices have on ourselves and our future. As such, it has social, political, and moral aspects, going beyond acting autonomously, to why and how this ability is rationalized and validated, in relationship to societal norms, human reasoning, values, and individual desires (Dworkin, 1988). In this sense, autonomy could be considered more than not only a personal value but also a public value, such as one of the constitutional values of freedom, property, and social equity (Elias & Olejarski, 2020).

Many people may also have a simplistic understanding of public administration, thinking that it is at worst an evil monster or at best a cumbersome but benign burden. Public administrators have often been perceived as having to just follow rules and regulations, with little opportunity to question the system or effect change. But changing political, economic, and social conditions over the past century have caused extensive growth in public administration so the role and expectations of public administrators have changed. Now they can expect to be an integral part of the political process, as “a vehicle for expressing the values and preferences

of citizens, communities, and society as a whole” (Bourgon, 2007). Thus, public administrators can find themselves in situations where the decisions they make are not simple or easy, and where they may need to rely on administrative discretion in making tough choices.

People make personal decisions every day that are based on what they know and understand about the world—their ontology and epistemology. These ontologies and epistemologies influence their opinions, their choices, and their behavior, and are often difficult to uncover and verbalize. For public administrators using their administrative discretion, it is crucial that they understand what they know and how they know it, because their decisions could have far-reaching impact on the public and the future. “In our global governance context, identifying these fundamental philosophical commitments is increasingly important to understand how particular political forms are thought to be appropriate or even necessary” (Stout & Love, 2021).

This chapter argues for autonomy as a capacity of human nature that is relevant to ethics in public administration, as it relates directly to the ontology and epistemology of public administrators and their administrative discretion. Thus, it matters what public administrators know and believe about the nature of the public they serve, but it also matters that they understand the capacity of citizens for autonomy, because this capacity requires protection and maximization as an ethical concern. When autonomy is rightly understood, with its elements of consequences, duty, character, and responsibility, it can be both means and ends in public service, where the means of autonomy can produce ends of the same. The common understanding of means and ends has ends as more important than means, within a one-way linear relationship. Yet Gandhi placed more importance on the means than the ends, such that the moral quality of the ends depended on that of the means, and where means are actually the ends in the making (Iyer, n.d.).

To better understand autonomy within public administration, this chapter will first examine it both historically and normatively, followed by identifying its expression throughout different conditions and times in public administration. Autonomy will then be defined, and a model presented that visualizes the complexity of autonomy’s dimensions, and the means and ends relationship. This will give public administrators a tool to discover and consider what they know about autonomy so that they can maximize the autonomy of the citizens they serve as they use their administrative discretion.

History of Public Administration and Autonomy

History not only provides dates, facts, and documentation of important events but also provides connections, perspective, and insights. By tracing

the development of public administration from ancient times, we can see how people chose to govern themselves as they lived in a community. And by tracing autonomy from ancient times, we can see how peoples' perception of human nature changed over time. Combined, these histories help us to connect the past with the present and the possibilities of the future.

Ancient History of Public Administration

Public administration as we know it is a relatively new concept, especially considering that democratic political systems have existed for only a fraction of human existence. For the first 4,000 years of human life, people informally governed themselves within primarily agricultural communities. As people transitioned to congregating in cities and organizing states, the next 6,000 years were marked by formal governments with rulers and subjects. Only in the past 200 to 250 years have we transitioned to government by democracy, with public servants instead of privileged rulers, and citizens with rights instead of subjects (Raadschelders, 2019). Within this recent past, the role of government and public administration continues to change, emerging in new yet maybe not so new forms that may or may not bear some resemblance to empires of the past, where forms of government were developed, reformed, and abandoned as technology advanced, expectations changed, and people moved through different conceptualizations of what it means to live together in community.

While it may not have been called public administration in ancient times, certainly empires such as Egypt, India, China, Rome, or Greece can give us perspective into the relationship between the government of a country and its citizens. It could even be argued that the success and longevity of these ancient empires, as they each lasted from 1,000 to over 3,000 years, depended on their public institutions and their ability to organize and direct both their people and resources (Shafritz & Hyde, 2016). Certainly, a primary motive in these ancient societies, and arguably in current times, for having a strong and effective system of government was simply power, not necessarily power as an evil force or as domination as we might view it today but as the ability to gain enough land, natural resources, and people to enjoy a certain way of life. Thus, war and the ability to conquer led to the establishment of a strong military, which depended on motivating soldiers and citizens to devote themselves to their country and its initiatives. History is full of examples of government and administrative failure, resulting in revolts, revolutions, and even annihilation.

The ancient empires had different approaches to governance, with China, as the first classic administrative state, using authority, education, and a moral code to establish a hierarchical bureaucracy, while Rome, considered the first administrative empire, used an organized administration

based on taxes, and a disciplined military, while also emphasizing a moral code and its justification (Shafritz & Hyde, 2016). The Egyptian empire used hierarchy, authority, training, and control within an elaborate bureaucracy to ensure compliance of citizens, while the smaller state of Athens was committed to democracy, emphasizing the citizen over efficiency, and enjoying cultural and intellectual superiority (Beyer, 1959).

It is interesting to note that while war and power may be considered the primary motive in ancient empires, significant attention was also given to systems and management, the moral basis of which came from ancient philosophy. Some of the most well-known philosophers in ancient times included Confucius in China, Cicero in Rome, and of course Plato, Socrates, and Aristotle in Greece. Their writings contribute to our own ontologies and epistemologies of what public administration, the responsibilities of citizens, and a good society mean.

Ancient History of Autonomy

The primary influence of Confucius in ancient China was related to his principles of morality and ethical conduct. To Confucius, government rulers and civil service elites were to be indoctrinated with a strong moral code as the means whereby the empire would be powerful and prosperous (Shafritz & Hyde, 2016). This emphasis on personal conduct may seem surprising as China was a very communal society, until we see that the personal moral standards as prescribed in their education system were determined by the ruling elite, based on what they believed about human nature and the common good. Thus, the system of government was very hierarchical, allowing for little personal autonomy. An interesting distinction may help to understand the Confucian perception of autonomy, whereby “Individuals are autonomous if they are in some sense masters of their own lives. Individuals are morally autonomous if they are in some sense masters of their moral lives” (Chan, 2002). In this sense, choosing to comply would imply acting autonomously.

As an antecedent to the idea of autonomy, philosophers in ancient Greece introduced the thought that people generally have a desire for happiness, as well as a desire for some degree of control over their own happiness, as they can reason, reflect, and rationalize their own goals (Chirkov, 2010). While this implies that personal freedom would be necessary for happiness, up until the 17th and 18th centuries, people lived within a hierarchy of obedience so that despite the ability to reason, reflect, and rationalize, it was understood that obedience was basic to a good life, not only to God as religious beliefs directed but also to other authorities who were understood to be more capable than the common citizen in prescribing moral behavior within a society (Schneewind, 1998).

As a Roman statesman, Marcus Tullius Cicero (106 BC–43 BC) is renowned for his ideas around natural law and good governance. While many of his ideas were derived from Greek philosophy, his original thought came from combining his skills as a philosopher, scholar, and lawyer to justify the concept of natural law, which merged God, nature, and human reason together in such a way as to argue for the inherent nature of human beings as autonomous, motivated to obey natural law by recognizing the dignity of all people (Alonso, 2012). Thus, in the political, social, and economic circumstances of this time, he saw government by the aristocracy as the best way to provide citizens the ability to be autonomous within their community, living by natural law. Cicero's thought can be considered the beginning of justifying human rights as based on the dignity of human nature, later developed by Kant, John Rawls, and Martha Nussbaum, discussed throughout this chapter.

The Middle Ages contributed little to the idea of personal autonomy as hierarchy and communal interests prevailed. But by the 16th century, the Protestant Reformation and its challenge to the then-current power of formal religion introduced the idea that all people have the capacity to govern themselves, as opposed to the hierarchy of obedience based on the unequal distribution of land, knowledge, or abilities. This new idea of natural law collapsed hierarchies, instead maintaining that all normal individuals had the equal capability of understanding and living within the moral restraints they placed upon themselves, participating in self-governance, without interference from the government, the church, or anyone else (Schneewind, 1998). This marked the beginning of our Western understanding of the relationship between the individual and the state, as distinguished from Eastern thinking emphasizing collectivism and shared value (Chirkov et al., 2010).

After the Enlightenment, and with the rise in democratic governments, autonomy turned decidedly more individualistic, with new arguments focusing on the degree to which the individual can exercise their autonomy without interference by others, limited only by avoiding harm to others. John Stuart Mill's classic essay *On Liberty*, declares "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant" (Mill, 2010, p. 11). More important than whether autonomy should be considered moral, as Kant argued, or even whether autonomy should be restricted for the good of self or society, as Mill argued, people now seem to view autonomy through the lens of liberalism, focusing on personal liberty and the protection of personal rights.

During this time, but perhaps not in accordance with what most people thought, John Rawls incorporated Kant's sense of autonomy within

his theory of justice so that “the state of autonomy provides the critical link between principles of justice and the idea of free and equal human beings” (Buchanan, 2008). As such, autonomy, while giving people an unheard-of freedom to govern themselves, included a responsibility to self and society, acknowledging that rules and restraints are needed to protect the autonomy of all within a good and just society.

Autonomy within Normative Ethics

To better understand autonomy then, especially as public administrators, it is necessary to indeed focus our attention on how we ground autonomy within moral philosophy; that is, what do we believe to be normative? Following are brief descriptions of the three main normative ethical theories, followed by Gerald Dworkin’s theory of autonomy, and a discussion on paternalism.

Utilitarianism

As a consequentialist ethical theory, utilitarianism defines moral action as that which produces the greatest good for the greatest number of people. Utilitarians strive to maximize pleasure and minimize pain, such that the sum of multiple individuals’ happiness would outweigh that of only a few. While this would seem to interfere with the autonomy of individuals when what makes one person happy is not what makes most other people happy, utilitarianism recognizes that the happiness of the individual and of the many are not entirely independent of each other. In fact, John Stuart Mill considered the harm done to others as part of overall utility so the autonomy of each person had an intrinsic value as a part of human nature and must be considered when determining overall pleasure and pain (Mill, 2010).

Englishmen Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873) are credited with developing utilitarianism as moral action, within their social and political context of escalating corruption and increasing social problems. While utilitarianism potentially increases autonomy, in the sense that each person can choose their definition of happiness and that each person shares equally in their pursuit, it often fails to deliver its promise of happiness when majority interests overrule the desires of the individual or when the flaws in human nature and in the difficulty of predicting happiness cause the individual to act in ways that do not increase utility.

Utilitarianism continues to enjoy considerable influence in Western cultures now, as technology and science allow for the measurement, albeit often subjective, of happiness and well-being. By reducing behaviors and

even intentions to a classification of utility, utilitarianism could be said to contribute to the effectiveness and efficiency of decision-making in public administration.

Deontology

Rather than focusing on the outcomes of actions, deontology judges the morality of an action on its intent, giving individuals the right, duty, and permission to pursue their own lives. As such, actions may be chosen that do not maximize pleasure, and some actions that do maximize pleasure could be considered immoral. Emphasizing the rationality of mankind, Immanuel Kant (1724–1804) provided a broad conceptualization of autonomy as self-governance but played out within the limits of human nature, the human natural desire for autonomy, and the obligation of human beings to pursue autonomy. Kant's deontology sees autonomy as necessary to protect against not only the outside forces that constrain us but also the inclinations of self that constrain our pursuit of the life we have rationally determined (Guyer, 2003). While it may be argued that Kant's deontology simply moves from rule by others to self-rule, his understanding of autonomy as human dignity and moral duty moves beyond autonomy as one value among many to the sense of autonomy as a virtue, to be cultivated and protected.

Proceeding from Kant's autonomy, contemporary philosopher Hannah Arendt speaks to the problem of people's individual rights as subdued or even destroyed by the rights of the state, and the need to protect those rights to remedy the state itself. She further distinguishes between "civic" rights as those that the government must protect and a more fundamental kind of rights, which she labels the "right to have rights"—in which our very humanity desires and demands the ability to think, speak, and act meaningfully (Parekh, 2004). Thus, deontology can be seen in public administration as protecting the means by which citizens can indeed rule themselves.

Virtue Ethics

In contrast to morality based on what we ought to do, as in utilitarianism and deontology, virtue ethics focuses on the kind of person we ought to be, such that we continually strive to develop positive character traits, assumed to be innately and internally generated, but with a need to be cultivated. Contemporary philosopher Alasdair MacIntyre promotes virtue ethics as a return to Aristotelian values, where instead of following liberal capitalist ideology, people should be challenged to develop purpose and meaning within communities, working toward a moral code

and acquiring virtue (Clayton, n.d.). Virtue and character are seen as the means to counteract the negative aspects of human nature such that a person would become the kind of human who could not only make wise decisions but also decide what a wise decision should be. Virtue ethics corresponds well to the concept of autonomy, in that both could be viewed as a means and as ends even though each may define their means and ends differently. And while virtue ethics emphasizes the process, as the character grows through experience and community, autonomy also brings in aspects of utilitarianism as to consequences, and deontology as to duty and responsibility.

Current interest in virtue ethics has risen following scandals in government, business, and even nonprofit settings, where it has become apparent that only situationally judging actions as moral or immoral does not lead to happiness and a good life or to self-rationalized moral behavior. Rather, it leads to an endless creation of new laws and codes of ethics in an attempt to curtail greed and other self-interests. In public administration settings, virtue ethics has many applications, such as the importance of building the personal character of public servants through education, training, and exposure to diverse people and experiences.

Gerald Dworkin

Contemporary intellectual thinking on autonomy is heavily influenced by Gerald Dworkin, an American distinguished professor and researcher whose book, titled *The Theory and Practice of Autonomy*, gives the justification for not only how to think about autonomy but also the practical ramifications of autonomy as the human capability of higher-order thinking (Dworkin, 1988). Dworkin conceives of autonomy as:

a second-order capacity of persons to reflect critically upon their first-order preferences, desires, wishes, and so forth and the capacity to accept or attempt to change these in light of higher-order preferences and values. By exercising such a capacity, persons define their nature, give meaning and coherence to their lives, and take responsibility for the kind of person they are.

(Dworkin, 1988, p. 20)

This conceptualization of autonomy as much more than simple freedom or liberty, incorporates the human ability to think and reflect at a much deeper level, placing responsibility on human beings for the consequences of their actions as they affect themselves and the world. Dworkin recognizes that people have varying degrees of ability or desire to self-reflect and use their higher-order preferences, as well as varying circumstances

that affect their desire for autonomy, and varying perceptions of their capacity for autonomy. In fact, Dworkin argues that the intrinsic value of autonomy is not necessarily having choices but being “recognized as the kind of creature who is capable of making choices” (Dworkin, 1988, p. 80).

Paternalism

Paternalism occurs when authority is used to prevent a person from making decisions or acting according to their own will, allegedly for the person’s own good. Dworkin defines paternalism more specifically with regard to autonomy as “interference with a person’s liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests, or values of the persons being coerced” (Dworkin, 1988, p. 121). The political philosopher Robert Goodin distinguishes between objective and subjective criteria, similar to Dworkin’s first-order and second-order preferences, and advocates for paternalistic intervention only when people are not acting within their own deeper preferences, given that they may be misled, may choose differently at a later time, or may prefer to not have their preference at all (Shafer-Landau, 2019). Indeed, valuing autonomy may create the justification for paternalism, where paternalistic intervention can restore autonomy if it is absent (Christman, 2014). Paternalism can be seen as basic to understanding the rationale for government and public administration, as beliefs about paternalism are reflected in each policy as well as their implementation and are often the basis of heated arguments between individuals and political parties.

More recently, behavioral economics has contributed to understanding Dworkin’s second-order preferences, as it uses an economic model to point out how people seem to do what is inconsistent with what it is expected they will do, and even inconsistent with what they say they want to do. Richard Thaler and Cass Sunstein have coined the word “nudge” to describe a soft paternalism that can counter the inconsistent decisions people make, not limiting their choice entirely but setting up their available options as “choice architecture” so that they are nudged to do what is in their best interests (Thaler & Sunstein, 2009). While an immediate response may oppose nudging as blatant paternalism, it can also be argued that the complexity and progress of society leave people with so many choices that their autonomy becomes a burden. Nudging may actually respect the autonomy of the individual to be masters of their own lives by limiting their options to what is believed to be what the individuals themselves desire. Public administrators need to be aware of nudging, using their discretion for its use or denial for the sake of autonomy. Autonomy,

as defined in this chapter, is not necessarily limited by paternalism, as long as people are able to choose if they want to choose.

Public Administration and Autonomy in the United States

As previously mentioned, the past 200–250 years, though very brief in comparison to all of history, have seen significant changes in public administration, as well as changes in conceptualizing autonomy. Both will be discussed below, as the United States moved from a fledgling colony to a world power, public administration became its own field of study, and autonomy moved from being undervalued to also being misunderstood. This is not an exhaustive list or comparison of the plethora of public administration theories and practices but is meant to set the stage for thinking about autonomy within public administration.

The Constitution and Its Founders

The Founding Fathers of America were inspired by Enlightenment philosophies, with new ideas around freedom, rights, and reason, seeking to create a society for everyone, not just the elite, and where justice and freedom were not mutually exclusive. While their vision of the new government was to protect the rights and welfare of all citizens, they did not address how this would happen when writing the Constitution. The preamble includes words of justice, peace, defense, welfare, liberty, and prosperity as commitments but does not address how these values are to be pursued. However, we know that the founders gave careful consideration to how their new government would administer its directives, as seen by their writings and letters that speak of their commitment to how freedom would be upheld for their citizens.

Alexander Hamilton's vision included a robust public administration that was based on efficiency, the separation of politics from administration, and the election of capable leaders, while Thomas Jefferson anticipated the people as participants rather than receivers, electing delegates as their representatives as a government from the bottom-up. James Madison believed in the importance of the plurality of interests and using compromise as the key to a successful administration, where the government's role was to hold factions in check (Herring, 2017). In fact, even though James Madison acknowledged that liberty would lead inevitably to inequality, he refused to obstruct liberty but rather saw the role of government as controlling the effects of liberty, protecting the private rights of citizens as well as the public good (Madison, 1787). In this sense, freedom came with a risk, one that was necessary to protect the diversity of people and opinion, but a risk expected to be mitigated by submission to the government.

Upon reflection, the freedom so earnestly debated and carefully defined at the time of the American Revolution does not seem synonymous with freedom as we think about it today. For example, during the colonial period, the Puritans experienced unprecedented freedom from English rule; and yet they did not perceive their freedom to be based on rights as we often think of it in the 21st century. Rather, they had an understanding of freedom as always existing within limits. They certainly desired the right of the individual over the right of the group, as opposed to their experience in England as subjects under the elite rule, but their individual freedom was entirely dependent on their notion of God over all. So, while the Constitution ensured that the government could not infringe on the freedom of the early colonists, they often restricted it themselves, almost like a burden or responsibility, and with consequences that then implied an obligation.

The Early Years and Industrialization

Throughout the next century, the government remained relatively small, responsible for basic public services such as the treasury and the department of war. However, with growth, expansion, and progress, wealthy business interests and a lack of government accountability led to pervasive corruption and social problems. Not only did the small government fail to curtail the increasing corruption of business owners but it also experienced its own problems with corruption. The public demanded reform, and the government responded with policies and legislation to regulate businesses and protect citizens.

New thoughts around management and administration emerged as well during the period of industrialization in the late 18th and early 19th centuries, as people moved to cities to work in factories, and as machines became the predominant means of production. As systemization and science gained legitimacy, even factories themselves were compared to machines, such that the workers became symbolic of cogs in the machine, often reduced to instrumental pieces of efficiency as in the machine metaphor (Morgan, 1980).

These factors led to Woodrow Wilson's "founding" of public administration, as he wrote his influential book *The Study of Administration* in 1887 to advocate for the separation of administration from politics, protecting against corruption and finding a more efficient way to administer the laws of the government (Adams, 1992). Furthermore, as Scientific Management and Departmentalism gained in popularity, the classical approach developed, claiming that there is "one best way" to perform any task and that the use of hierarchy would result in the most efficient and effective way to provide public services (Fry & Raadschelders, 2013).

In this sense, the autonomy of most citizens, both workers and public administrators, would be considered to be quite limited, since their knowledge did not extend beyond their specific task, and their submission to a chain of command prevented them from making choices based on their own thoughts and opinions.

Progress, Post-War, and NPM

As the scale of both production and public administration grew in size, the metaphor of man as a machine was found to be inadequate, as workers and public administrators often lacked the motivation for maximum production and effectiveness, requiring constant supervision. The behavioral approach developed as a solution to this problem, with a focus on worker motivation, breaking down strict hierarchies in order to meet human desires for work satisfaction and participation, and recognizing the social needs of workers (Fry & Raadschelders, 2013). It was thought that by understanding human motivation, different approaches could be discovered so that workers became more self-motivated, as their sociological, psychological, and physical needs would be satisfied, and they would be more productive. Thus, consent was emphasized rather than control, but still for the purpose of production and efficiency and assuming there would be one best way. This one-best-way mentality continued to limit the autonomy of workers and public administrators.

Despite the increased emphases on motivation and satisfaction of needs, efficiency and effectiveness in public administration continued to suffer, especially frustrating as the market had made great gains in its pursuit of profit, thus perpetuating calls for reform in the now bureaucratic realm of public administration. The answer to this dilemma came in the way of the New Public Management (NPM), a move away from the separation of politics from administration, and a move toward viewing citizens as customers, encouraging innovation, and using outcomes as motivation (Bryson et al., 2014). The basic tenets of market practices can be seen here as well as the assumption that self-interest is the driving force of motivation, but with keeping public service as the goal.

During the 1980s and 1990s, changes were happening politically and culturally that contributed to an increased demand for freedom and rights. For instance, in what is known as the Reagan–Thatcher era (1980s), reform was promoted as reducing tax rates, the size of the government, and the regulation of business—emphasizing “freedom from” infringements on citizens’ economic liberty. Even the cultural revolution of the 1960s contributed to this emphasis on individual needs, desires, and the freedom to pursue these without restrictions.

The 2000s

Corporate scandals contributed to the criticism of NPM for its use of market practices for the public good, as the market promotes productivity and profit over the public interest. But newer models of NPM have been proposed, such as “New Public Service,” a term that builds on some of the existing principles, but with a new vision of ends, that of advancing the public good, rather than just achieving the goals as efficiently as possible. To change the ends, the means need to change as well, and New Public Service adds new principles such as seeking the public interest, thinking democratically, valuing people as citizens rather than customers, and accountability as to more than just outcomes (Denhardt & Denhardt, 2015). However, a New Public Service model arguing for citizens as “problem-solvers and co-creators actively engaged in creating what is valued by the public and is good for the public” could still be problematic because it could obstruct democracy by neglecting rights of the minority (Bryson et al., 2014).

As public administrators co-create and participate more fully in pursuing the public good, they may be required to make decisions where the goals are not clearly prescribed, but are ambiguous or even controversial, and where they can use their administrative discretion born out of their own knowledge and experience and concern for public good. This discretion is an obligation much more than a freedom, as it is constrained by the law, the principles of democracy, community interests, and public values (Bryson et al., 2014). Regardless of the means of administrative discretion, the ends of the New Public Service are still the public good, which is difficult to define and may mean very different things to different people, returning again to the possibility of Tocqueville’s tyranny of the majority (Mansfield & Winthrop, 2000).

The idea of America as a capitalist democracy deserves attention, as its evolution and manifestation are unique among other countries, and as its definition unveils its contradiction: capitalism prioritizes freedom, while democracy prioritizes equality, with both capitalist and democratic values competing and often at odds with each other as they play out in the lives of Americans, as “core ambiguities of democracy and capitalism” (Hall, 2001, p. 16).

Capitalism by nature will reduce the autonomy of many citizens, partly because, in pursuit of materialistic goals, they will incur time and money pressures that then limit their own autonomy, and partly because the pursuit of these goals can lead to a decrease in the autonomy of fellow citizens when competition and power relationships produce inequality and injustice (Kasser, 2011). Democracy on the other hand can counteract this inequality and injustice when citizens participate in elections,

form policies, express their opinions, and promote the common good. However, it reduces autonomy when what they believe to be the common good is overruled by the majority, who in arguably many cases are not choosing wisely.

Even though there are tensions and difficulties in resolving this needed balance, it has been argued that “a capitalist economy within a functioning democracy is the best system that humanity has achieved to date” (Rogers, 2011). Both have the potential to protect autonomy, and both have the potential to restrict it. A capitalist democracy may be the best means of government to promote the autonomy of its citizens, applicable to the role of public administrators as they protect against the consequences of freedom, so that citizens possess the autonomy necessary to innovate and advocate for each other and the goodwill of all.

Attitudes toward social issues have changed in recent decades, with younger generations advocating for the government to play a bigger role in addressing problems like racism, inequality, and climate change (Parker et al., 2019). Solutions to wicked problems are recognized to be complex and require more than one best way. Emphasis on diversity, equity, and inclusion has included movements like #MeToo, and #BlackLivesMatter, bringing attention to the often-hidden discrimination and social injustices both incidentally and systemically. The underlying question that is debated, often loudly in the media, still remains as *how* to maximize individual autonomy—by a bigger government’s laws and policies and the inevitable bureaucracy or by limited government’s freedom from restrictions with inevitable inequalities. Regardless, the inclusion of marginalized voices and the increasingly pluralistic nature of the United States will produce new visions of the common good.

Another recent development has been a shift in the trait defined as “locus of control,” which has to do with a person’s belief about the extent to which they can act autonomously. There has been a trend toward an external locus of control in young people in America now as compared to young people in the 1960s (Twenge, 2004). If people not only question the degree to which government should intervene in their lives but also have an external locus of control, they will be more likely to blame institutions, conditions, or other people for their lack of autonomy. They may insist on the freedom to choose but fail to act on that freedom. This trend toward external locus of control requires public administrators to provide services and solve problems, but without always achieving their goals of increasing autonomy.

The popular book *Justice: What’s the Right Thing to Do?* by Michael Sandel has influenced many people in the past decade, as it emphasizes the need to understand why we think what we think, walking readers through their ideas around welfare, freedom, and virtue, in order to point people

not only toward discovering what they believe to be how to structure a just society but also define what this society should look like, as in what it should value (Sandel, 2009). While Sandel argues the ultimate goal to be the common good, it advances the argument for autonomy in the sense of encouraging each individual to think autonomously about both the practical and normative decisions as we live in a community.

Pertinent to this discussion on the desirability of autonomy is the current understanding and expectations around well-being. There are a plethora of research articles and books attempting to conceptualize and measure well-being; in fact, well-being could have its own table of dimensions! Autonomy is most often thought of as a necessary component of well-being, but in concert with other components. In recognizing the difficulty, the use of a dashboard approach has been proposed, which would take into account both the objective (such as wealth, health, or social standing) and subjective (such as happiness, meaning, or relationships) facets of well-being (Forgeard et al., 2011). But autonomy conceptualized more broadly must exist outside of a mere list of preferences for well-being, because autonomy's function supersedes the others; that is, one needs to be autonomous to even choose which factors constitute their own sense of well-being. To complicate matters, research has also found that allowing people to choose what constitutes their own well-being does not necessarily result in greater well-being, finding that well-being seems to follow a curvilinear pattern, such that individual freedom of choice needs to be at a basic necessary threshold but with a saturation point followed by decreasing well-being because of additional psychological and sociological effects, described as the "postmodern paradox" (Fischer & Boer, 2011). Thus, wealth is related to autonomy, but only in the sense that it increases an individual's ability to be autonomous, as autonomy itself was clearly found to be more correlated to well-being than was wealth. For public administrators, a robust definition of autonomy would take each influence on well-being into account, pursuing the reflection upon and understanding of well-being, while recognizing that rather than working toward an increase in any specific factor of well-being, an increase in autonomy could accomplish much more, and with longer lasting benefits.

Another consideration for the desirability of autonomy involves self-determination theory, developed in the late 1970s, focusing on human motivation as differentiated between autonomous motivation (intrinsic as values and identity) and controlled motivation (extrinsic as rewards or punishments). Research has found that these two types contribute to different outcomes, with autonomous motivation yielding significantly better psychological health and well-being (Deci & Ryan, 2008). This gives insight into autonomy as pragmatic rather than only normative, prescribing the need to protect autonomy and develop intrinsic motivation for

better outcomes for the public. Self-determination theory views autonomy as one of three basic psychological needs, along with competence and relatedness, and it has much to contribute to the understanding of human motivation. In many ways, the theory encompasses aspects of autonomy argued for in this chapter, but its emphasis on self may be indicative of the period in history and the country in which it was developed as it fails to address the normative aspects of autonomy.

Model of Autonomy

The moral and theoretical considerations discussed above can contribute to a robust conceptualization of autonomy, one which incorporates historical elements and aspects of each normative ethical theory—both historical and contemporary, so that autonomy is seen not simply as a freedom or an ability, or even as an equally important value among other values. Rather, autonomy includes aspects of consequences, duty, character, and responsibility so that its use as a means to living one's life also justifies its function of ends as normative. Thus, autonomy as a means produces the ends of autonomy so that the ends do indeed justify the means.

Consider the following definition: *Autonomy is a basic, universal desire and human need to direct one's own life, which exists within a social context, so that by desiring it for oneself, one respects that others have the same desire. This ability to critically reflect, with higher-order preferences, carries with it a responsibility to self and society for the protection and maximization of autonomy such that decisions can be judged by the degree to which they allow people to discover and act on their own, meaning within the consequences of their autonomy on others. As such, autonomy is the means to its own end.*

The following model incorporates the above robust definition of autonomy and the complexity of its interacting dimensions (discussed below). This can assist in visualizing the process by which competing factors enter into a decision at any given point in time, to be thoughtfully considered and understood, so that the use of discretion becomes synonymous with autonomy being maximized.

Dimensions of Autonomy

While normative ethics can provide the justification for prescribing the maximization of autonomy, questions remain as to whether autonomy can indeed be realized. The Enlightenment introduced reason as being able to prescribe the ideal and thus set goals to attain it, as what we now might call "idealistic." Later, the concept of bounded rationality developed by Herbert Simon considered the limits within which people and

organizations operate, such that what “ought to be” is rarely what “can be” (Simon, 1959). Similarly, while Emerson defines autonomy as a matter of basic justice, he recognizes it as a means to an end, because he sees autonomy with its “tragic moral quality” of never being fully realized (Button, 2015). In this sense, maximization of an ideal such as autonomy requires a vision of the ideal but recognizing that the ideal will always be limited by human nature, mistakes from the past, and the larger political, economic, and social environment.

The complexity of autonomy must also be recognized, as it can vary along multiple dimensions. John Dewey recognized the tendency of human nature to over-focus on one factor over all others, saying “The fundamental postulate of the discussion is that isolation of any one factor, no matter how strong its workings at a given time, is fatal to understanding and to intelligent action” (Dewey, 1989, p. 25). Awareness of complexity can prompt the thoughtful consideration of each dimension and its potential to increase or decrease autonomy, thus assisting with recognizing, describing, and predicting the degree to which autonomy exists or could exist. Each dimension in Table 2.1 can be conceptualized as a variation along

Autonomy Defined = Autonomy Maximized

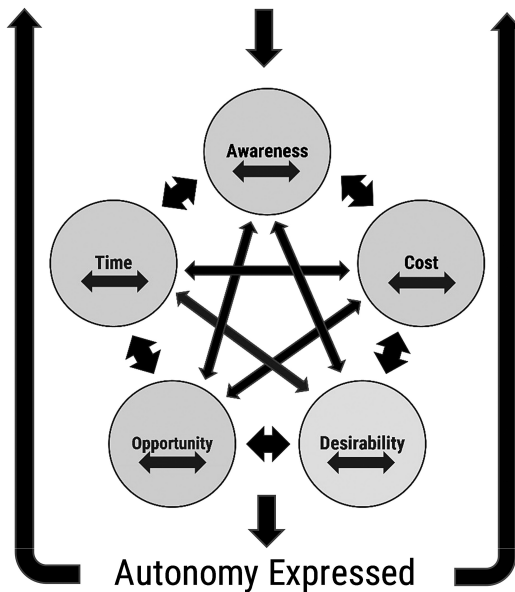


FIGURE 2.1 Model of Autonomy

Source: created by the author from analysis

TABLE 2.1 Model of Autonomy

<i>Dimensions of Autonomy</i>				
1	Cost	Limited	↔	Expensive
2	Desirability	Low	↔	High
3	Awareness	Hidden	↔	Explicit
4	Opportunity	Restricted	↔	Open
5	Time	Immediate	↔	Future
				How many resources will it require? How badly is it wanted? How well is it understood? What are its barriers? When will it be maximized?

Source: Created by the author.

a continuum, measurable at least to some degree, and interacting with other dimensions in such a way as to seem organic in nature. By recognizing these dimensions and reflecting on them, public administrators will be able to make decisions that maximize autonomy, noticing threats to autonomy and keeping a vision for the ideal conditions within which autonomy can flourish.

Cost

How many resources may be required to maximize autonomy? In some cases, this cost can be measured by dollars or hours and can be estimated more easily in each situation. But more generally, what will it take for a society to value autonomy and use it well? We have seen how choosing a capitalist democracy can lead to a tension between freedom and equality, such that it must be recognized that there are costs to freedom that Americans must be willing to pay, as well as costs to restoring equality. Even more generally though, must be an understanding of what is required for the successful self-rule of a capitalist democracy, such that citizens are even capable of self-rule. It requires “a knowledge of public affairs and also a sense of belonging, a concern for the whole, a moral bond with the community whose fate is at stake” (Sandel, 1998, p. 5), meaning “the civic resources to sustain self-government” (Sandel, 1998, p. 6). This endeavor is costly in both dollars and hours, as it requires dollars and hours to educate and facilitate citizens to be able to reflect on their duty along with the rights they may demand.

Autonomy will have a higher cost when public administrators lack knowledge and experience and need to learn from their mistakes. In some cases, because of past wrongdoing, sacrifices may need to be made by some for the sake of the other.

Desirability

How badly do people want autonomy? Each scenario within public administration might involve personal and environmental factors that contribute to whether people want autonomy or expect to be able to act autonomously. People often assert their constitutional right to freedom but may change their minds upon discovering the consequences of their freedom and its obligations. Others may choose security over autonomy without realizing that their autonomy may be compromised more and more. The traditions and heritage of some cultures may differ from that of the United States, so that freedom may not be prioritized to the same degree. Tocqueville conveys the often-subconscious dilemma people experience when they desire the ability to choose their own destiny yet could gain advantages by being dependent.

Our contemporaries are incessantly racked by two inimical passions: they feel the need to be led and the wish to remain free. Not being able to destroy either one of these contrary instincts, they strive to satisfy both at the same time.

(Mansfield & Winthrop, 2000, p. 664)

Awareness

How easily can autonomy be recognized in a society, that is, when is it hidden and when can it be explicitly seen? Awareness of what to look for comes first, as in education and experience, but many people still fail to correctly identify autonomy, either thinking they are acting autonomously when they are being strongly but subconsciously influenced, such as in groupthink, or when blaming poor outcomes on reasons apart from their autonomous (albeit poor) choices. Behavioral economists provide insight into how this happens. Daniel Kahneman in his popular book *Thinking Fast and Slow* distinguishes between “System I” and “System II” processes, and between the “remembering self” and the “experiencing self,” explaining how people often make poor choices despite thinking they are acting autonomously and rationally (Kahneman, 2011). Public administrators themselves and the public they serve fall prey to cognitive biases, and being able to notice and address these can help to protect autonomy. Also helpful could be exposure to John Rawls’s “veil of ignorance,” which points out how people have a limited understanding of any group unlike their own (Rawls, 2020). Looking through the eyes of the other increases the identifiability of whether autonomy is given its chance.

Opportunity

What are the barriers that limit the opportunity for autonomy? The opportunity for autonomy can be open or restricted depending on the number and degree of barriers to autonomy. Amartya Sen’s capabilities approach is relevant here, as it recognizes the diversity of humans, not only in their innate traits or circumstances but in what they value and desire. Capabilities are like basic freedoms that not only exist for people but can be acted on and used to achieve what is valued and desired, as distinguished from “unfreedoms” that require removal (Sen, 1999). Capabilities then are a moral right and responsibility, as more concretely outlined by Martha Nussbaum as ten essential capabilities that are needed at a minimum threshold (Nussbaum, 2001). Public administrators, by being informed about these capabilities, could more easily recognize the barriers to autonomy in order to work to remove them.

Time

When will autonomy be maximized, as in the short term or long term? Are sacrifices in short-term autonomy justified by future autonomy or the other way around? Autonomy and efficiency often seem at odds with each other, as most people recognize from raising children to cooperative learning in school to collaborative projects in the workplace. Completion of tasks often takes longer with more people involved, but when the goal is learning or, in this case, autonomy, the cost-benefit analysis must include more than just time or the calculation of the dollar value of time. Beyond situationally maximizing autonomy, change and progress take time, as evidenced by tracing the historical development of public administration to where we are now. As we develop a vision for a New Public Service model based on flexibility, collaboration, accountability, and a more robust idea of citizenship (Bourgon, 2007), we recognize that autonomy as a means is not a quick fix but when realized as ends will perhaps require less time on the part of public administrators.

Conclusion

Autonomy is not simple freedom or liberty. It is not one value among many others. Robustly defined, autonomy offers the means whereby people can both imagine and attain their ends. That is, the capacity to self-reflect and reflect on the perspectives of others, as seen throughout history and within contemporary moral theory, leads to the fulfillment of the basic human desire for autonomy as well as its responsibility to self and society. Autonomy incorporates the personal, social, political, and moral facets of human existence and meaning, and thus is critical to understanding the ontology and epistemology of public administrators and the citizens they serve. The historical and normative discussions in this chapter can create an awareness of autonomy that may not have been obvious, and the model and dimensions can provide a tool for public administrators to understand, identify, and evaluate autonomy when using administrative discretion in making decisions, to promote its maximization.

F.A. Hayek argued that when the goal of society is the common good or even any other moral code, agreement on the ends will never be attained and all freedom will suffer. This may be true now more than ever in a diverse and global society. He says "The welfare of a people, like the happiness of a man, depends on a great many things that can be provided in an infinite variety of combinations. It cannot be adequately expressed as a single end, but only as a hierarchy of ends, a comprehensive scale of values in which every need of every person is given its place" (Hayek & Caldwell, 2007, p. 101). Thus, this chapter argues for autonomy, with its

consequences of duty, character, and responsibility, as both means and ends in public service.

This chapter is meant to provide a broad overview of autonomy within public service as well as a practical tool for reflection. Much more could be explored and theorized, and much valuable scholarship is available around freedom, autonomy, and public service, with different and interesting insights. As recent history has shown, what is expected of public administrators will continue to change, and it is hoped that the understanding of autonomy as complex and as maximized can contribute to the development of public administration.

Questions for Discussion

1. How would you describe your ontology—what you believe to be true—about autonomy in public administration? How do you know what you believe—your epistemology?
2. How could thinking about autonomy as including duty and responsibility change how we exercise our freedom in America?
3. While laws and policies by nature restrict autonomy, have there been examples of where public administrators have promoted autonomy?

References

- Adams, G. B. (1992). Enthralled with modernity: The historical context of knowledge and theory development in public administration. *Public Administration Review*, 363–373.
- Alonso, F. H. L. (2012). Cicero and natural law. *ARSP: Archive für Rechts-und Sozialphilosophie/Archives for Philosophy of Law and Social Philosophy*, 157–168.
- Beyer, W. C. (1959). The civil service of the ancient world. *Public Administration Review*, 243–249.
- Bourgon, J. (2007). Responsive, responsible and respected government: Towards a New Public Administration theory. *International Review of Administrative Sciences*, 73(1), 7–26.
- Bryson, J. M., Crosby, B. C., & Bloomberg, L. (2014). Public value governance: Moving beyond traditional public administration and the new public management. *Public Administration Review*, 74(4), 445–456.
- Button, M. E. (2015). Reading Emerson in neoliberal times: Contesting the abandonment of autonomy. *Political Theory*, 43(3), 312–333.
- Chan, J. (2002). Moral autonomy, civil liberties, and Confucianism. *Philosophy East and West*, 281–310.
- Chirkov, V. I., Ryan, R. M., & Sheldon, K. M. (Eds.) (2010). Human autonomy in cross-cultural context: Perspectives on the psychology of agency, freedom, and well-being (Vol. 1). In *Human autonomy in cross-cultural context* (pp. 1–30). Springer Science & Business Media.

- Christman, J. (2014). Relational autonomy and the social dynamics of paternalism. *Ethical Theory and Moral Practice*, 17(3), 369–382.
- Clayton, T. (n.d.). Political philosophy of Alasdair MacIntyre. Retrieved November 10, 2018, from <https://www.iep.utm.edu/p-macint/>.
- Deci, E. L., & Ryan, R. M. (2008). Self-determination theory: A macrotheory of human motivation, development, and health. *Canadian Psychology / Psychologie Canadienne*, 49(3), 182.
- Denhardt, J. V., & Denhardt, R. B. (2015). *The new public service: Serving, not steering*. Routledge.
- Dewey, J. (1939). 1989. Freedom and culture.
- Dworkin, G. (1988). *The theory and practice of autonomy*. Cambridge University Press.
- Elias, N. M., & Olejarski, A. M. (Eds.). (2020). *Ethics for contemporary bureaucrats: Navigating constitutional crossroads*. Routledge.
- Fischer, R., & Boer, D. (2011). What is more important for national well-being: Money or autonomy? A meta-analysis of well-being, burnout, and anxiety across 63 societies. *Journal of Personality and Social Psychology*, 101(1), 164–184.
- Forgeard, M. J., Jayawickreme, E., Kern, M. L., & Seligman, M. E. (2011). Doing the right thing: Measuring wellbeing for public policy. *International Journal of Wellbeing*, 1(1), 79–106.
- Fry, B. R., & Raadschelders, J. C. (2013). *Mastering public administration: From Max Weber to Dwight Waldo*. CQ Press.
- Guyer, P. (2003). Kant on the theory and practice of autonomy. *Social Philosophy and Policy*, 20(2), 70–98.
- Hall, P. D. (2001). *“Inventing the nonprofit sector” and other essays on philanthropy, voluntarism, and nonprofit organizations*. JHU Press.
- Hayek, F. A. von & Caldwell, B. (2007). *The road to serfdom: Text and documents: The definitive edition*. University of Chicago Press.
- Herring, P. J. (2017). *The historical evolution of public administration in the United States*. Medium. <https://medium.com/@patrickherring/the-historical-evolution-of-public-administration-in-the-united-states-58f7e30c2eec>.
- Iyer, R. N. (n.d.). *Means and ends in politics*. <https://www.mkgandhi.org/>. Retrieved September 27, 2022, from https://www.mkgandhi.org/g_relevance/chap28.htm.
- Kahneman, D. (2011). *Thinking, fast and slow* (1st ed.). Farrar, Straus and Giroux.
- Kasser, T. (2011). Capitalism and autonomy. In V. Chirkov, R. Ryan, K. Sheldon (Eds), *Human autonomy in cross-cultural context* (pp. 191–205). Springer.
- Madison, J. (1787). Federalist paper number 10. In *The federalist papers* (pp. 23–33).
- Mansfield, H. C., & Winthrop, D. (Trans. & Eds.). (2000). Alexis de Tocqueville: Democracy in America. University of Chicago Press.
- Mill, J. S. (2010). *The basic writings of John Stuart Mill: On liberty, the subjection of women and utilitarianism*. Modern Library.
- Morgan, G. (1980). Paradigms, metaphors, and puzzle solving in organization theory. *Administrative Science Quarterly*, 605–622.
- Nussbaum, M. C. (2001). *Women and human development: The capabilities approach* (Vol. 3). Cambridge University Press.

- Parekh, S. (2004). A meaningful place in the world: Hannah Arendt on the nature of human rights. *Journal of Human Rights*, 3(1), 41–52.
- Parker, K., Graf, N., & Igielnik, R. (2019). *Generation Z looks a lot like millennials on key social and political issues*. Pew Research Center's Social & Demographic. United States of America: Trends Project. Retrieved October 1, 2022, from <https://policycommons.net/artifacts/616984/generation-z-looks-a-lot-like-millennials-on-key-social-and-political-issues/1597711/>.
- Raadschelders, J. C. (2019). The state of theory in the study of public administration in the United States: Balancing evidence-based, usable knowledge, and conceptual understanding. *Administrative Theory and Praxis*, 41(1), 79–98.
- Rawls, J. (2020). *A theory of justice: Revised edition*. Harvard university press.
- Rogers, R. (2011). Why philanthro-policymaking matters. *Society*, 48(5), 376–381.
- Sandel, M. J. (1998). *Democracy's discontent: America in search of a public philosophy*. Harvard university press.
- Sandel, M. J. (2009). *Justice: What's the right thing to do?* Macmillan.
- Schneewind, J. B. (1998). *The invention of autonomy: A history of modern moral philosophy*. Cambridge University Press.
- Shafer-Landau, R. (2019). *Living ethics: An introduction with readings*. Oxford University Press.
- Shafritz, J. M., & Hyde, A. C. (2016). *Classics of public administration*. Cengage Learning.
- Sen, A. (1999). *Development as freedom*. Random House.
- Simon, H. A. (1959). Theories of decision-making in economics and behavioral science. *The American Economic Review*, 49(3), 253–283.
- Stout, M., & Love, J. M. (2021). Competing Ontologies: A Redux Primer for Public Administration. *The American Review of Public Administration*, 51(6), 422–435.
- Thaler, R. H., & Sunstein, C. R. (2009). *Nudge: Improving decisions about health, wealth, and happiness*. Penguin.

3

CALL THE BUDGET POLICE!

How the Public Service Values of Ontology and Epistemology Can Support Public Administrators in a Gray Budgeting Environment

Ratna Okhai and Terry N. Henley

Overview of a Current Ethical Issue

Sandwiched between the Great Recession in 2008 and national fiscal stress from COVID-19 years, including declining gross domestic product and 40-year-high inflation in 2022, was a year of general financial stability for all levels of government in 2017 (Henley, 2022). However, a national survey that year reported that 53.3% of local governments (10,889 cities and 2,888 counties, including 54.4% of respondents with 2,500–24,999 residents) felt either medium or high fiscal stress (ICMA, 2019). Recessionary resilience and recovery between non-stressed and stressed local government can be attributed to fund balance, small city exclusion, and the prioritization of research and watchdog attention on auditing of financial statements instead of budgeting, which can include the fiscal illusions of gray budgeting (Arapis & Reitano, 2018; Joffe, 2012; Park, 2004; Pommerehne & Schneider, 1978). Both are challenging to measure due to the availability of data and insight into shell-game practices or an administrator's intentions with interfund transfers and volatile or nonrecurring revenue.

Financial stress can go undetected because public financial health assessments are reliant on narrow reviews of ratio analysis from past financial statements (Kloha Weissert & Kleine, 2005; McDonald & Maher, 2020). The time between budget development for a fiscal year and an audit of that year can be close to a two-year window. Instead, it is argued that the planning phase of realistic budgeting of resources coupled

with the silence of public finance rules on budget accountability is the root of preventable distress.

The local government fiscal climate of the past five decades has largely included a widening gap where increasing demand for public services has outpaced available resources (Martin, Levey & Cawley, 2012; Rose, 2010). Recessions, which historically emerge approximately every five years in the US (Moore & Zarnowitz, 1986; Underwood, 2020; Zarnowitz, 1992), are inevitable and exacerbate both local fiscal stress and the pressure on public administrators to prudently match expected revenue with planned public service expenditures. The discretion at the local level to balance a budget is a theoretical exercise with data and assumptions, a combination of art and science, that has embedded ethical considerations in detailed line items to the overall sum (Pool-Funai, 2018; Wang, 2014; Warner, Aldag & Kim, 2020).

The orthodoxy of an ethical dilemma is the deliberation among competing virtues to guide a decision when no clear answer exists. If ethics is what one does when nobody is looking or asking, then there are a multitude of decisions that budget administrators make as the trusted experts relied upon by elected leaders and residents. Franklin and Raadschelders (2003) explain that budget administrators rely on four criteria to guide choices when a menu has no clear answer: (1) laws, (2) technocratic policies or manuals, (3) politics, and (4) personal morality (Henley, 2019).

Budget estimates supported in criteria one and two can legally balance on the surface as an approved plan (i.e., adopted budget) but in hindsight appear to have been unrealistically imbalanced (Kelly, 2013). What makes the issue an ethical one is intention, motive, and outcome. A positive budget result or outcome can be created by purposefully overestimating expenses and underestimating revenues, as well as not carrying forward or budgeting available funds. This is an ethical issue but less impactful than negative outcomes caused by underestimating expenses and overestimating revenues, in addition to misrepresenting ending fund balances—a budgetary illusion. Such mismanagement not rooted in reality can lead to structural deficits, which can become inescapable holes from which to recover without assistance and planning (Wei, 2019). External oversight may be present, but intervention is not guaranteed when state administrators are handcuffed by weak legislation or a lack of political will to intervene in local issues (Henley, 2021).

Only 20 states have laws on local financial emergencies (Pew, 2013), where a state's appetite for providing financial relief can influence centralized monitoring. Moreover, if a financial emergency is reached due to deception and states do not act, the federal government can. For example, the Federal Securities Exchange Commission (SEC) prosecuted or settled

two municipal cases—the cities of Miami, FL, and Harrisburg, PA—in the past decade for fraudulent budgeting (SEC, 2013a, 2013b). In brief, the local government budget game can include absent or distracted referees, an assuming public who believes there is adequate external oversight, and opportunism for internal loopholing that plays loose with the rules for temporary advantages. An environment of greater internal discretion leads to ethical budgeting dilemmas.

Budget administrator discernment can turn to politics and personal morality when a gray budgeting arena assumes the truth of balancing is relative through a postmodernism lens. Gray budgeting is an ethical issue because it works within legal constructs, evades regulation or enforcement, and often goes unchallenged due to rationalized self-serving elements (Keeney & Keeney, 2020). There can be significant ramifications when self-service is prioritized over public service. Consequently, when governments at any level engage in shell-game practices—reduce taxes and fees but rely on deficit spending and complex interfund transfers to obscure the true benefit and cost burden of public services—there will be little to no reserves for the future and no “budget police” to call. Personal ethical considerations using the values of ontology and epistemology within the budgeting process can help guide sound budgeting and should begin in the classroom.

Key Stakeholders and Relevant Policy Factors that Shape the Issue

Budgetary decisions have an impact on a variety of stakeholders, and these are reflected in the below hypothetical scenario of an ethical budgeting dilemma. The various stakeholders, their perspectives, and the “right” decision all lend to the importance of considering ethics in public budgeting, as well as the ontology and epistemology of decisions that lead to an adopted budget.

SCENARIO

A home rule, mid-size city is one month away from its first public budget hearing and is pressed with a budget gap of \$10 million (approximately 20% of general fund annual revenues). The city has a council-manager form of government, where a city manager is appointed by the city council. The budget administrator is responsible for preparing the city manager’s proposed budget for the council and is being pressured with reprimands for projecting a revenue shortfall (deemed as errors). The city manager and

council want to avoid service and staff reductions. The budget administrator knows that in the prior year, optimistic revenue sources directed for inclusion in the budget did not materialize, and this resulted in a \$5 million actual deficit reflected in the financial statements that has contributed to the short-fall projected for the future year (if expenditures are not reduced or new revenue added).

This budget is being planned in an election year and includes merit increases for all staff (including the budget administrator), new positions requested by the city council, and raises for the part-time elected officials. The city council is regularly shown a healthy total in the city bank account, where all funds are pooled together in one account. The existing general fund deficit is thought to be a short-term hiccup and a necessary investment in operations aimed to accommodate expected population growth and economic development initiatives. The city is racially diverse, with a large portion of residents who are foreign-born, and English is a second language. The local government is an entitlement city that receives Federal funding through the US Department of Housing and Urban Development. The city is in a metro area of at least 50,000 residents, in a county of more than 200,000 people, and meets measurable criteria in having community needs based on poverty, housing overcrowding, and population growth. An additional 5,000 non-city residents are customers of the city's water and sewer utility services.

To plug the gap, the budget administrator is instructed by management to:

1. Budget one-time revenue again for the prospective sale of an unadvertised city property;
2. Budget the prior year's fund balance deficit (reported in the audited financial statement) as surplus revenue for next year because there is room for technical interpretation, and recalculate other revenue projections for missed revenue increments (i.e., inflate);
3. Continue to use restricted excess building permit revenue for non-building related services in the general fund, although it was ill-advised by a professional building association and technically illegal according to state statute (though the general fund use of such permit revenue is not enforced by the state nor mentioned by independent contractual auditors in past years); and
4. Increase interfund transfers (revenue) from the water and sewer utility fund to the general fund and make up for the loss in water revenue with rate increases the following year.

Discussion Question 1: What are the ethical issues in the scenario? As a budget administrator what additional information or guidance would you need to make ethical decisions?

All four plugs are provided for context but plug number four is most generalizable to all states and less of a legal issue. Thus, environmental pressures on budgeting are broadly discussed (plugs one through three) and interfund transfers are specifically highlighted as the focal issue for practical ethical discernment and analysis for this chapter's actionable recommendations.

The fiscal environment described above is complex with multiple stakeholders with different lenses and motivations for the budget. Additionally, fiscal pressures and choices generally take place within three stages of a fiscal year at the local level: (1) when a budget for a future year is planned and adopted, (2) during the fiscal year when executing the approved funds from the budget, and (3) after the fiscal year when financial statements are prepared according to accounting rules. The latter phase is the most standardized in terms of universal components, audited for compliance, and is used to assess financial health, so stakeholders and budget staff know the resources un/available for the next budget year. However, it is argued that the most discretion and unpoliced phase of the fiscal year, and therefore the phase with the most ethical considerations, is the budget (Franklin & Raadschelders, 2003).

The budget is a financial plan of how governments will utilize resources, where planned expenditures equal revenues, and provides oversight of all the services a government provides. A "balanced budget" legally authorizes taxation and sets forth a plan of revenue collection for the provision of public services and infrastructure. The anticipatory nature of planning requires evidence or a fact base on which to make reasonable forecasts for the future. A good plan or budget is only as good as its assumptions. In addition to a financial plan, the Government Finance Officers Association (GFOA) shares that a quality budget should also be performed as a communications device, management tool, and policy document. Within the concept of a "balanced budget," there are several dilemmas.

A budget can generally pass a review for state oversight if revenues equal expenditures, and accurate notices are provided for public budget hearings and other millage rate requirements for ad valorem or property tax assessments. This chapter examines the "gray budgeting" arena that state oversight agencies leave to the discretion of local leaders, and how students and budget administrators can utilize ontology and epistemology

as public service values to guide ethical budgeting decisions, where significant room for interpretation exists.

Administrative Discretion, Ethics, and the Public Service Value of Ontology and Epistemology

The scenario assumes that the legal system and oversight of administrative agencies are non-factors that can help guide the administrative decision-making when the budget is proposed to the public and city council. The scenario also entails vast discretion by city staff to plug the projected shortfall with four different tactics, each with its own ethical consideration. The ethical issue is centered on the politics and morality of gray budgeting and the potential for fiscal illusions.

A fiscal illusion created by the budget process is one that systematically manipulates the true burden, through inflated available revenue and underestimated expenses (Pommerehne & Schneider, 1978). Such fiscal illusions can be legal on one hand, in terms of meeting oversight requirements of being a balanced plan and notifying the public, yet unethical if the balancing act cloaks hidden plugs and gaps. Howard (2014) argues that the explicit interpretation and composition of legal language removes the spirit of the law. If a state budget law for local governments says planned revenues must equal expenditures, then arguably any prospective estimate is legal if both sides balance equally on paper. This also creates opportunism for creating loopholes to get a budget passed that can be temporarily advantageous for some constituents and city leaders but damaging to others, and certainly disadvantageous for the future. Placing oneself in the budget administrator's role and determining what is ethical and reasonable can be guided by the philosophical concepts of ontology (what exists in reality) and epistemology (how to gain knowledge about it).

Ontology of Budgetary Decision

An ontological assessment is about risks and facts. The risk of being accountable or the lone agent responsible for a debilitating deficit can realistically be diffused. First, it can be appropriated to others involved in the revenue-expenditure forecasting procedures within a city. Second, it can be chalked up as no one's fault internally; an external factor, such as the regional or national economy, can also be blamed. Third, the shortfall can be explained as a technical error or innocuous faulty assumption, which happens to even the best. The hollowing of the state, where multiple actors and agencies all have a hand in providing or overseeing public services, facilitates the diffusion of responsibility. Based on the scenario, unreasonable and optimistic budget projections were what caused the deficit and

there exists no warning to not repeat the practice, though doing so will undoubtedly compound the problem.

Epistemology of Budgetary Decision

Turning to an epistemological assessment of gray budgeting and ethical dilemmas, budget administrators can reference what peer cities do when state laws and internal policies are no help. With respect to the interfund transfer plug, Christian and Bush's (2018) analysis of Florida and Georgia local governments' financial statements found "23 different justifications for these [interfund] transfers and saw no indication that the ability to transfer funds between governmental and enterprise activities was limited to any extent whatsoever" (p.389). This indicates that interfund transfers can easily and legally be utilized as plugs for expenditure-revenue imbalances, no matter if the rationale is reasonable and justifiably planned. The ethics of the practice lies in unadvertised plans that could lead to increased utility rates after elections. Given that the city in the case presented above is not large (hence not on the radar for the SEC), in a decentralized state that provides autonomy for self-regulation of local fiscal affairs, there is minimal oversight. Therefore, the third and fourth criteria of politics and personal morality can drive ethical decisions.

The politics in this case involve the budget administrator's predicament where the local government's chief executive/financial officer does not accept the reality of necessary budget cuts and threatens reprimands for unfavorable projections deemed as errors. Self-preservation priorities in public budgeting can be futuristically damaging to a city and public trust in government institutions. However, self-preservation by conformity to political and managerial coercion can provide time and allow a public administrator to give the leaders what is sought and live to see another day. Though not altruistic nor advisable from a public trust perspective, it is the reality. The budget's implications or reality (ontology) can be illuminated by informed consent and a shared understanding of the risks and benefits of the revenue plugs regardless of all other considerations (epistemology).

Interfund Transfers

Interfund transfers are a common revenue source for a general fund (the primary fund for unrestricted city operations). Interfund transfers are book entries that can move resources from enterprise funds (e.g., water/sewer and electric utilities) to a city's general fund for the enterprises' proportional cost or use of city resources (e.g., management, finance staff, legal counsel) (Henley, 2022). The transfer can theoretically be increased

by an arbitrary amount every year and the city can subsequently raise rates later or issue debt to make up for resource deficiencies in the enterprise fund due to the transfers. This dilemma involves the successful avoidance of budget cuts for general services that are favored over the interest in running a quality utility system (to which non-city residents contribute) in this case. The morality of terminating all newly hired staff and not honoring merit increases for existing staff is on the line. However, the interfund transfer tactic will lead to higher utility rates next year (after the election) to adequately fund fixed operational costs and maintenance of deteriorating utility infrastructure.

In short, this is a classic example of Robbing Peter to pay Paul (Carroll, n.d.). Public administrators have discretion in ethical dilemmas involving financial stewardship where no laws, weak oversight, and a lack of will exist to enforce the spirit of the law. The choices one makes in this arena can involve competition between personal values, professional compliance, and public service. Consequently, as a budget administrator, it is important to ask how much is appropriate and, if scarcity has intensified, is it ethical for the city in this case to plug its deficit with interfund transfer increases that are buried in the budget.

Action-Oriented Recommendations to Empower Current and Future Practicing Administrators

Plugging the deficit as prescribed by management and desired by the council has financial and legal risks. For instance, in 2013, the City of Miami's Budget Director was found to have committed securities fraud for deceiving bond investors through interfund transfers that moved legally restricted dollars to the general fund in order to mask "increasing deficits" and providing false and misleading information (SEC, 2013A). In the same year, the SEC charged (and settled with) the City of Harrisburg, Pennsylvania for defrauding bond investors because of misstatements that covered a known budget deficit with unlikely revenue in the city's 2009 budget and budget transmittal letter among other documents on its website (SEC, 2013b). In both cases, no individual stole money; instead, those responsible for the budget obscured the reality of the city's financial condition for unknown reasons by operating in the gray, thus impacting the financial health of their city and stakeholders.

These cases are unique because budgets are rarely investigated, and antidotal instances of two large cities cannot be generalized to most cities that are small and have no federal interest or state implications. This does, however, illustrate that practitioners and students of public budgeting have wide discretion using interpretation to justify what is ethical. Also, is a subjective or gray budgeting practice only unethical

in retrospect after a negative financial outcome? This relates to the ends justifying the means.

Students and administrators of public budgeting can be guided in this case by clearly distinguishing the balance of ethics versus laws and how governing mechanisms impact the reality (ontology) and knowledge (epistemology) of information to make informed budget decisions. The difference between ethics and laws is based on the governing notions. Ethics are based on “an individual’s *particular* code of conduct separate from society’s enforcement rules of *universal* conduct” (Martinez, 1998, p. 692). Laws are axiomatic and have the “application of general legal principles to specific factual situations” (Martinez, 1998, pp. 691-692) regardless of personal classifications (e.g., wealth, age, gender, etc.). While ethics rely on value-based decision-making, laws are procedural and for general applicability and standardized decision-making.

One such study indicating how personal ethics impacts municipal budgeting was undertaken by Dluhy and Frank (2002). Dluhy and Frank (2002) explored why the City of Miami experienced a state-declared financial emergency and was close to bankruptcy in 1996. The researchers interviewed staff and were on the state-appointed financial emergency board that was charged with providing technical assistance to guide the city out of its fiscal crisis. Interviews revealed that the fiscal crisis unfolded as a result of (1) overspending and weak fiscal discipline, (2) political culture and ethos, and (3) administrative incompetence, corruption, and lack of accountability (Dluhy & Frank, 2002). This Miami episode predated the SEC charges by more than a decade and demonstrates the importance of culture, reputation, and prior transgressions to which budgetary administrators should pay attention in deciphering the reality of an environment. Ethical budget decision-making can use the following recommendations when the discretionary path is uncertain:

1. Do not rely solely on the laws that are open to interpretation for aid;
2. When communication is internally fragmented, seek advice from professional organizations that provide insight for the public budgetary process;
3. Contact faculty at nearby universities involved with ethics, finance, and public administration to obtain guidance from prior case studies or scholarly works;
4. Publicly document in writing any objections to prescribed budget plugs that are misrepresentations;
5. Contact the county or state ethics commission if one exists;
6. Consider alternative employment and/or do not accept a job where your personal ethical values do not align with the organization.

Discussion Question 2: Based on the above discretionary recommendations, which would you use as a budget administrator to manage the situation identified in the scenario?

Short of the last recommendation, budget administrators have options to ensure the budget document is based on the philosophical constructs of ontology and epistemology for practical decision-making. Stout (2012) elaborates on why ontology is important to public administration: “[it] shapes how we go about living together, directly impacting public policy ... one must describe how the nature of reality *necessitates* the recommendations” (p. 391). For students of budgeting, this means forethought about what actions are utilized to “balance” a budget now, and how they will impact future year budgets. This refers back to recommendations two, three, and four, focused on information collection that supports the ethics of the decision that budget administrators choose to make. Wessels (2021) furthers this by arguing, “meaningful knowledge about public administration requires ... an ontology that recognizes the nature and form of public administration as reality, as well as a recognition that the quest for meaningful knowledge is situated within this reality” (p. 440). These recommendations lead the way for more normative or practical recommendations that should be followed to ensure that the budgetary process and document are not embellished with reaching revenues to weather current and growing expenses.

Broad Normative and Practical Recommendations

In the struggle between reconciling laws and ethics, public administrators need to provide guidance for the balance between the two and ensure that ethical standards are reflective of organizational values, while not violating personal values. There is a growing need for ethics education to focus on budgeting, “considering public financial management relies mostly on document rules and personal philosophy which is undocumented” (Henley, 2019, p. 235). For budgeting specifically, this means recognizing the subjectivity of estimates (e.g., gap plugs) that are used to make balanced-budget decisions, and appropriately using a code that “adhere[s] to technical standards and moral principles” (Bowman, 2000, p. 682). Wessels (2021) provides four antecedents to the meaningfulness of public administration knowledge, and this can apply to public budgeting—namely, having a social ontology that recognizes the diversity and complexity of the topic, understanding that meaningful knowledge of the

practices within the topic is rooted in this reality, utilizing epistemology to examine the knowledge, and having a comprehensive way of knowing. The philosophy of ontology and epistemology can be unraveled for the purposes of asking the right questions and making sound decisions for budgetary practices with a few initial considerations:

- Does the municipality have established codes of ethics and is budgeting a component? If not, is there awareness of neighboring municipalities with adopted ethics codes?
- What state-level financial emergency legislation for local governments exists and are the budgets reviewed as part of the financial health assessment?
- What factors beyond the immediate budget year need to be considered for the financial sustainability of the organization?
- Based on the prior year's audited financial statements, does the city budget more or less of the unassigned fund balance amount—the difference between assets and liabilities least restricted for future general use?
- What existing shortfalls in the budget are a result of prior year forecasting?
- Are restricted revenue sources (dedicated for special purposes) commingled with other funds, and are transfers between funds adequately justified in both the budget narrative and financial statements?

Gray budgeting is about intention, discretion, and a shared understanding of the practices involved in balancing a financial plan that is gaining more attention but challenging to study. For example, Pool-Funai's (2018) guide to ethics in fiscal administration provides both a conceptual framework and tools that can be utilized to inform ethical budgetary decisions that foster trust. Keeney and Keeney (2020) echo some of Pool-Funai's budgeting techniques with the advocacy of needs-based budgeting that is rooted in data information and sharing, which can minimize the potential for unrealistic budgeting practices that have negative impacts.

Morrill's (2021) concept of "mental models" decision-making is found to translate well to budgetary decisions. This includes understanding how irrational behaviors are predicted, the inclusion of narratives to help people "make sense of the numbers" utilizing technology for interactivity, consideration of equity issues and comprehensively increasing trust between local governments and their public. The equity in this situation is one of intergenerational or interperiod equity, a staple of financial sustainability described by the Governmental Accounting Standards Board (GASB). "The idea is that by achieving interperiod equity, taxpayers of today pay for the services that they receive and the burden of payment for

services today is not shifted to taxpayers of the future” (GASB, 2009). Here estimating the normative implications to the budget plugs, such as interfund transfers, can provide a more realistic idea of the true “cost” in all funds for the municipality to avoid fiscal illusions.

Resources Useful for Practical Understanding

Based on the leeway local governments have in many states in self-managing local financial affairs, including budgets that match projections with community needs, there is growing discussion about the ethical nature of budgeting. The needs of municipalities all vary, and having realistic projections of future growth or expenses can be vital to projections of future budgets, but this can backfire if administrators and councils choose to manipulate projections to fit a short-term goal. Running perennial deficits in the general fund can be more easily done when cash flow and a single bank account are supported by multiple funds from special revenues and restricted enterprise funds. Experience from being in a real environment with poverty and scarcity pressures may be the best way to learn. But reconciling the ethics of “gray budgeting” practices that can occur in advance may help future budget administrators to ensure discretionary decisions are based on a balance of all four criteria (laws, technocratic policies or manuals, politics, and personal morality) (Franklin & Raadschelders, 2003). While understanding and utilization of laws and technocratic policies or manuals can be easily heeded and referenced, politics and personal morality are far more complex to instruct, albeit not impossible.

The first consideration based on the ontology of the municipality’s needs is having an understanding of what “gray budgeting” is and why it exists. Public budgeting courses should ensure that the various nuances of how budgets are built are explained. Cases like those of Miami, FL, and Harrisburg, PA, are rare investigations and instances of negative outcomes that unpack what happens when there is a review of what was done when nobody was expected to look. Oversight agencies found these municipalities misrepresented financials and budgets to mislead the public. Despite that budgets are essentially estimations and relative to interpretation at the time, authorities found these city budgets to be not based on realistic knowledge, which is also an interpretation and main ingredient to gray budgeting ethics. Wessels (2021) indicates that the increase of “meaningful knowledge” of non-technical aspects makes the contemporary budgetary process less straightforward and dictates the practice of how personal morality can impact the decision-making process. Conceptualizing the potential issues and operationalizing guidance for the implementation of possible budgetary considerations in a classroom setting can be fruitful practices to prepare students for practitioner careers. This is the stage

when connecting practitioners and case studies of actual budgets can be a complement to engage students' ethical values with the practical considerations of a municipal budget.

Budgeting Techniques

The recommendation to utilize a variety of techniques such as line-item budgeting, performance-based budgeting, and revenue source evaluation (taxes, intergovernmental, debt) should be a part of the epistemological process for budget administrators when making decisions about the “gray” aspects of a balanced budget. Within a classroom environment, the basics of these various public budgeting techniques should be learned for practice. These techniques are more important for public budgeting than the private sector considering the government has mechanisms to prevent going out of business (guaranteed tax revenue) and the responsibility to ensure tax acceptance and public trust (Klay, 2022; Ward, 2012).

Consensus Conference Strategy

Class instruction can include a consensus exercise, where individuals representing different key positions perform independent forecasts for revenue and expenditure projections for a city. Then create a forum for discussion and debate that highlights assumptions. The team must then adopt what is most reasonable given the deliberation of facts and rationale. Include the environmental (politics, demographic, economic) elements as a focus in addition to data trends by line items. This collaborative approach cements decision-making that is dispersed to a larger group, and that accounts for technical and financial feasibility, as well as moral perspectives to arrive at a budgetary consensus with ethical consideration.

Codes of Ethics

Emphasizing the knowledge of and understanding organizational and affiliation codes of ethics, their meanings, and their impacts on decisions should be a part of class instruction. While these serve as guidelines rather than practical processes to follow, they can foster classroom discussion about meanings and usability in various ethical dilemmas when budgeting. This also requires the expectation that administrators who fall under the codes of the International City/County Management Association (ICMA) and Government Finance Officers Association (GFOA) will also take responsibility to appropriately address “gray budgeting” explicitly within municipalities. Municipal codes of ethics can advance the deliberation process by including budgeting guidance,

but they are not guaranteed to facilitate ethical conduct as supplemental rulebooks (Henley & Lee, 2023).

Case Studies

While Miami, FL, and Harrisburg, PA, were two severe cases of budgetary mismanagement, these are large cities and most municipalities in the United States are small, which fly under the radar of state and federal oversight. The public budget documents for these cities provide glimpses into fiscal allusions that can grow in a “gray budgeting” environment. Both students and practitioners alike should utilize case studies like these to understand how pressures to provide unlikely but favorable budget projections led to negative consequences in these worst-case scenarios. Ethical dilemmas can also be sorted by communication with other municipal budget administrators and having a network of scholars and professional associations.

As public service values for ethics continue to serve as a part of the examination of processes like municipal budgeting, it is pertinent to determine if this aligns with not only the requirements and goals of the municipality but also oneself. Budget administrators are increasingly faced with considerations that are not simply “black and white” (Pool-Funai, 2018), and utilizing the provided recommendations in this chapter based on the philosophical constructs of ontology and epistemology can guide processes and decisions. The reality of public budgeting is that there may be a point where a budget administrator may choose personal morality and values rather than the informal mandates placed by elected and appointed officials, and this could mean letting go of the job. It is important to understand why discretionary or “gray” local government budgeting decisions and practices can lead to misrepresentation. Building on the ethical values in both the classroom and practitioner environment can facilitate knowledgeable decision-making rooted in reality.

Discussion Question 3: What techniques would you utilize based on the ontology and epistemology of the scenario’s budgetary dilemma?

Conclusion

Considering the external forces of national fiscal stress—recessions, inflation, and artificially created nonrecurring stimulus money—it is reasonable

to presume that there will be more internal pressure on public sector budgeting at the local level to plug budget gaps as reality surfaces. Increased pressure and discernment lead to more ethical dilemmas. While budgetary laws can lack accountability, professional codes of ethics can only go so far to provide actionable decision-making guidance (with no explicit guidance for how to actually budget). Budget administrators (and future practitioners) can do the following to advance reasonable and ethical budgeting: work with internal accounting and external auditing staff for prudent information sharing that can inform realistic estimates based on municipal financial condition, sustainability, and existing obligations; verbalize and have written record of professional recommendations based on the ontological aspects of the budgetary needs and the epistemological foundations for those recommendations; and utilize a network of external scholars and professionals. Transparent collaboration between different public finance professionals can promote public trust and prevent fiscal illusions.

The last stanza of John G. Saxe's (1911) poem "How the Money Goes" illustrates public cynicism about the current state of the economy and the government's role in combating or contributing to inflation and local fiscal stress.

How goes the Money?—There!
 I'm out of patience, I declare;
 It goes for plays, and diamond pins,
 For public alms, and private sins,
 For hollow shams, and silly shows,—
 And that's the way the Money goes!

The hope is to dispel this sentiment as public sector practitioners and scholars continue to learn how to utilize better budgeting processes at all levels of government through personal ethics when the laws, politics, and manuals fall short.

References

- Arapis, T., & Reitano, V. (2018). A glimmer of optimism in government savings accumulation? An empirical examination of municipal unassigned fund balance in Florida. *Public Finance Review*, 46(3), 389–420. <https://doi.org/10.1177/1091142116643386>.
- Bowman, J. S. (2000). Towards a professional ethos: from regulatory to reflective codes. *International Review of Administrative Sciences*, 66(4), 673–687.
- Carroll, S. (n.d.). Robbing Peter to pay Paul? Enterprise fund transfers are not recommended. Florida Rural Water Association. Retrieved from <https://www.fortlauderdale.gov/home/showpublisheddocument/26072/63644713118760000>.

- Christian, C., & Bush, J. (2018). Municipal response to the great recession: Evidence from small-to medium-sized cities in Georgia and Florida. *Journal of Public Budgeting, Accounting and Financial Management*, 30(4), 384–401.
- Dluhy, M. J., & Frank, H. A. (2002). *The Miami Fiscal Crisis: Can a Poor City Regain Prosperity?* Greenwood Publishing Group.
- Franklin, A. L., & Raadschelders, J. C. (2003). Ethics in local government budgeting: Is there a gap between theory and practice? *Public Administration Quarterly*, 27(3/4), 456–490.
- Governmental Accounting Standards Board (GASB). (2009, June). *The User's Perspective: Interperiod Equity and What It Means to You*. Accessed on June 16, 2020. https://www.gasb.org/cs/ContentServer?c=GASBContent_C&cid=1176156731381&d=&pagename=GASB%2FGASBContent_C%2FUsersArticlePage.
- Henley, T. N. (2019). Book review of ethics in fiscal administration: An introduction. *Public Finance and Management*, 19(3). <https://pfm.spaef.org/article/1912/Book-Review-of-Ethics-in-Fiscal-Administration-An-Introduction>.
- Henley, T. N. (2021). Community development district (CDD) proliferation, governance, and financial condition: A review and qualitative study of HOA stakeholders. Foundation for Community Association Research. https://foundation.caionline.org/wp-content/uploads/2021/07/Henley_Hanke_Final_Report_7-10-2021.pdf.
- Henley, T. N. (2022). *Financial Sustainability of Florida Cities: Comparative, Retrospective Modeling for Prospective Municipal Financial Health* [Doctoral Dissertation, University of Central Florida]. <https://stars.library.ucf.edu/etd2020/1217/>.
- Henley, T. N., & Lee, Y. J. (2023). Pressures to local governments for unrequired ethics policy adoption. *Public Administration Quarterly*, 47(1), 1–25. <https://doi.org/10.37808/paq.47.1>
- Howard, P. (2014). *The Rule of Nobody: Saving America from Dead Laws and Broken Bureaucracy*. W.W. Norton & Company.
- International City and County Management Association (ICMA). (2019, June 24). 2017 alternative service delivery survey: summary of research result. <https://icma.org/2017-alternative-service-delivery>
- Joffe, M. D. (2012). Drivers of municipal bond defaults during the great depression. SSRN. <https://doi.org/10.2139/ssrn.2189889>.
- Keeney, K. P., & Keeney, M. S. (2020). Advancing administrative ethics through needs-based budgeting practice. In N. M. Elias & A. M. Olejarski (Eds.), *Ethics for Contemporary Bureaucrats* (pp. 43–57). Routledge.
- Kelly, J. M. (2013). Fund balance for budget stabilization: Does the new accounting presentation matter? *Journal of Public Budgeting, Accounting and Financial Management*, 25(4), 719–737.
- Klay, E. (2022, May 16). The purpose and scope of public administration for democracies. *PA Times*. American Society for Public Administration.
- Kloha, P., Weissert, C. S., & Kleine, R. (2005). Someone to watch over me: State monitoring of local fiscal conditions. *The American Review of Public Administration*, 35(3), 236–255.

- Martin, L. L., Levey, R., & Cawley, J. (2012). The “new normal” for local government. *State and Local Government Review*, 44(1_suppl), 17S–28S. <https://doi.org/10.1177/0160323X12440103>.
- Martinez, J. M. (1998). Law versus ethics: Reconciling two concepts of public service ethics. *Administration and Society*, 29(6), 690–722.
- McDonald III, B. D., & Maher, C. S. (2020). Do we really need another municipal fiscal health analysis? Assessing the effectiveness of fiscal health systems. *Public Finance and Management*, 19(4), 270–296.
- Moore, G., & Zarnowitz, V. (1986). Appendix A: The development and role of the national bureau of economic research's business cycle chronologies. In R. J. Gordon (Ed.), *The American Business Cycle: Continuity and Change* (pp. 735–779). University of Chicago Press.
- Morrill, C. (2021). To increase trust in government, reinvent the local government budget. *State and Local Government Review*, 53(1), 10–13.
- Park, K. (2004). To file or not to file: The causes of municipal bankruptcy in the United States. *Journal of Public Budgeting, Accounting and Financial Management*, 16(2), 228.
- Pew Charitable Trust (Pew). (2013). The state role in local government financial distress: As cities confront financial challenges, states weigh whether to help them pull through foundation. The Pew Charitable Trusts Report. https://www.pewtrusts.org/-/media/assets/2016/04/pew_state_role_in_local_government_financial_distress.pdf.
- Pommerehne, W. W., & Schneider, F. (1978). Fiscal illusion, political institutions, and local public spending. *Kyklos*, 31(3), 381–408.
- Pool-Funai, A. (2018). *Ethics in Fiscal Administration: An Introduction*. Routledge.
- Rose, S. (2010). Institutions and fiscal sustainability. *National Tax Journal*, 63(4), 807–837.
- Saxe, J. G. (1911). *How Money Goes* (M. Wilder, Ed.). Funk & Wagnalls Company.
- Securities and Exchange Commission (SEC). (2013a, July 19). *SEC Charges City of Miami and Former Budget Director with Municipal Bond Offering Fraud (Press Release 2013–130)*. <https://www.sec.gov/news/press-release/2013-130>.
- Securities and Exchange Commission (SEC). (2013b, May 6). *SEC Charges City of Harrisburg for Fraudulent Public Statements (Press Release 2013–82)*. <https://www.sec.gov/news/press-release/2013-2013-82htm>.
- Stout, M. (2012). Competing ontologies: A primer for public administration. *Public Administration Review*, 72(3), 388–400.
- Underwood, A. (2020). Every recession in U.S. history and how the country responded. *Stacker*. <https://stacker.com/stories/4035/every-recession-us-history-and-how-country-responded>.
- Warner, M. E., Aldag, A. M., & Kim, Y. (2020). Pragmatic municipalism: US local government responses to fiscal stress. *Public Administration Review*, 81(3), 389–398.
- Wang, X. S. (2014). *Financial Management in the Public Sector: Tools, Applications, and Cases*. Routledge.
- Ward, R. B. (2012). Achieving fiscal sustainability for state and local governments. In R. D. Ebel & J. E. Petersen (Eds.), *The Oxford Handbook of State and Local Government Finance*. (pp. 917–936). Oxford University Press.

- Wei, R. (2019). *Local Fiscal Sustainability within American Federalism* [Doctoral dissertation, Virginia Tech]. <https://vtechworks.lib.vt.edu/handle/10919/11041>.
- Wessels, J. S. (2021). Meaningful knowledge about public administration: Ontological and situated antecedents. *Administrative Theory and Praxis*, 43(4), 431–446.
- Zarnowitz, V. (1992). *Business Cycles: Theory, History, Indicators, and Forecasting*. University of Chicago Press.

4

THE ETHICAL VOIDS OF THE PRINCIPAL AGENCY AND STEWARDSHIP APPROACH

Rik Koolma

Introduction

In this chapter, the proposition and underlying assumptions of two governance paradigms will be scrutinized on the subject of ethics. The origin of the first paradigm, the principal agency approach is found in a book by Berle and Means (1932). Their subject was the separation of ownership and the control of modern commercial corporations. Jensen and Meckling (1976) built further on the arguments of these aforementioned authors. They postulated an approach for the governance of private and nonprofit enterprises. Since the early nineties, the principal agency approach has served as a kind of backbone for the new public management (NPM) collection of businesslike and managerial measures (see: Hood, 1991). Along the principles of the principal agency approach, NPM has revolved the way of thinking and acting in the Western public administrations (O'Flynn, 2014). Particularly, it changed the arrangement of relations of the state to semi-autonomous, nonprofit, and private agencies (Schillemans & Hagen Bjurstrøm, 2020). Since then, services on behalf of the public interest became organized along chains of principal-agent dyads. Furthermore, the agencies are assumed not to behave of their own accord but in the interest of the public policy. Consequently, they need to be corrected by means of incentives. In this vein, the principals are assumed to have the wisdom and skills to counter the self-interested behaviors of the agents. This phenomenon is termed the agentification of public administration (Milica, 2021).

The second governance approach, the stewardship theory, is introduced as an addition to the principal agency approach. The founders aim to

counterbalance the ruling principal agency approach (Donaldson & Davis, 1991; Davis, Schoorman, & Donaldson, 1997). The stewardship scholars assert that managers are inclined to serve the interests of their organizations. The attempt to counterbalance the principal agency approach has not yet been successful as its counterpart. Stewardship theory plays a role in empirical analyses of nonprofit organizations (Van Slyke, 2005; Van Puyvelde, Caers, & Du Bois, 2012) and family corporations (Corbetta & Salvato, 2004; Davis, Allen, & Hayes, 2010). Recently, stewardship theory is promoted by public administration scholars in order to counter or mitigate the effects of principal agency arrangements (Koppenjan, Karré, & Termeer, 2019; Schillemans & Hagen Bjurstrøm, 2020; Torfing & Øllgaard Bentzen, 2020; Mills, Bradley, & Keast, 2021).

In this chapter, a scrutinized reading of the aforementioned seminal publications on principal agency and stewardship will reveal inconsistencies and contradictions in both approaches. It is argued that in straightforward applications of both approaches, decisions and implementations are performed in ethical voids. Ethical voids occur in situations wherein actors are allowed to be indifferent to aspects of moral reasoning (see: Haidt, 2001). There are three ways to determine whether an (abstinence of) action is justified, as displayed in Table 4.1.

The principal agency approach is *in se* consequentialist (Schillemans & Hagen Bjurstrøm, 2020), whereas stewardship stems from the benevolent intentions of the actor (Davis, Schoorman, & Donaldson, 1997). In both approaches, managers, employees, or contractors have discretionary power in decision-making and in executing the tasks assigned to them (Fama & Jensen, 1983a, 1983b; Davis, Schoorman, & Donaldson, 1997). In this position of power, these actors make explicitly or implicitly a choice between harming or favoring the interests of relevant others, such as clients, stakeholders, and the public.

TABLE 4.1 The three ways to justify (abstinence of) actions

<i>Ways of justification</i>	<i>Explanation</i>
Intentionalism	The action is justified when the actor has been driven by good intentions
Nominalism	The action is justified when it is undertaken in accordance with principles or values that reflect opinions on appropriate behavior
Consequentialism	The action is justified when its consequences are regarded as good and just

Source: Created by the author from Nowak (2017)

The model of man of the principal agency approach is criticized for being opportunistic, malignant, and amoral (e.g., Perrow, 1986; Brennan, 1996). Despite its more positive model of man, the stewardship theory has failed to provide a solid alternative to the dominant principal agency paradigm. These disappointing advancements are attributed to underspecification and lack of realism (Hernandez, 2012; Van Dreven & Koolma, 2016; Chrisman, 2019). In this chapter, it is argued that both paradigms have ethical voids in their foundations. The principal agency paradigm restricts the deliberations to short-term owner-regarded consequences. It is apt to produce unspecified though harmful outcomes, termed negative spillover effects (see: Schmidt-Traub, Hoff, & Bernlöhner, 2019). In basic stewardship theory rendering, good intentions are as well self-justifying regardless of the consequences for clients, employees, and society. It will be argued that in both governance approaches, the design of roles and the subsequent division in responsibilities contribute to the occurrence of actions detrimental to clients and society as a whole. Furthermore, both paradigms are troublesome in relation to transparency, although for different reasons. In the principal agency approach, information asymmetry is a condition *sine qua non* in the interactions between owners, principals, and agents. In the basic rendering of the stewardship theory, the stewards have to be trusted in the sense that they possess the right of not sharing the information about what they are doing. Consequently, both approaches inherently lack reflection and self-correcting mechanisms in their governance structures.

The chapter is constructed as a critical theorizing essay. Theoretical shortcomings are reflected by empirical findings in analyses of governance failures and the effect of motivation on workplace behavior. First, the inconsistencies and contradictions of the principal agency approach are discussed. This section is followed by the treatment of the stewardship theory. As this second governance approach leans heavily on steering by soft controls, the assumptions about effective motivation are scrutinized. Thereafter, it is questioned whether the ethical shortcomings of both approaches are overcome by simultaneously applying them. Finally, a brief discussion is given of the joint application of the principal agency and the stewardship governance paradigms in the case of the Dutch public administration.

Inconsistencies and Contradictions in the Principal Agency Approach

First, the principal agency paradigm is based on the idea that man is driven by self-interest. Therefore, governance is designed to align the agent's self-interest with the interest of the corporate owners. The basic reasoning is that agents are inclined to use the owner's resources for their own benefit.

This inclination has to be countered by contractual incentives like rewards and sanctions in advance (Jensen & Meckling, 1976). It is assumed that the agent seeks for opportunities to mislead the owner in the precontracting negotiations and during the implementation of the contractual activities. Two risks have to be anticipated: (a) the agent lacks the motivation or the skills to execute the task appropriately and efficiently (adverse selection) and (b) the agents shirk and entrench (Walsh & Seward, 1990) or misuse the resources for their own ends (moral hazard: Jensen & Meckling, 1976). As ownership of the modern corporation is divided into shares, the control of the agent is assigned to a principal, commonly called the board of directors. On behalf of the dispersed owners, the principals select and hire the agents, ratify and monitor their initiatives, and fire the agents who dysfunction (Fama & Jensen, 1983a, 1983b). It is important to note that in this rendering of the principal agency theory, only the agent is inclined to a self-interested search for opportunities at the expense and risk of the counterpart.

In his critique, Perrow (1986) questions why only the agent is inclined to moral hazard in the principal agency relation. With this simple question in mind, the propositions of the principal agency approach are reread. The founders of the theory, Berle and Means (1932), assert that after the separation of ownership and control, the owners are essentially changed in comparison to the owner-controlled situation. It is important to note that a situation of separated ownership and control differs from traditional forms of delegation to agents. The delegation form is the subject of another branch of the principal agency approach (see Eisenhardt, 1989).

The separation transfers the control to the principal and the agent (Berle & Means, 1932). In their conception, the dispersed owners and the jointly controlling principal and manager have to cooperate in order to serve the interests of the corporation. In more recent principal agency literature, the interests of the owners or principals have become the only reference for the assessment of the effectiveness of contracts and the control of the agent's behavior. This is a shift in the point of view and consequently, in the source of justification. Notably, the separation of ownership and control creates a situation of split incentives. The responsibility for the interests of the corporation is disintegrated. In business industry parlance, the owners are altered from entrepreneurs to traders. The first consequence of the disintegration is that the time horizon of the owning shareholders is shorter than the corporation's time horizon. Even though the market value of shares is conceived as the net present value of all future cash flows (Jensen & Meckling, 1976; Fama & Jensen, 1983a), the shareholders can sell their stock at profitable moments. For instance, this occurs when expectations are inflated by positive exposure to initiatives. During the long run of the implementation, the realized cash flows are below

the earlier expectations. By promoting and consenting to market value-boosting strategies, shareholders take advantage at the expense of buying future shareholders and other contributors of resources, like bondholders (Jensen & Meckling, 1976). Hence, owners are inclined to moral hazard as well.

Jensen and Meckling (1976) state that the owners are alienated from the implementation as a result of the separation. In contrast, managers find utility or satisfaction in leading and continuing the operations of a corporation. The shareholders are missing this incentive. Following the prevalence of the interests of the owners, the managers need incentives that surpass their emotional attachments or commitment to the corporation (Jensen & Meckling, 1976; Jensen, 1994).

A specific example of commitment discouraging incentives is hiring agents for limited terms. Time horizons of short-term oriented shareholders and managers will approximate one another more closely. In addition, it facilitates the replacement of entrenched agents (see Walsh & Seward, 1990). Research on the principal-agent relation between boards and senior managers shows ambivalent results of this measure. It discourages not only personal involvement but also learning on the job by the agent (Malcom et al., 2020). Furthermore, this measure is associated with shirking by the principal. Limited-term contracting appears to reduce the level of effort of the boards in monitoring with the exception of the moment just before the end of the term (Sarbaugh-Thompson et al., 2010).

Jensen and Meckling (1976) promote the separation of ownership and control by pointing at the extension of opportunities. Corporations are no longer depending on the financial resources of a wealthy controlling owner. The alienated ownership allows for the pursuit of more competitive strategies (Jensen & Meckling, 1976). Owner-entrepreneurs are assumed to be socially restrained in choosing cost-saving and outsourcing strategies. At this point, the disintegration of responsibility strikes up. The owners may, intermediated by the principal, establish contractual conditions that are not feasible by ordinary means. The conditions may be detrimental to the well-being and health of not only employees of the corporations but even more of employees of the contractors in the chain. Shareholder-value maximizing strategies may, facilitated by the links in the chain, cause spillover effects at the detriment of the environment and the rule of law. The struggle for competitiveness may entail a rat race to the bottom of societal standards. The social responsibility movement, fair-trade actions, and bylaw-enforced chain responsibility are reactions to an unlimited search for opportunities.

Owners are served to the max when restraints are reduced to a minimum. Agents, who want to object to disruptive strategies, can be

persuaded by higher rewards or simply be replaced by more daring competitors. Moral demurs are reasoned away through the argument that when one does not seize an opportunity, others will do it all the same. In this dark side of maximizing owners' value, there is a mutual interest in information asymmetry. By withholding information on the courses of action, the agents are allowed more leeway. In turn, the owners can avoid responsibility by appealing to ignorance and civic decency. Contrary to the mainstream principal agency literature, it is asserted that under competitive circumstances owners and their principals are served by the persistence of information asymmetry or more precisely, by the information barrier between owners and agents. The alienation, the relinquishment of social restraints, and the information barriers impede moral reflections upon the ethical aspects of the delegated tasks.

Perrow's question of why the agent is the only actor to be prone to moral hazard (Perrow, 1986), is pointing at the principal as well. Since the principal has to align the agent's interests to those of the owners, the principal is assumed not to take an in-between position on behalf of the interests of the corporation. Rather, the principal's position is supposed to concur with the owner's position (Jensen & Meckling, 1976). This concurrence is questioned only in a few publications. In a critical analysis of corporate failures, Jensen (1994) argues that in these cases the boards have failed to warrant the owners' interests. According to Jensen (1994), the boards in question have rather fostered a culture of courtesy, honesty, and complacency, than have scrutinized the initiatives and performances of the senior managers. On the basis of this line of argument, it can be inferred that principals are susceptible to shirking as well. Eswaran and Kotwai (1984) substantiate that under some conditions the intermediary position of the principal rather amplifies than dampens the moral hazard of the agent. For instance, principals show a preference for risk-prone and even reckless agents. They consent rather than ratify initiatives that boost the shareholders' value and show neglect in the monitoring of the implementation and in the evaluation of the outcomes. This pattern is a repeating phenomenon in episodes of corporate failures and industry-wide crises (Crotty, 2009).

A derivation of Perrow's argument (Perrow, 1986) is made at this point. Not only the agent's interest embodies a risk to the wealth of the owners but, in turn, agents are exposed to the moral hazard of the owners and principals. Agents are uncertain of fair treatment of their application or tender. Particularly because of the reliance on the principle of incentive compensation, applicants who want to take up the assignment honestly, are in a disadvantageous position. As the situation is designed in anticipation of the opportunistic behavior of the agents, this behavior will be

normalized and standardized. In the end, people are paid to lie (Jensen, 2003). Truthful agents will refrain from impression management and all other kinds of self-serving distortions in the exchange of information. By a lack of scrutiny by the principals, those agents are not ensured of a fair evaluation of their performances (see: Fama & Jensen, 1983b).

The same negligence by principals concerns the question of whether the performance in the operations can be attributed to the effort and skills of the agent on the one hand or to favorable or unfavorable conditions on the other hand (Walsh & Seward, 1990). As owners and, in their footsteps, the principals have disposed of the responsibility for the implementations, the agents are to blame for adversity and misery, even when they have made the best of unfavorable conditions (Walsh & Seward, 1990).

Davis and colleagues point out the mismatch in the views on governance. When the principal assumes opportunistic behavior by the agent, while the agent wants to serve the interests of the corporation, then the agent will experience feelings of betrayal and frustration (Davis, Schoorman, & Donaldson, 1997). The *a priori* assumption of untruthful self-serving behavior by the agent in the delegation version of the principal agency approach brings Milgrom and Roberts (1992) to the analogy of the prisoner's dilemma. The prisoner who decides to tell the truth about the crime committed in cooperation becomes the loser in the game. It is remarkable that the social dilemma that principals face in connection with the agents could be solved by observation of one another's behavior and by the valuation of the disclosed communication. However, the principals have to stick to their *a priori* state of mistrust. Instead of an open and inquiring interaction (Eisenhardt, 1989; Van Slyke, 2005), principals will rely on incentive compensation and formal accounting procedures (Jensen & Meckling, 1976). Besides disadvantaging unselfish agents, the reliance on mistrust causes a waste of for-free resources (Frey & Jegen, 2000). Perpetuation of the voluntary prisoner's dilemma is simply inefficient as well (Milgrom & Roberts, 1992). In accordance with the mainstream, theory principals choose a suboptimal level of agency costs, because it is not even attempted to establish a higher level of trust and cooperation. In sum, the ethical voids of the principal agency paradigm can be drawn along the three ways of justification, as shown in Table 4.2.

Inconsistencies and Contradictions in the Stewardship Theory

The basic argument of the stewardship theory is that people with a motivation for pro-organizational behavior apply for management positions at organizations that are characterized by a collective culture and a stewardship-fostering management philosophy (Davis, Schoorman, & Donaldson, 1997). Stewardship theory is proposed as a management theory and

TABLE 4.2 The ethical voids of the principal agency paradigm

<i>Aspects of justification</i>	<i>Ethical void</i>	<i>Implications of the principal agency governance paradigm</i>
Intentionalism	Full	Deliberate cancelation of intentions of agents to cooperate and serve the interests of the corporation
Nominalism	Full	Disposal of responsibility by owners and principals. No restraints for agents when initiatives are not feasible by ordinary means
Consequentialism	Partial	Full reliance on accountability regarding specified outcomes. References for the accountability are restricted to owner-serving and short-term outcomes. An ethical void exists for non-specified outcomes capsulated by an alienation from the implementation by owners and principals

Source: Created by the author

more specifically, as a positive management theory (Donaldson, 2005). According to the stewardship theorists, the approach is applicable to the relationship between principal and agent. The approach is advanced to be an addition to the principal agency approach in order to get a more balanced solution for the governance of these relationships (Davis, Schoorman, & Donaldson, 1997).

The theory has been set up as a mirror image, as displayed by the opposition of properties of both governance paradigms (Davis, Schoorman, & Donaldson, 1997, p. 37). Different from the principal agency approach, the issue of the separation of ownership and control is not discussed. This might be considered as a lacuna, because by not doing so, the principals missed a third party on whose behalf they are acting. For instance, a substantial part of nonprofit organizations are instituted without an owner. Although not claiming the financial residue of the operations, corporate sponsors and private donors provide financial resources in an assignment to be spent in a distinct manner (Jensen & Meckling, 1976; Fama & Jensen, 1983a). For this reason, boards of directors are found in nonprofit sectors as well.

Principals ought to behave in such an empowering way that it promotes stewardship-like behavior of the agent (Davis, Schoorman, & Donaldson, 1997). If the principals act according to the principal agency paradigm, they will be experienced by the agents as being opportunistic and dishonest. As a consequence, stewardship-minded agents will be frustrated in their pro-organizational behavior and will feel betrayed (Davis, Schoorman, & Donaldson, 1997, p. 39).

According to the stewardship theory, there will be no split of incentives. Hence, responsibility for the interests of the corporation stays intact. Considering the argument that there is no conflict of interests between the principal and the agent, the principal is responsible as well for the initiatives and implementations undertaken by the steward. However, Davis and colleagues fall short of making this point.

Hernandez (2012) has criticized Davis and colleagues for not specifying how stewardship behavior is effectuated after the moment of appointment. According to her, there is more needed than a momentary task of recognizing the steward in the candidate, while offering a stewardship-fostering management philosophy and propagating a collective culture.

Stewards are supposed to be selected on the basis of their self-reported stewardship-mindedness (Davis et al., 2007). The manager and principal have to do more in order to establish stewardship behavior over time. Hernandez draws a cycle of *ex post* evaluations of the outcomes with regard to the beneficiaries of the organization. She promotes a shared leadership of both principal and steward. In juxtaposition, they are held responsible for the search of improvements. In Hernandez's reconception of stewardship theory, the principals promote the psychological ownership of and the learning by the stewards during their tenure (Hernandez, 2012).

In a research on board governance in nonprofit sectors, Miller (2002) finds two options for board behavior: disposal of responsibility and leadership in shared responsibility. Gibelman and Gelman point out the lack of board surveillance in cases of publicly disclosed failures and misbehavior of senior managers of nongovernmental organizations and charities (Gibelman & Gelman, 2001, 2004). They have found a low sense of responsibility and a low level of effort exerted by a part of the boards. In some cases, board meetings were experienced as social events. In the discussion, Gibelman and Gelman cite Eisenberg (2001), who problematizes the self-righteous attitude of senior managers "because they provide good works, they need not be accountable to anybody—including the donors who support their work" (Eisenberg, 1993, p. 45, in Gibelman & Gelman, 2001, p. 63). The *a priori* assumption of good intentions appears to neutralize doubts, questions, and valuations regarding behaviors and outcomes (see also Albrecht, Albrecht, & Albrecht, 2005). The all-justifying effect of good intentions in nonprofit organizations is strongly objected to by Salamon (1995). The findings of Gelman and Gibelman (2001, 2004) and Miller (2002) indicate that at least a part of the boards unconditionally rely on the good intentions of the managers. By doing so, they disregard displays of self-righteous behavior, occurrence of repetitive integrity violations, and incurrence of heavy losses. Remarkably, these defective boards operate in line with the instructions provided by the stewardship

theory, namely the abstinence of monitoring and the restriction to positive feedback (Davis, Schoorman, & Donaldson, 1997).

The decisions and actions of the agent are stated to depend on the personal motivation of the steward (Davis, Schoorman, & Donaldson, 1997). One could argue that by a deliberate choice of internal drives, the willingness to serve is elicited. In this manner, agents will be retained from the abuse of ethical voids as well. Hence, it is important to make a close examination of how Davis and colleagues address the motivation of opted stewards.

A first observation is that Davis and colleagues explain behavioral control by self-referring concepts, like self-actualization, identification, autonomy, and self-reporting. Remarkably, this self-centered viewpoint is chosen, whereas an other regard-based approach would be a more obvious choice in stewardship theory. At this point, principal agency and stewardship governance both take the self as the center: the first the interests of the self, the latter the person of the self. Further examination reveals that motivation is sought in the power domain. In the first seminal publication (Donaldson & Davis, 1991), the stewardship protagonists pursue a quest for control on behalf of the steward. Stewardship theory is conceived as a choice for managerial power (Caers et al., 2006). Davis and colleagues advance autonomy as being the idea that people can be their own boss, as the core concept of the theory (Davis, Schoorman, & Donaldson, 1997).

However, in accordance with Hernandez (2012), it is stated that Davis and coauthors (1997) have given a conflated elaboration on the issue of motivation. Particularly, the rendering of the motivation literature is fragmented and conceptually inconsistent. In motivation literature, a tradition is vested stemming from Murray's taxonomy of needs, in which there is a division between basic needs (related to biophysical survival) and social needs. In this tradition, McClelland and other psychologists have developed the three pillars of social needs, namely the need for power, the need for achievement, and the need for affiliation (Heckhausen, 2018). These needs coexist to a varying degree in persons. In reference to Maslov's hierarchy of needs, Davis and colleagues (1997) attribute the behavior of agents to the basic needs and the behavior of stewards to higher-order needs. However, Maslov's needs hierarchy does not match with the conceptual order of McClelland and others (Heckhausen, 2018).

In this chapter, the three needs approach is utilized to disentangle the treatment of human motivation in the stewardship literature. Davis and colleagues refer to McClelland (1970) for the concept of the need for power: "a psychological need to influence others toward the accomplishment of valid and accepted organizational goals" (Davis, Schoorman, & Donaldson, 1997, p. 31). They are paraphrasing concerns about the socialized need for power. The antipode of this need for power is the personalized need for power (McClelland, 1970). At its core, a personalized

power drive is self-serving and intrinsically motivated: finding pleasure in domination, manipulation, and submission of others. Persons with a high need for personal power inflame in anger and prompt retaliation as intervention when they are contradicted by inferiors (McClelland, 1970). Davis and coauthors (1997) do not discuss the personalized expression of the need for power. Instead, they refer to a personalizing account of leadership (Gibson, Ivancevich, & Donnelly, 1991) in which personalized leadership is characterized by the absence of means of formalized power (Davis, Schoorman, & Donaldson, 1997).

It is revealing to reflect on a study in which autonomy is probed as a fourth need besides the needs for power, achievement, and affiliation. Steers and Braunstein have investigated how the varying proportions of the needs in persons relate to aspects of performance and value attachments in their workplace (Steers & Braunstein, 1976). For this chapter, two autonomy-measuring statements from the questionnaire are highlighted: "In my work assignments, I try to be my own boss," and "I disregard rules and regulations that hamper my personal freedom" (Steers & Braunstein, 1976, p. 254). The first statement is an example of task autonomy. The latter implies a personalized need for autonomy which appeals to the original meaning of autonomy in ancient Greek, meaning: "imposing the law by yourself." Tested in relation to behavior observed in the workplace, a high need for autonomy appears to correlate negatively to organizational commitment, personal attachment, organizational goals and values, assignment to job duties, and job performance. Persons high in the need for autonomy develop fewer orderly plans for task accomplishment. It is not daring to note that a high need for autonomy does not engender the behavior aimed at by the stewardship theorists. For the interpretation of the counter effects of autonomy, it is important to remark that a high need for autonomy is related to a low level of career satisfaction and a low ranking in the hierarchy of organizations. These two correlations suggest that a high need for autonomy originates from feelings of deprivation and powerlessness in organizational life.

However, stewardship theory was originally proposed as a theory for management (Davis, Schoorman, & Donaldson, 1997), particularly top management (Donaldson & Davis, 1991). In this view, the restriction of principals to empowerment (Davis, Schoorman, & Donaldson, 1997) is remarkable, as the managers have substantial power and, due to their position, will have more reasons to be satisfied with their careers. Hence, the need for autonomy and the support of this motivation through empowerment are more suited for employees (e.g., Turing et al., 2020) than for officials at the top level of organizations.

Steers and Baumeister (1976) suggest that a different need does accomplish the motivational aims of stewardship theory, namely the need for achievement. A high need for achievement and task autonomy (in the

achievement domain) relates positively to organizational commitment, strong attachment to organizational goals and values, and job performance. Furthermore, a high-achievement motivation relates to openness for feedback and interaction and to self-confidence.

The assumption that managers are discouraged when they have to exchange and undergo evaluation of the outcomes of their work (Davis, Schoorman, & Donaldson, 1997) is not supported by motivation research. In the literature on feedback-seeking within organizations, personal power considerations impede and distort the process of feedback exchange (Janssen & Prins, 2007). The argument that stewards are discouraged by controlled evaluation of their work (Davis, Schoorman, & Donaldson, 1997) is converging with the support of personal power and diverging with the support of the need for achievement in stewards. These findings suggest that support of motivation in the achievement dimension would be more in line with the aims of the stewardship theory. Furthermore, the findings provide support for the amendment on the stewardship theory made by Hernandez (2012).

In this chapter, it is stated that in the original rendering of stewardship theory, a counter-effective model of man's motivation has been assumed. The countereffects stretch even further. The single reliance on intentions, in combination with the negligence of a value-oriented evaluation of outcomes, fuels a peculiar phenomenon of irresponsible risk-taking. Le Roux and colleagues performed an experiment in which persons were asked to decide on business cases of start-ups. In disregard of the instructions, a selection of the persons decided positively before reading the entire text, thus missing the sections on the feasibility and finances of the projects. All persons were tested as well on psychological properties that probably could account for premature decision-making. Not overconfidence in one's skills but the illusion of control appeared to be the determining factor (Le Roux, Pretorius, & Millard, 2006). The illusion of control is the misestimation (underrating or overrating) of the personal power to control the conditions of an action. Stewardship theory prescribes an enhancement of perceived personal control (empowerment) of the agent by the principal. The prescription is combined with an a priori announced omission of ex post evaluation. In this way, stewardship governance conduces premature decision-making and irresponsible risk-taking by managers who are susceptible to the illusion of control.

This responsibility-disrupting phenomenon is not countered by the expressed belief of high moral values (Davis, Schoorman, & Donaldson, 1997) of stewards. Rather, the suggestion of moral superiority and infallibility, and in addition a lack of checks and balances in the governance, will work out as a reinforcer for persons with a proneness to self-aggrandization (Padilla, Hogan, & Kaiser, 2007). In reaction to the managerial failures of steward-like managers, Gibelman and Gelman (2001, 2004) refer to the belief in pure virtue and romanticism of leadership. Stewardship theory appeals to

these beliefs. As such, the theory prescribes motivational structures for agents that lead away from the essence of stewardship.

In discussion, it is hard to understand why the stewardship theorists have not chosen the achievement motivation and, more specifically, the mastery of the goal-oriented phenotype of this need. In a comprehensive study of the relation between personality on the one hand and job performance and workplace behavior on the other hand, Hough (1992) finds a strong relation between achievement motivation and recommendable behavior. This need and the dependability trait make it more likely that people behave in an ethical manner (Hough, 1992). Hough refers implicitly to the mastery-goal or learning-goal-oriented version of the need for achievement (see Dweck, 1986). Persons with a mastery drive are selflessly transferring information to their task environment in contrast to performance goal-driven persons who exchange information in a self-servicing way. The latter do not hesitate to share invalid information (Poortvliet, 2008; Van Yperen & Leander, 2014). Mastery drive implies a self-disregarding involvement in a task. In contrast, performance-driven persons aim at self-enhancement and are involved in competition with others. As such, the distinction between mastery drive and performance drive lays a foundation for a more in-depth analysis of the opposing governance approaches of the principal agency and the stewardship approach.

In sum, the ethical voids of the stewardship theory are displayed in Table 4.3.

TABLE 4.3 The ethical voids of the stewardship paradigm

<i>Aspects of justification</i>	<i>Ethical voids</i>	<i>Implications of the stewardship governance paradigm</i>
Intentionalism	Partial	Self-reported good intentions justify the behavior of the steward and the outcomes of the subsequent actions. Due to self-righteousness and power contestation, the goodness of the intentions will be arbitrary
Nominalism	Full	Stewards are assumed to be driven by high values. However, the values at stake are not made explicit. Stewards are not questioned by the principal about their behaviors in relation to values
Consequentialism	Full	Evaluation of the outcomes is assumed to be discouraging for the intrinsic motivation of stewards. Therefore, principals refrain from evaluation

Source: Created by the author

Conclusions and Implications

Critical reading of the seminal publications on the principal agency and the stewardship approaches reveals ethical voids in both governance paradigms. Some voids were foreseen. Principal agency was assumed to be consequentialistic in its justification, whereas stewardship seeks its justification in the intentions. However, not all consequences are accounted for in the principal agency approach. In turn, in the stewardship theory, the intentions are conflated with self-righteousness and power contestation. Both approaches fall short of covering the nominalist basis of justification, namely the absence of references to values. In joint application, this void will not be filled.

Thus, both approaches leave voids in their prevalent domains. In both approaches, there is no clear account of the ethical voids on the side of the owners and the principals. The separation of ownership and control causes a disintegration of responsibility for the corporation, its resources, the resources of third parties, and the interests of the clients or beneficiaries. In stewardship theory, the positions of the owner and the principals are unclear, just like their bases of justification. It is remarkable that analyses of corporate and industry-wide failures in both doctrines display principals and agents/stewards in a mutual strategy of nonintervention. This strategy engenders information barriers and perpetuation of harmful outcomes for actors outside of the relationship. By this strategy, both principal and agent act in a morally hazardous way. In a sense, it brings together the worst of both worlds: disposal of responsibility and rejection of accountability. As such, the governance paradigms are substantiated by a toxic leadership mixture. Further, it is difficult to imagine how alienation from the implementation by owners and principals can be combined with the task commitment of stewards assigned to the actual delivery of services.

Furthermore, one would expect that the governance approaches, considering the ethical voids, would provide some safeguards for the behavior of the agents/stewards. However, human motivation is addressed in a way that does not guide or bind behavior but contributes to impairment and escalation. At the side of the principal agency, the activation of performance-driven achievement triggers self-enhancement and the exchange of invalid information. In stewardship theory, the focus is on the personalized need for power, whereas support of a mastery and learning goal-driven achievement motivation would intrinsically enforce stewardship behavior. Moreover, the way in which the principal agency approach and the stewardship theory are conceived, makes it rather unfeasible that they mutually compensate their shortcomings.

There are ideas that can help to make viable the juxtaposition of the two governance approaches. First, Jacobs (1992) puts forward two opposing

containers, namely the commercial syndrome and the gatekeepers' syndrome. Balanced application is possible only by a deliberate and careful consideration of the values from both syndromes. As such, her proposition fills in the gap between intentions and consequences. In the same vein, Erhard and colleagues make a plea for the restoration of organizational integrity, holding that purpose and action should be connected and make a whole (Erhard, Jensen, & Zaffron, 2009).

Finally, a brief expose of the implications for the public administration is given. In an extensive study of the Dutch public administration, Schillemans and Hagen Bjurstrøm (2020) ascertain the working of elements of both approaches. They find varying degrees of satisfaction with the relationship among principals and agents/stewards.

However, ownership is not studied as a self-containing role. In an analogy with Berle and Means (1932), elected politicians are to be regarded as the owners of the democratic right to decide on the legislation and regulations on the one hand and on the expenditure of tax revenues on the other hand. The issue of ownership appears to be relevant in the practices of the Dutch administration. It is common to attribute the ownership to the heads of the departments. However, since 2022 a conflict is ongoing about the ownership and control between the parliament and the government on the one hand and a group of all chief officials of the departments.

Considering a sustaining institution of parliamentary inquiry commissions in the Netherlands, these owners are obviously not content with the way several public services are delivered along the chain of principal-agent dyads. Confronted with interest-harming implementations of policies, citizens show unprecedented low levels of trust in the Dutch government and administration. So, inside and outside satisfaction diverge to a great extent.

Remarkably, Schillemans and Hagen Bjurstrøm (2020) assume that principals are leading in taking initiatives. This is a departure from the principal agency literature (Berle & Means, 1932; Fana & Jensen, 1983b). It is probably a variation stemming from the new public management movement. Given the deprivation of initiative from the agents, an alienation of politicians and higher managers (both principals and agents) is more likely to produce policies that are unconsumerable for the agents or stewards who are assigned with the delivery of public services in the real-life world of citizens. Amendments on both theories like Eisenhardt's (1989) proposal of behavioral contracting of agents and Hernandez's model of shared leadership and learning by feedback on outcomes for beneficiaries are absent in the research design of Schillemans and Hagen Bjurstrøm (2020).

It will be a challenge to break through the iron logic of both paradigms. There is a need for in-depth analyses of the way the governance approaches in the chosen combination have been and are still contributing

to anomalies in public administration. This chapter offers leads for a fundamental revision of the governance paradigms and their joined application.

Recommendations

On the basis of the analyses in this chapter, some recommendations are to be given.

Moral hazard, the abuse of the control over resources of other actors, can occur at (political) owners and subsequent principals as well. Therefore, it is recommended to consider the ethical choices of these actors too, and to conceive strategies to reduce the behavioral risks involved.

In an attempt to overcome a negative model of man, stewardship theorists have insufficiently thought through their alternative proposition. It is more wise that principals stimulate the stewards to evaluate the outcome of policy processes in an arrangement of shared leadership and responsibility. Furthermore, not autonomy and intrinsic motivations exposed by speech but mastery drive demonstrated in action should be the vanguard of stewardship.

In both approaches, actions are seen as justified without instruction to reflect on the moral choices at stake. Particularly when public service sectors reform and show shifts in practices, explicit and shared reflections on potentially conflicting values will be needed.

In the chain from policy conception to implementation and service delivery, information barriers arise, particularly due to the governance approaches. These barriers may conceal waste of resources, misbehavior, poor work conditions, and harmful outcomes to citizens. Therefore, it should be examined *ex ante* and *ex post* which elements of both governance paradigms induce and sustain information barriers in the process of policymaking and implementation.

In a more broad sense, governance strategies should stimulate and adjust all actors to a commendable behavior. The acceptance of mutual responsibilities and the willingness to learn from suboptimal results and errors have to become integrating principles of a more effective and eligible governance philosophy.

A final question is why governance scholars and practitioners show an inclination to either hard-core distrust or blind trust. The most obvious answer is the platitude that you simply trust or distrust other people in affairs. However, such a dichotomy offers misleading clarity and predictability to the behaviors of actors in relationships of interdependence. Finally, in education and professional training courses two learning goals have to be set: (a) reaching the insight that both fundamental distrust and blind trust are counter-effective interaction strategies and (b) a

motivational reconception of stewardship from self-regard and the power drive to the mastery drive and the willingness to learn in a context of shared leadership.

Questions for Discussion

1. What kind of autonomy contributes to the quality of your work?
2. Do you experience evaluation by your manager or commissioning organization as an intrusion or as a support of work?
3. Do you prefer to have superiors who are detached or involved in your work?
4. Under which conditions is the involvement of superiors pleasant and prolific?
5. To what extent do principals have insight into the job to be done?

References

- Albrecht, W. S., Albrecht, C. C., & Albrecht, C. O. (2004). Fraud and Corporate Executives: Agency, Stewardship and Broken Trust. *Journal van Forensic Accounting*, 5, 109–130.
- Berle, A. A., & Means, G. C. (1932). *The Modern Corporation and Private Property* (Third Printing 1999). New York: Macmillan Co.
- Brennan, M. J. (1994). Incentives, Rationality, and Society. *Journal of Applied Corporate Finance*, 7(2), 31–39.
- Caers, R., Du Bois, C., Jegers, M., De Gieter, S., Schepers, C., & Pepermans, R. (2006). Principal-Agent Relationships on the Stewardship-Agent Axis. *Nonprofit Management & Leadership*, 17(1), 25–47.
- Chrisman, J. J. (2019). Stewardship Theory: Realism, Relevance and Family Firm Governance. *Entrepreneurship, Theory & Practice*, 43(6), 1051–1066.
- Corbetta, G., & Salvato, C. (2004, May). *Self-Serving or Self-Actualizing? Models of Man and Agency Costs in Different Type of Family Firms: A Commentary on "Comparing the Agency Costs of Family and Non-Family Firms: Conceptual Issues and Explanatory Evidence"*. Opgehaald van Wiley Online Library. <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6520.2004.00050.x/full>.
- Crotty, J. (2009). Structural Causes of the Global Financial Crisis: A Critical Assessment of the 'New Financial Architecture'. *Cambridge Journal of Economics*, 33(4), 563–580.
- Davis, J. H., Allen, M. R., & Hayes, H. D. (2010). Is Blood Thicker Than Water? A Study of Stewardship Perceptions in Family Business. *Entrepreneurship: Theory & Practice*, 1093–1115.
- Davis, J. H., Schoorman, F. D., & Donaldson, L. (1997). Toward a Stewardship Theory of Management. *The Academy of Management Review*, 22(1), 20–47.
- Davis, J., Frankforter, S., Vollrath, D., & Hill, V. (2007). An Empirical Test of Stewardship Theory. *Journal of Business & Leadership: Research, Practice, and Teaching*, 3(1), 40–60.

- Donaldson, L. (2005). For Positive Management Theories while Retaining Science: Reply to Ghoshal. *Academy of Management Learning & Education*, 4(1), 109–113.
- Donaldson, L., & Davis, J. H. (1991). Stewardship Theory or Agency Theory: CEO Governance and Shareholder Returns. *Australian Journal of Management*, 16(1), 49–64.
- Dweck, C. S. (1986). Motivational Processes Affecting Learning. *American Psychologist*, 41(10), 1040–1048.
- Eisenberg, P. (1993, May). Why Charities Think They Can Regulate Themselves. *Chronicle of Philanthropy*, 45, 47.
- Eisenhardt, K. M. (1989). Agent Theory: An Assessment and Review. *Academy of Management Review*, 14(1), 57–74.
- Erhard, W., Jensen, M. C., & Zaffron, S. (2009). *Integrity: A Positive Model That Incorporates the Normative Phenomena of Morality, Ethics and Legality* (SSRN Id 1760186). New York: SSRN.
- Eswaran, M., & Kotwai, A. (1984). The Moral Hazard of Budget-Breaking. *The RAND Journal of Economics*, 15(4), 578–581.
- Fama, E. F., & Jensen, M. C. (1983a). Agency Problems and Residual Claims. *Journal of Law & Economics*, 26(2), 327–349.
- Fama, E. F., & Jensen, M. C. (1983b). Separation of Ownership and Control. *Journal of Law & Economics*, 26(2), 301–325.
- Frey, B., & Jegen, R. (2000). Motivation Crowding Theory - A Survey of Empirical Evidence. *Journal of Economic Surveys*, 15(5), 589–611.
- Gibelman, M., & Gelman, S. R. (2001). Very Public Scandals: Nongovernmental Organizations in Trouble. *Voluntas: International Journal of Voluntary & Nonprofit Organizations*, 12(1), 49–66.
- Gibelman, M., & Gelman, S. R. (2004). A Loss of Credibility: Patterns of Wrongdoing Among Nongovernmental Organizations. *Voluntas: International Journal of Voluntary & Nonprofit Organizations*, 15(4), 355–381.
- Gibson, J. L., Ivancevich, J. M., & Donnelly, J. M. (1991). *Organization*. Homewood, IL: Irwin.
- Haidt, J. (2001). The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgement. *Psychological Review*, 108(4), 814–834.
- Heckhausen, H. (2018). Historical Trends in Motivation Research. In J. Heckhausen & H. Heckhausen (Eds.), *Motivation and Action* (3rd ed., pp. 15–66). New York: Springer.
- Hernandez, M. (2012). Toward an Understanding of the Psychology of Stewardship. *Academy of Management Review*, 37(2), 172–193.
- Hood, C. (1991). A Public Management for All Seasons. *Public Administration*, 69(1), 3–19.
- Hough, L. M. (1992). The 'Big Five' Personality Variables - Construct Confusion. Description versus Prediction. *Human Performance*, 5(1–2), 139–155.
- Jacobs, J. (1992). *Systems of Survival: A Dialogue on the Moral Foundations of Commerce and Politics*. New York: Random House.
- Janssen, O., & Prins, J. (2007). Goal Orientation and the Seeking of Different Types of Feedback Information. *Journal of Occupational & Organizational Psychology*, 80(2), 235–249.
- Jensen, M. C. (1994). The Modern Industrial Revolution, Exit, and the Failure of Internal Control Systems. *Journal of Applied Corporate Finance*, 6(4), 4–23.

- Jensen, M. C. (2003). Paying People to Lie: The Truth about the Budgeting Process. *European Financial Management*, 9(3), 379–406.
- Jensen, M. C., & Meckling, W. H. (1976). Theory of the Firm: Managerial Behavior, Agency Costs and Capital Structure. *Journal of Financial Economics*, 3(4), 305–360.
- Koppenjan, J., Karré, P. M., & Termeer, K. (2019). *Smart Hybridity: Potentials and Challenges of New Governance Arrangements*. The Hague: Eleven Publishers.
- Le Roux, I., Pretorius, M., & Millard, S. (2006). The Influence of Risk Perception, Misconception, Illusion of Control and Self-Efficacy on the Decision to Exploit a Venture Opportunity. *Southern African Business Review*, 10(1), 51–69.
- Malcom, R. C., Farris, K., Feola, D. J., Gannett, P. M., Law, A. V., O'Neal, K. S., Salinitri, F. D., Tromp, K., & White, A. (2020). Appropriateness of Term Limits for Administrative Appointments in Pharmacy Programs. *American Journal of Pharmaceutical Education*, 84(1), Article 7462.
- McClelland, D. C. (1970). The two faces of power. *Journal of International Affairs*, 24(1), 29–47.
- Milgrom, P., & Roberts, J. (1992). *Economics, Organization and Management*. Englewood Cliffs, NJ: Prentice Hall.
- Milica, Š. (2021). Agentification of Public Administration in the Transition Process. *Pravo*, 38(3), 108–118.
- Miller, J. L. (2002). *The Board as a Monitor of Organizational Activity: The Applicability of Agency*
- Mills, D. E., Bradley, L., & Keast, R. (2021). NPG and Stewardship Theory: Remedies for NPM Privatization Prescriptions. *Public Management Review*, 23(4), 501–522.
- Nowak, M. (2017). Typology of Ethical Theories Based on the Criterion of Moral Judgement and the Applicability in the Auditor's and Accountant's Professions. *Global Challenges of Management Control and Reporting*, 4(4), 42–50.
- O'Flynn, J. (2014). From New Public Management to Public Value: Paradigmatic Change and Managerial Implications. *Australian Journal of Public Administration*, 66(3), 353–366.
- Padilla, A., Hogan, R., & Kaiser, R. B. (2007). The Toxic Triangle: Destructive Leaders, Susceptible Followers, and Conducive Environments. *The Leadership Quarterly*, 18(3), 176–194.
- Perrow, C. (1986). Economic Theories of Organization. In C. Perrow (Ed.), *Theory and Society* (Vol. 15, pp. 11–45). Dordrecht, the Netherlands: Kluwer Publishers.
- Poortvliet, P. M. (2008). *Information Exchange Examined an Interpersonal Account of Achievement Goals*. Groningen: Rijksuniversiteit Groningen.
- Purkayastha, S., Veliyath, R., & George, R. (2019). The Roles of Family Ownership and Family Management in the Governance of Agency Conflicts. *Journal of Business Research*, 98, 50–64.
- Rashir, A. (2015). Revisiting Agency Theory: Evidence of Board Independence and Agency Cost from Bangladesh. *Journal of Business Ethics*, 130(1), 181–198.
- Rutgerds, M. R. (sd). Sorting Out Public Values? On the Contingency of Value Classification in Public Administration. *Administrative Theory & Praxis*, 30(1), 92–113.

- Salamon, L. M. (1995). *The Global Associational Revolution: The Rise of the Third Sector on the World Scene (Working Paper No. 7)*. Demos.
- Sarbaugh-Thompson, M., Strate, J., Leroux, K., Elling, R. C., Thompsons, L., & Elder, C. D. (2010). Legislators and Administrators Complex Relationship Complicated by Term Limit. *Legislative Studies Quarterly*, 35(1), 57–89.
- Schillemans, T., & Hagen Bjurstrøm, K. (2020). Trust and Verification: Balancing Agency and Stewardship Theory in the Governance of Agencies. *International Public Management Journal*, 23(5), 650–676.
- Schmidt-Traub, G., Hoff, H., & Bernlöhr, M. (2019, July 15). *International Spillovers and the Sustainable Development Goals (SDGs): Measuring How a Country's Progress towards the SDGs Is Affected by Actions in Other Countries*. Opgehaald van SDSN Policy Brief. https://irp-cdn.multiscreensite.com/be6d1d56/files/uploaded/SDSN-Policy-Brief_International-spillovers-and-the-SDGs.pdf.
- Steers, R. M., & Braunstein, D. N. (1976). A Behaviorally-Based Measure of Manifest Needs in Work Settings. *Journal of Vocational Behavior*, 9(2), 251–266.
- Torring, J., & Øllgaard Bentzen, T. (2020). Does Stewardship Theory Provide a Viable Alternative to Control-Fixated Performance Management? *Administrative Sciences*, 10(86), 1–19.
- Van Dreven, C. F., & Koolma, H. M. (2016). In Search of Effective Corporate Governance: An Explorative Research within of Semi-public Housing Management in the Netherlands. *Corporate Ownership & Control*, 14(1), 107–116.
- Van Puyvelde, S., Caers, R., Du Bois, C. J., & Jegers, M. (2012). The Governance of Nonprofit Organizations: Integrating Agency Theory with Stakeholder and Stewardship Theories. *Nonprofit & Voluntary Sector Quarterly*, 41(3), 431–451.
- Van Slyke, D. M. (2005). Agents or Stewards: How Government Manages Its Contracting Relationships with Nonprofit Social Service Providers. *Academy of Management Proceedings*, August(1), D1–D6.
- Van Yperen, N. W., & Leander, M. P. (2014). The Overpowering Effect of Social Comparison Information: On the Misalignment Between Mastery-Based Goals and Self-Evaluation Criteria. *Personality & Social Psychology Bulletin*, 40(5), 676–688.
- Walsh, J. P., & Seward, J. K. (1990). On the Efficiency of Internal and External Corporate Control Mechanisms. *Academy of Management Review*, 15(3), 421–458.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

PART 2

The Public Interest

“The public interest” should be thought of in the broadest possible interpretation and to be inclusive of the most stakeholders—direct and indirect participants and official and unofficial actors. There is not a singular public interest but, rather, it is a public service value that guides the decisions that public administrators make. For example, when Memphis, TN, Police Chief C.J. Davis released the body cam video of Tyre Nichols’ arrest, she did it on a Friday evening because it was the “safe time” to release the video. In interviews Chief Davis gave, she explained that schools would be out and businesses would be closing and that her office worked with federal and county law enforcement agencies on the video’s release.

This section of the book delves into how administrators should use the idea of the public interest as a public service value to empower themselves. Ethics and public trust are at the forefront of this discussion of public-sector decision-making.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

5

HOW PUBLIC ADMINISTRATORS EMPOWER THEMSELVES

David S. Reed

Empowering Oneself to Serve the Public Interest

A public sector worker may find themselves in a “sweet spot” where doing what their employer wants serves the public interest as the worker sees it. But often a worker is not in the sweet spot; they judge that performing their job as their employer wants will harm the public interest. The worker in this situation could be anybody from an employee of a government contractor doing technical work, to a political appointee involved in high-level policy decisions (Snowden, 2019; Shear, 2020). They face an ethical decision among three alternatives. First, they can continue doing a job contrary to the public interest as they see it, in order to meet their private interests for financial security and acceptable working conditions. This is not necessarily a selfish choice, since it may allow them to do much good outside their job for their family or community. Second, they can try to find a job that is more in line with their view of the public interest and also satisfies their private needs, but there is no assurance they will find one. Third, they can use a strategy to empower themselves to do their job differently than their employer wants and more in line with the public interest as the worker sees it.

This chapter examines what a worker does in response to the worker’s own subjective judgment of the public interest. Empirical studies have researched this; for example, Schuster et al. (2021) asked survey respondents, “Imagine that management insisted public servants implement a government policy that you are convinced is against the interest of the public and could cause society significant harm. How frequently would

you expect to react in the following ways?” Similarly, Hollibaugh et al. (2020) asked survey respondents if they would obey instructions to implement an unspecified policy based on whether it agreed with their personal ethics, whether the policy was in their opinion an appropriate solution to a problem, and their assessment of the probability that lives would be negatively affected by implementing the policy. We present findings from these studies later in this chapter.

Scholars have developed concepts that are useful in analyzing a worker’s ethical choice. Hirschman (1972) examined the general situation of a “member” dissatisfied with an organization, including a consumer dissatisfied with a producer or an employee dissatisfied with their employer. Hirschman analyzed it in terms of three concepts:

- Exit, in which the dissatisfied member leaves the organization, such as a consumer ceasing to buy from the producer or an employee ceasing to work for the employer.
- Voice, defined as any attempt by the member to change the practices, policies, or outputs of the organization.
- Loyalty, which is the member’s reluctance to exit the organization, despite their dissatisfaction. A member who stays because of loyalty may or may not exercise a voice to try to change the organization.

Rosemary O’Leary studied the variety of actions public sector workers take within Hirschman’s broad definition of voice (O’Leary, 1994, 2019). O’Leary coined the term “guerrilla government” for “public servants who disobey the wishes of their superiors—either directly or indirectly communicated—in order to do what they perceive is ‘the right thing’” (O’Leary, 2019, p. 19).

This chapter will briefly review two well-known strategies that public sector workers use to empower themselves when doing their jobs as their supervisors want does not serve the public interest as the worker sees it. We will then describe three strategies that have been insufficiently examined in the public administration literature.

The first well-known strategy is for the worker to present management with an argument that persuades them to act in a way more consonant with the public interest. This strategy has been called “employee prosocial voice to managers” (Burris et al., 2013) or more broadly “speaking truth to power” (Sossin, 2005). Majorities of workers say they would voice public interest concerns to management. Schuster et al. (2021, p. 26) found that 64.3% of Brazilian civil servants said that if instructed to implement a policy that was against the public interest and could cause society significant harm, they would try to convince management to stop the policy. Hollibaugh et al. (2020, p. 14) found that 69.9% of U.S. civil servants

said that if a superior asked them to implement a bad policy, they would inform the superior that the decision was wrong.¹ We do not have data on how often employee voice to managers succeeds when workers use it, but there is evidence that public sector workers do not generally think management will respond to their voice by making improvements. In the most recent official survey of U.S. Government employees, only 40% agreed that “I believe the results of this survey will be used to make my agency a better place to work” (U.S. Office of Personnel Management, 2021, p. 16).

The other well-known strategy is whistleblowing, defined as “disclosure by organizational members [of] illegal, immoral, or illegitimate practices under control of the employers, to persons or organizations who may be able to effect action” (Miceli & Near, 1985).² We distinguish between disclosure to the worker’s supervisors, which is employee voice to management as described above, and disclosure to any other “persons or organizations who may be able to effect action,” which is whistleblowing. Miceli and Near (2013) analyzed surveys of public sector workers in Australia (Brown, 2008) and the United States (U.S. Merit Systems Protection Board, 1993).³ They found that of workers who observed wrongdoing, the share who reported it to either their supervisor (voice to management) or another party (whistleblowing) was 39% for Australia and 48% for the United States. One disincentive for whistleblowing or voice to management is fear of retaliation. Of workers who said they reported wrongdoing, the share who perceived negative treatment or retaliation as a result of their action was 22% for Australia and 38% for the United States (Miceli & Near, 2013, table 1).

In summary, the majority of government employees say they would be willing to exercise voice to management about a policy they were asked to implement contrary to the public interest. But only minorities of government workers who observe wrongdoing on the job actually report it to their management or another party. Factors that may discourage workers from using the well-known strategies of voice to management and whistleblowing include low expectations that management will react by improving the problem and the risk of retaliation. Public sector workers also empower themselves with less-known strategies, as described in the following sections.

Independent Demonstration Projects

“Independent demonstration projects” is a strategy to innovate in government without the prior approval of officials. The strategy has two steps.

First, the innovator implements their idea on a temporary basis as a minimum viable product, without official support or approval. “Minimum viable product” is a term from the technology industry. It means a version

of the product that has been developed just enough to be useful to some actual users. As shown in the examples below, an innovator can implement their minimum viable product with fewer resources than an official government project, because it can be at a small scale and is intentionally temporary.

Second, after the innovation is implemented as a minimum viable product, it creates pressure on officials to sustain and expand it using government resources. This pressure happens in three ways:

- Proves the innovation is feasible.—When the innovation is up and running, it disproves any claims by officials that it cannot be done or would be prohibitively expensive or would have catastrophic consequences.
- Builds constituency of supporters.—When users have a chance to benefit from the innovation, and other members of the public see these benefits, they will want the government to keep it going on a permanent basis.
- Removes officials' power to block innovation.—Once the independent demonstration project is running, officials can no longer prevent the innovation. They can either adopt the innovation with government resources or have it continued outside their control and possibly to their political embarrassment.

The independent demonstration project strategy is used by government employees and activists outside the government. One example of government employees using the strategy was the Forest Service Diversity & Inclusion Coalition for Empowerment. This project started in 2014 when three employees of the U.S. Department of Agriculture's Forest Service met while traveling to training. None of them had job responsibilities for diversity and inclusion, but they found they had a "mutual passion" for it (Watson, 2015). At the time, every Federal agency had an Equal Employment Opportunity office to handle complaints, but proactive diversity and inclusion programs were very rare. The three employees could have exercised their voice to try to convince management to start a diversity and inclusion program, instead, they used the independent demonstration project strategy—starting the program themselves without asking officials for permission or support. As one of the organizers recounted it:

They convened a discussion with colleagues across the Washington Office about the meaning of Diversity and Inclusion, and they talked about the challenges, the opportunities, and bold steps the agency might take. Since that initial conversation in November of 2014, they have engaged over 200 employees in the Yates building ... As part of

their empowerment model they recruited three individuals from each previous conversation to facilitate the next.

(Watson, 2015)

As the project grew, the agency management could have chosen several reactions. They could have tried to suppress the innovation by forbidding the use of agency resources such as meeting rooms. They could have done nothing and hoped the project would die out. Instead, management adopted the successful innovation as an official project. By 2015, a senior executive of the Forest Service was listed as the author of a presentation promoting the project, along with the employees who had started it (Merony et al., 2015). The project was featured in an official Forest Service newsletter. With management support, they were able to use virtual meeting resources (which were not as ubiquitous then as they are now) to move beyond the headquarters and include employees in field offices (Merony et al., 2015).

The Forest Service case also illustrates the usefulness of the independent demonstration project strategy for workers who may be marginalized, in this case, due to their ethnicity and gender. The strategy does not depend on officials viewing the innovating workers as the type of people they consider credible or powerful. Once the innovation is implemented as a demonstration, it creates credibility and can build a more powerful constituency of users and supporters.

In the Forest Service case, the independent demonstration project moved rapidly from employees empowering themselves to management adopting the innovation. In another case, called the Nevada Four, there was a prolonged conflict between the innovators and the management. The description of the Nevada Four case is summarized from O'Leary (2019, Chapter 2), although O'Leary did not use the term independent demonstration project.

The Nevada Four were three employees of the U.S. Department of the Interior and one employee of the Nevada Department of Wildlife. Their public interest goal was to protect wetlands that were being destroyed by the diversion of water to irrigation projects. They became convinced that doing their jobs as their supervisors wanted would not support this goal, because their agencies did not consider the wetlands important. So they worked with groups outside the government to build support for protecting the wetlands, and one way they did this was an independent demonstration project. The innovation they demonstrated was to have water rights that were originally designated for irrigation devoted to the wetlands instead. They started by identifying owners of water rights who were not using them and showed the owners they could get a tax deduction by donating their rights to the wetlands. Some of the owners did

donate their rights, which demonstrated for the first time that water rights could be switched from irrigation to wetlands. The four then worked with civil society organizations to raise money to buy additional water rights to be switched from irrigation to wetlands. Applying the independent demonstration project strategy, their goal was to use this successful implementation to prove the practicality and usefulness of their innovation and “embarrass the government” (O’Leary, 2019, p. 46) into buying water rights for wetlands at a larger scale using government funds. They succeeded. In 1990, three years after the Nevada Four started their project, legislation was passed that made explicit the U.S. Department of the Interior’s authority to buy water rights originally designated for irrigation and use them to maintain wetlands instead. Since then, water rights have been purchased to be devoted to wetlands by the U.S. Department of the Interior, the State of Nevada, and civil society organizations.

The Nevada Four case also illustrates the risks to public sector workers who use the independent demonstration project strategy. Agency officials became aware that the four were doing their jobs quite differently than their supervisors wanted them to. Three of the four, who worked for the U.S. Department of the Interior, received veiled threats that they could be transferred to undesirable assignments in a different part of the country. To reduce the risk of retribution from officials above them, the Nevada Four tried to keep the spotlight on their innovation rather than on themselves. As O’Leary (2019, p. 48) recounts, “since they hoped to hide most of their actions from those at higher levels in their hierarchies, they could not afford to take credit for successes.”

There are numerous other cases of independent demonstration projects, implemented by people inside and outside government (Jaquith, 2016; Levy, 2016; Malamud, 1993; Mauro & Coyle, 2015; Schoenfeld, 2019; Schuman, 2016; Tauberer, 2018) but scholarly literature has not previously identified that such cases represent a distinct strategy that is different from other approaches to civic participation and guerrilla government (e.g., Bingham et al., 2005; O’Leary, 2019). The name “independent demonstration project” was only recently applied to the strategy (Reed, 2022).

Cuff Systems

Public sector workers also empower themselves by creating cuff systems. A cuff system is an improvised method or tool that workers use when official systems are inadequate. Unlike independent demonstration projects, which their creators intend the government to eventually adopt and expand, workers create cuff systems for their own use with no expectation they will be adopted officially. The name “cuff system” comes from cuff notes; an old practice of writing on one’s shirt cuff as an improvised notebook.

Cuff systems often take the form of spreadsheets and other uses of information technology (IT). They are not part of agencies' official procedures but are sometimes acknowledged in studies of how work is actually done. For example, an Inspector General report about the U.S. Bureau of Land Management said that "instead of using FIMMS [the agency's information technology system], they relied on their own records or 'cuff notes' to track facility and road conditions and maintenance work performed" (U.S. Dept. of Interior, 2002, p. 11). A consultant's report to the U.S. Agency for International Development found that the agency's HIV/AIDS data depended on several cuff systems and recommended, "Develop a standardized coding system which can be implemented on operational systems ... and mirrored on cuff systems so that data can be more readily linked across systems" (VIA Consulting Group, LLC, 2004, p. 22). Despite this recognition of cuff systems in practitioner literature, scholarly publications in public administration have not addressed the concept of cuff systems, except for oblique mentions in Lewis et al. (2014) and Reed (2017).

Cuff systems are often derided as "shadow IT" that poses risks to the reliability and security of data, because they are not provided or approved by the agency's IT department (Allen et al., 2019; Myers et al., 2017). But occasionally, agency management admits the necessity of cuff systems, as when the Chief Information Officer of the FBI said, "it's agents and analysts doing things that they have to do for operational reasons to keep the country safe and secure. And we don't want to stop that" (Thornton, 2017).

Cuff systems are not limited to information technology. Abbott (2020) recounts how Coast Guard helicopter crews bought axes at their own expense so they could chop through roofs to rescue people from flooded houses in the wake of Hurricane Katrina.

Public sector workers use cuff systems to empower themselves in two ways. First, cuff systems allow them to perform their jobs effectively when the official systems are inadequate, as illustrated in the examples above. Second, workers can create cuff systems that allow them to perform repetitive tasks more quickly, freeing up time to do work their supervisors do not require but that serves the public interest as the worker sees it. As a former public sector worker wrote:

As was my typical practice in any new technical position, I spent the earliest days automating my tasks—meaning writing scripts to do my work for me—so as to free up my time for something more interesting.
(*Snowden, 2019, p. 186*)⁴

A worker who uses a cuff system takes the ethical risk of doing harm through failures of the cuff system they did not plan for. The case of

Coast Guard helicopter crews buying axes, described above, provides an example of this risk:

they introduced a potentially dangerous piece of equipment onto a helicopter prone to significant vibrations and violent motions. They had to determine how to secure the fire ax so it wouldn't come free and strike an occupant or cut a vital hydraulic line threatening the safety of all on board.

(Abbott, 2020, Chapter 1)

The other risk is that the worker's superiors will become aware of the cuff system and punish the worker. Allen et al. (2019) conducted experiments where managers set bonus amounts for hypothetical employees. The results were:

We find that managers administer significantly lower bonus amounts to an employee who uses a shadow IT system than to an employee who uses the company-endorsed system. This result holds regardless of outcome favorability, suggesting that opinions toward shadow IT are not altered by outcome favorability. We also find that ... shadow systems are viewed as less reliable than non-shadow IT systems. Thus, although shadow IT systems are prevalent in practice, we find that employees suffer negative consequences from their decision to use them.

(Allen et al., 2019, p. 30)

Some steps can reduce the risk that a cuff system will be deemed shadow IT by officials. One way is to use only the computing hardware and software that a worker's employer provides. Office automation software that employers commonly provide (word processing, spreadsheets, etc.) allow the user to create a great deal of functionality for a cuff system through built-in functions, macros, and scripts (Microsoft, 2022; Google, 2022). Another way to reduce the risk that a cuff system will be deemed shadow IT is to not call it a system, application, or any other term that makes it appear subject to the organization's requirements for approving information technology. While most organizations have requirements for approving a new "system" almost none require an employee to get approval for creating a new spreadsheet, even though it may be automating important parts of the organization's work.

Collective Action

Collective action refers to members of a group acting together to pursue a common goal. There is substantial literature on collective action that

is not specific to public sector workers, most notably Olson (1971). The only research about public sector workers using collective action to pursue the public interest as they see it against the wishes of their management appears to be Gofen (2014) who called it “collective divergence.”⁵

Collective action can make other strategies of worker empowerment more effective, in two ways. First, collective action allows spreading out the work of an empowerment strategy. For example, the Nevada Four case described above required extensive time and effort cultivating allies—more than any single worker could have done in addition to the duties assigned by their supervisors.

Second, collective action increases the perceived credibility and legitimacy of actions workers take. Gofen studied cases of street-level bureaucrats diverging from policies imposed by their managements and concluded that:

collectivity and transparency contribute to the legitimization of divergence as other-serving. Once collective divergence is perceived as other-serving and not as self-serving, it is more likely to contribute to a policy change. Collective divergence inherently means that street-level divergence, at least to some extent, has gained professional legitimacy.

(Gofen, 2014, p. 489)

Two examples from the U.S. foreign policy illustrate how collective action increases the impact of workers exercising their voice. In 2016, fifty-one employees of the U.S. Department of State (State Dept.) sent a memo to the Office of the Secretary, laying out a case for the United States to intervene with military force in the civil war in Syria (51 U.S. Diplomats, 2016). In 2017, one thousand State Dept. employees signed a memo to the Office of the Secretary arguing against a ban on citizens from seven Muslim-majority countries entering the United States (1000 State Dept. employees, 2017). Both these memos were sent via the State Dept.’s “dissent channel,” a feature of the department’s regulations that allows employees to submit dissenting opinions on foreign policy directly to the Office of the Secretary without permission of intermediary supervisors and with a promise of no retaliation (2 FAM 070 Dissent Channel, 2018). The regulations presume that each dissent will be from a single employee, and forbid divulging a dissent to anyone except certain officials of U.S. foreign policy agencies.⁶ Dissents that follow those rules do not have much effect. One study of the dissent channel found that “it’s common for dissenters to receive a response that does not engage the merits of the dissent” (Van Schooten & Schwellenbach, 2020, p. 18). A historical review of the dissent channel concluded that “it has done little to impact U.S. foreign policy” (Gurman, 2011, p. 323). But the dissents from 51 to

1,000 employees, which leaked to the press even before they were officially submitted, had a substantial impact. Both received extensive press coverage (Landler, 2016; Rothschild, 2016; Gettleman, 2017; Morello, 2017; Rogin, 2017; Schwartz, 2017). Neither dissent disclosed classified information⁷ nor provided any information that was not available elsewhere. The headlines and lead paragraphs of the newspaper stories make clear that these dissents were considered newsworthy specifically because so many State Dept. employees had joined them. The Secretary of State met with some of the signers of the Syria dissent for what the State Dept. described as a “collegial discussion” in which the Secretary said he appreciated their views (Spero, 2016). Within months, the United States made its first acknowledged armed attack on Syrian forces, although there had been intervening events including a change of Presidential administrations, so the change in policy cannot be attributed to the dissent memo (Cone & Ware, 2017). The Department of State did not engage with the signers of the Muslim ban dissent about the issues they raised. The White House Press Secretary told reporters that the employees who signed the Muslim ban dissent “should either get with the program or they can go” (Gettleman, 2017). It is not clear whether there was any actual retaliation against the signers (Van Schooten & Schwellenbach, 2020, pp. 20–21). The Muslim ban remained in effect, with some modifications by the executive branch and temporary suspensions by the courts, until it was repealed after a new President took office (Biden, 2021).

In the State Dept. dissents, employees came together as an ad hoc group for a particular collective action. In other cases, preexisting groups of employees conduct collective actions. For example, in 2021 the California State Parks Peace Officer Management Association, an association of supervisory park rangers, sent a letter to the Governor saying that a survey of its members found that 90% did not have confidence in the state parks director, and the association requested that she be replaced (Associated Press, 2011). Seven months later, the parks director resigned when improper financial reporting in her department was revealed (Rogers, 2012).

Three novel approaches to collective action by public sector workers arose during the Trump administration. One was collaboration using online services such as Google Docs that allowed the collaborators to remain pseudonymous even to each other (Takoma Park Mobilization, 2017; Trykowski, 2017). This allowed workers to exchange information and plan actions against policies they considered contrary to the public interest while reducing the risk they could be identified for retaliation by their employers.

The second novel approach was expanding the scope of issues government employees’ labor unions addressed, beyond the traditional issues of workplace conditions, to the workers’ ability to act on policy issues. For

example, the union representing employees of the U.S. Environmental Protection Agency started promoting an EPA Workers' Bill of Rights that included "The right to scientific integrity in EPA work," "The right to enforce environmental laws without political interference," and "The right to work on control of greenhouse gases, to discuss solutions to climate change, and to conduct climate change research" (American Federation of Government Employees, 2022).

The third novel approach was that workers who were not government employees, and often not even working on government projects as employees of contractors, took collective action to oppose their employers participating in government projects the workers considered improper. In 2016, employees of various organizations in the technology industry, including Google, Twitter, and IBM, launched the "Never Again pledge" in which they promised to refuse to work on databases "for the United States government to target individuals based on race, religion, or national origin" and to oppose their employers using data in ways they considered improper (Larson, 2016; neveragain.tech, 2016). This was in response to statements by Donald Trump, at that time the president-elect, that his administration might create a database of Muslims in the United States (Blake, 2016). The pledge garnered 2,842 signatures online before the organizers stopped verifying and publishing new signatures. Shortly after, several major technology companies announced they would not build any database for the government to use to discriminate against Muslims or people of any other demographic (Rodriguez, 2016). Another example of this approach to collective action by workers occurred in 2018 when more than 3,000 employees of Google signed an online letter to the company's chief executive asking that Google cancel its work on Maven, a U.S. Department of Defense project to develop computer vision for drones (Mitchell, 2019; Shane & Wakabayashi, 2018). Three months later, there were press reports that about a dozen Google employees had resigned in protest over the Maven project and that their accounts of their reasons for leaving were being circulated among Google employees (Conger, 2018a). A month after that, Google announced that it would not seek to renew its contract for the Maven project when it expired at the end of the year (Conger, 2018b).

In summary, collective action can facilitate and strengthen other strategies that public sector workers use to empower themselves to serve the public interest as they see it. Like all strategies of empowerment, it does not always achieve its goals and it incurs a risk of retribution by employers.

Recommendations

Public sector workers should be aware that when they feel doing their job as their supervisor wants is contrary to the public interest, their options

are not limited to either looking for a new job or doing as they are told and rationalizing that “it’s above my pay grade.” Strategies that empower workers to perform their jobs more in line with the public interest as they see it include voice to management, whistleblowing, independent demonstration projects, cuff systems, and collective action. Workers should consider the potential for each strategy to empower them to serve the public interest, and the risks that by pursuing a strategy the worker could inadvertently do harm or could incur retribution from management.

Instructors who educate public sector workers should make them aware of the range of strategies by which they can empower themselves to serve the public interest as they see it. Illustrative cases can convey the potential and the risks of the strategies.

Public sector managers should be aware that workers who do not think doing their jobs as instructed will serve the public interest may utilize strategies to empower themselves to do their jobs more in line with the public interest as they see it.

Questions for Discussion

General

1. Is it ever justified for a public sector worker to intentionally do their job differently than their supervisor wants them to? If yes, then what conditions would justify it?
2. Is it ever justified for a public sector worker to do their job in a way that the worker thinks is contrary to the public interest but consistent with what their supervisor wants? If yes, then what conditions would justify it?
3. What are the differences between using the empowerment strategies described in this chapter as an employee of a government contractor or grantee rather than a government employee?

Independent Demonstration Projects

When workers create an independent demonstration project, what are management’s options? How can management decide among its options?

In the examples of independent demonstration projects in this chapter, what resources did the innovators use to implement their idea as a minimum viable product? How can public sector workers obtain resources to implement an independent demonstration project?

After implementing their idea as a minimum viable product, what else would an innovator need to do to increase the chances of the government adopting their innovation?

How might an independent demonstration project do harm?

Cuff Systems

If a cuff system works and helps the worker accomplish their job, then are there good reasons for management to object to the cuff system? Are there bad reasons that management might object?

If a worker is using a cuff system, then what are the advantages and disadvantages of sharing it with other workers?

Collective Action

What are possible motivations for a worker to participate in a collective action, other than achieving the public interest goal of the collective action?

What can management do to reduce its risk from collective action among its employees?

Notes

- 1 The percentage from Hollibaugh et al. is averaged across several scenarios of who the superior was, how bad the policy was, and the risk of retribution.
- 2 The legal definition of which activities qualify for protection as whistleblowing varies greatly among various whistleblower laws (e.g., U.S. Dept. of Justice, 2022).
- 3 Miceli and Near also analyzed data from Norway, but it is not comparable for our purposes because it includes private sector workers and measures retaliation differently.
- 4 We are not recommending that workers use the time they free up to disclose classified information as Snowden did.
- 5 Gofen (2014) did not identify any previous research on collective divergence. A literature review by Chang and Brewer (2022) did not identify any research on collective divergence other than Gofen. My own search found no additional research on the topic.
- 6 State Dept. management has allowed a few dissents to be publicized with “Constructive Dissent Awards” (American Foreign Service Association, 2019).
- 7 The Syria dissent was marked Sensitive But Unclassified while it was being drafted, but it was marked Confidential when it was transmitted as a State Dept. cable (Spero, 2016).

References

- 1000 State Dept. employees. (2017). *Dissent Channel: Alternatives to Closing Doors in Order to Secure Our Borders*. <https://s3.documentcloud.org/documents/3438487/Dissent-Memo.pdf>
- 2 FAM 070 Dissent Channel. (2018). <https://fam.state.gov/FAM/02FAM/02FAM0070.html>
- 51 U.S. Diplomats. (2016). *Dissent Channel: Syria Policy*. <https://assets.documentcloud.org/documents/2866467/State-Dept-Dissent-Memo.pdf>

- Abbott, G. (2020). *Unauthorized Progress-Leading from the Middle: Stories & Proven Strategies for Making Meaningful Impacts*. Geoff Abbott.
- Allen, D., Burton, F. G., Smith, S. D., & Wood, D. A. (2019). Shadow IT Use, Outcome Effects, and Subjective Performance Evaluation. *Journal of Strategic Innovation and Sustainability*, 14(3), 29–42.
- American Federation of Government Employees. (2022). *EPA Workers' Bill of Rights*. AFGE Council 238. <https://afge238.org/workers-bill-of-rights/>
- American Foreign Service Association. (2019). *Constructive Dissent Awards*. <https://afsa.org/constructive-dissent-awards>
- Associated Press. (2011, December 20). State Park Managers Oppose Agency Director. *Daily News*. <https://www.dailynews.com/20111220/state-park-managers-oppose-agency-director>
- Biden, J. R. (2021). *Proclamation on Ending Discriminatory Bans on Entry to the United States*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-ending-discriminatory-bans-on-entry-to-the-united-states/>
- Bingham, L. B., Nabatchi, T., & O'Leary, R. (2005). The New Governance: Practices and Processes for Stakeholder and Citizen Participation in the Work of Government. *Public Administration Review*, 65(5), 547–558. <https://doi.org/10.1111/j.1540-6210.2005.00482.x>
- Blake, A. (2016, December). Trump Says We've Known His Muslim Ban and Database Plans 'All Along,' but We Still Don't—Not Really. *Washington Post*. <https://www.washingtonpost.com/news/the-fix/wp/2016/11/17/the-evolution-of-donald-trump-and-the-muslim-database/>
- Brown, A. J. (2008). *Whistleblowing in the Australian Public Sector: Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations*. ANU Press.
- Burris, E. R., Detert, J. R., & Romney, A. C. (2013). Speaking up vs. Being Heard: The Disagreement around and Outcomes of Employee Voice. *Organization Science*, 24(1), 22–38. <http://pubsonline.informs.org/doi/abs/10.1287/orsc.1110.0732>
- Chang, A., & Brewer, G. A. (2022). Street-Level Bureaucracy in Public Administration: A Systematic Literature Review. *Public Management Review*, 1–21. <https://doi.org/10.1080/14719037.2022.2065517>
- Cone, A., & Ware, D. G. (2017, April 6). U.S. Strikes Syria; Trump Fires 59 Missiles in "Vital National Security Interest". *UPI*. https://www.upi.com/Top_News/US/2017/04/06/US-strikes-Syria-Trump-fires-59-missiles-in-vital-national-security-interest/6071491508552/
- Conger, K. (2018a, May 14). Google Employees Resign in Protest Against Pentagon Contract. *Gizmodo*. <https://gizmodo.com/google-employees-resign-in-protest-against-pentagon-con-1825729300>
- Conger, K. (2018b, June 1). Google Plans Not to Renew Its Contract for Project Maven, a Controversial Pentagon Drone AI Imaging Program. *Gizmodo*. <https://gizmodo.com/google-plans-not-to-renew-its-contract-for-project-mave-1826488620>
- Gettleman, J. (2017, January 31). State Dept. Dissent Cable on Trump's Ban Draws 1,000 Signatures. *The New York Times*. <https://www.nytimes.com/2017/01/31/world/americas/state-dept-dissent-cable-trump-immigration-order.html>

- Gofen, A. (2014). Mind the Gap: Dimensions and Influence of Street-Level Divergence. *Journal of Public Administration Research and Theory*, 24(2), 473–493. <https://doi.org/10.1093/jopart/mut037>
- Google. (2022). *Google Apps Script Overview*. Google Developers. <https://developers.google.com/apps-script/overview>
- Gurman, H. (2011). The Other Plumbers Unit: The Dissent Channel of the U.S. State Department. *Diplomatic History*, 35(2), 321–349. <https://doi.org/10.1111/j.1467-7709.2010.00946.x>
- Hirschman, A. O. (1972). *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Harvard University Press.
- Hollibaugh, G. E., Miles, M. R., & Newswander, C. B. (2020). Why Public Employees Rebel: Guerrilla Government in the Public Sector. *Public Administration Review*, 80(1), 64–74. <https://doi.org/10.1111/puar.13118>
- Jaquith, W. (2016, August 1). 24 Months + \$3000 + 1 Cake: How Virginia's Company Data Was Opened Up. *OpenCorporates*. <https://blog.opencorporates.com/2016/08/01/24-months-3000-1-cake-how-virginias-company-data-was-opened-up/>
- Landler, M. (2016, June 16). 51 U.S. Diplomats Urge Strikes Against Assad in Syria. *The New York Times*. <http://www.nytimes.com/2016/06/17/world/middleeast/syria-assad-obama-airstrikes-diplomats-memo.html>
- Larson, S. (2016, December 13). Tech Workers Pledge to Never Help Trump Build Muslim Registry. *CNNMoney*. <https://money.cnn.com/2016/12/13/technology/never-again-data-collection-trump/index.html>
- Levy, S. (2016, September 12). The Internet's Own Instigator. *Wired*. <https://www.wired.com/2016/09/the-internets-own-instigator/>
- Lewis, A. C., Neiberline, C., & Steinhoff, J. C. (2014). Digital Auditing: Modernizing the Government Financial Statement Audit Approach. *Journal of Government Financial Management*, 63(1), 32–37.
- Malamud, C. (1993). *Exploring the Internet*. Prentice-Hall, Inc.
- Mauro, T., & Coyle, M. (2015, October 5). Supreme Court Confronts “Line-Standing,” Secret Changes to Opinions. *The National Law Journal*. <http://m.nationallawjournal.com/module/alm/app/nlj.do#!/article/1754968428>
- Merony, K., Watson, A., & Rice, B. (2015). *DICE Diversity & Inclusion Coalition for Empowerment*. Office of Personnel Management. Unpublished presentation. Available from David.Reed@PubAdmin.org
- Miceli, M. P., & Near, J. P. (1985). Characteristics of Organizational Climate and Perceived Wrongdoing Associated with Whistle-Blowing Decisions. *Personnel Psychology*, 38(3), 525–544.
- Miceli, M. P., & Near, J. P. (2013). An International Comparison of the Incidence of Public Sector Whistle-Blowing and the Prediction of Retaliation: Australia, Norway, and the US. *Australian Journal of Public Administration*, 72(4), 433–446. <https://doi.org/10.1111/1467-8500.12040>
- Microsoft. (2022). *Create or Run a Macro*. <https://support.microsoft.com/en-us/office/create-or-run-a-macro-c6b99036-905c-49a6-818a-dfb98b7c3c9c>
- Mitchell, B. (2019, November 5). Google's Departure from Project Maven Was a “Little Bit of a Canary in a Coal Mine”. *FedScoop*. <https://www.fedscoop.com/google-project-maven-canary-coal-mine/>
- Morello, C. (2017, January 30). Dissent Memo Circulating in the State Department over Trump's Policy on Refugees and Immigrants. *Washington Post*. <https://>

- www.washingtonpost.com/world/national-security/dissent-memo-circulating-in-the-state-department-over-trumps-policy-on-refugees-and-immigrants/2017/01/30/c1457689-5108-4ef7-bcea-1a5dee431ef8_story.html
- Myers, N., Starliper, M. W., Summers, S. L., & Wood, D. A. (2017). The Impact of Shadow IT Systems on Perceived Information Credibility and Managerial Decision Making. *Accounting Horizons*, 31(3), 105–123.
- neveragain.tech. (2016). *Our Pledge*. <http://neveragain.tech/>
- O’Leary, R. (1994). The Bureaucratic Politics Paradox: The Case of Wetlands Legislation in Nevada. *Journal of Public Administration Research and Theory*, 4(4), 443–467. <https://doi.org/10.1093/oxfordjournals.jpart.a037226>
- O’Leary, R. (2019). *The Ethics of Dissent: Managing Guerrilla Government* (3rd ed.). CQ Press.
- Olson, M. (1971). *The Logic of Collective Action: Public Goods and the Theory of Groups, With a New Preface and Appendix*. Harvard University Press.
- Reed, D. S. (2017). Case Reports and Open Source Work Products in PAR. *Public Administration Review*, 77(3), 473–473. <https://doi.org/10.1111/puar.12775> (Ungated preprint at <https://osf.io/preprints/socarxiv/rbu4v/>)
- Reed, D. S. (2022, June 7). Independent Demonstration Projects: A Bottom-Up Strategy for Innovation. *OECD Observatory of Public Sector Innovation*. <https://oecd-opsi.org/blog/independent-demonstration-projects-a-bottom-up-strategy-for-innovation/>
- Rodriguez, S. (2016, December 19). Salesforce Joins List of Tech Companies That Oppose Building a Muslim Registry | *Inc.com*. *Inc.* <https://web.archive.org/web/20170406034527/http://www.inc.com/salvador-rodriguez/salesforce-muslim-registry.html>
- Rogers, P. (2012, July 20). Ruth Coleman, California Parks Director, Resigns amid Budget Irregularities. *The Mercury News*. <https://www.mercurynews.com/2012/07/20/ruth-coleman-california-parks-director-resigns-amid-budget-irregularities/>
- Rogin, J. (2017, January 30). Opinion | State Department Dissent Memo: ‘We Are Better than This Ban’. *Washington Post*. <https://www.washingtonpost.com/news/josh-rogin/wp/2017/01/30/state-department-dissent-memo-we-are-better-than-this-ban/>
- Rothschild, A. J. (2016, June 24). 51 U.S. Diplomats Criticized U.S. Policy on Syria. Will Their Dissent Make a Difference? *Washington Post*, *Monkey Cage*. <https://www.washingtonpost.com/news/monkey-cage/wp/2016/06/24/51-u-s-diplomats-disagreed-with-the-u-s-policy-on-syria-theyre-not-the-first-to-dissent-on-humanitarian-grounds/>
- Schoenfeld, B. (2019, July 4). Virginia Courts Now Provide Statewide Search. *VirginiaCourtData.Org*. <https://medium.com/@virginiacourtdata/virginia-courts-now-provide-statewide-search-f858fbd6763f>
- Schuman, D. (2016, October 19). *Why I Came to Believe CRS Reports Should Be Publicly Available (and Built a Website to Make It....* Medium. <https://medium.com/demand-progress/why-i-came-to-believe-crs-reports-should-be-publicly-available-and-built-a-website-to-make-it-77b4b0f6233e>
- Schuster, C., Sass Mikkelsen, K., Correa, I., & Meyer-Sahling, J.-H. (2021). Exit, Voice, Sabotage: Public Service Motivation and Guerrilla Bureaucracy in Times of Unprincipled Political Principals. *Journal of Public Administration Research and Theory*, muab028. <https://doi.org/10.1093/jopart/muab028>

- Schwartz, F. (2017, February 1). State Department Dissent, Believed Largest Ever, Formally Lodged. *Wall Street Journal*. <https://www.wsj.com/articles/state-department-dissent-believed-largest-ever-formally-lodged-1485908373>
- Shane, S., & Wakabayashi, D. (2018, April 4). 'The Business of War': Google Employees Protest Work for the Pentagon. *The New York Times*. <https://www.nytimes.com/2018/04/04/technology/google-letter-ceo-pentagon-project.html>
- Shear, M. D. (2020, October 28). Miles Taylor, a Former Homeland Security Official, Reveals He Was 'Anonymous'. *The New York Times*. <https://www.nytimes.com/2020/10/28/us/politics/miles-taylor-anonymous-trump.html>
- Snowden, E. (2019). *Permanent Record*. Henry Holt and Company.
- Sossin, L. (2005). Speaking Truth to Power? The Search for Bureaucratic Independence in Canada. *The University of Toronto Law Journal*, 55(1), 1–59. <https://www.jstor.org/stable/4491637>
- Spero, D. (2016, June 22). More on the Syria Dissent Channel Memo, and Chasing Down Concerning Rumors. *DiploPundit*. <https://diplopundit.net/2016/06/22/more-on-the-syria-dissent-channel-memo-and-chasing-down-concerning-rumors/>
- Takoma Park Mobilization. (2017). *Activism Resources for Federal Employees*. Takoma Park Mobilization. https://docs.google.com/document/d/1lwopg6_tc_oIkA8QZqF_HqoV6a2UFtk3DzAa9RneSI0/edit?usp=embed_facebook
- Tauberer, J. (2018, April). *Testimony on Behalf of the Congressional Data Coalition*. U.S. House of Representatives Legislative Branch Appropriations Subcommittee. https://s3.amazonaws.com/demandprogress/testimony/FY19_CDC_Hse_Leg_Branch_Approps_Written_Testimony.pdf
- Thornton, D. (2017, February 14). FBI CIO Wants to Bring "Shadow IT" Innovations into the Light. *FederalNewsRadio.Com*. <http://federalnewsradio.com/justice-february-2017/2017/02/fbi-cio-wants-bring-shadow-innovations-light/>
- Trykowski, T. (2017, January 27). How Google Docs Became a Key Tool for Social Justice. *Vice*. https://www.vice.com/en_us/article/how-google-docs-became-a-key-tool-for-social-justice
- U.S. Dept. of Interior. (2002). *Improvements Needed in Developing and Reporting on GPRA Goals and Measures: Reducing Threats to Public Health, Safety, and Property* (No. 2002-I-0047). U.S. Department of the Interior Office of Inspector General. <http://www.gpo.gov/fdsys/pkg/GPO-DOI-IGREPORTS-2002-i-0047/pdf/GPO-DOI-IGREPORTS-2002-i-0047.pdf>
- U.S. Dept. of Justice. (2022). *Whistleblower Rights and Protections*. <https://oig.justice.gov/hotline/whistleblower-protection>
- U.S. Merit Systems Protection Board. (1993). https://www.mspb.gov/studies/studies/Whistleblowing_in_the_Federal_Government_An_Update_253699.pdf
- U.S. Office of Personnel Management. (2021). *2021 Federal Employee Viewpoint Survey Results: Governmentwide Management Report*. <https://www.opm.gov/fevs/reports/governmentwide-reports/governmentwide-management-report/governmentwide-report/2021/2021-governmentwide-management-report.pdf>
- Van Schooten, D., & Schwellenbach, N. (2020). *Stifling Dissent: How the Federal Government's Channels for Challenging Policies from Within Fall Short*.

- Project On Government Oversight. https://docs.pogo.org/report/2020/stifling-dissent_d_2020-07-30.pdf
- VIA Consulting Group, LLC. (2004). *USAID-HIV/AIDS Data Analysis and Model Phase I Deliverable-Final*. U.S. Agency for International Development. http://pdf.usaid.gov/pdf_docs/Pnadw256.pdf
- Watson, A. (2015, August). Forest Service Diversity & Inclusion Coalition for Empowerment (DICE). *MyUSDA*, 3. <http://www.dm.usda.gov/docs/news/MyUSDA%20August%202015.pdf>

6

POLITICAL POLARIZATION, TRANSCENDENT VALUES, AND THE URGENCY OF MORAL LEADERSHIP AMONG CAMPUS LEADERS AS PUBLIC ADMINISTRATORS

Lynn Pasquerella

Introduction

Deepening ideological divides preceding the 2016 presidential election fueled burgeoning levels of polarization and partisanship in the United States, escalating existing culture wars. The subsequent election of President Trump created a new permission structure for an expanding populist base characterized by attitudes of racial and ethnic resentment, economic discontent, and calls for a return to the values, lifestyles, and laws of an idealized past—one devoid of discourse and protections around racial and social justice, globalization, reproductive freedom, and LGBTQ+ rights. In the battle over what President Joseph Biden referred to as “the soul of the nation,” an increasing percentage of people are convinced that higher education is headed in the wrong direction. In a 2018 Pew Research Center poll, six in ten Americans expressed this view, and nearly three-quarters (73%) of those who identified as Republican or Republican-leaning criticized colleges and universities for promoting a liberal progressive agenda (Brown, 2018).

Under the Trump administration, efforts to protect conservative voices and viewpoints at colleges and universities led to the president issuing an executive order protecting free speech on college and university campuses or risk losing federal funding. The legislation did not go beyond mandating what public colleges and universities were already required to do under the First Amendment and therefore was largely performative. At the order’s signing, Trump declared that he was taking “historic action to defend American students and American values that have been under

siege” by “professors and power structures” seeking to prevent conservatives “from challenging far-left ideology” (Svrenge, 2019).

Despite his avowed commitment to safeguarding the free exchange of ideas on college campuses, within a year, President Trump signed a new executive order on “Combating Race and Sex Stereotyping” that prohibited certain speech based on viewpoint and curtailed learning about certain concepts (Federal Register, 2020). The order targeted “divisive, un-American” training sessions on “critical race theory,” “white privilege,” and other teachings seen as promoting the concept that any race or ethnicity is inherently racist. Since the order applied not only to federal agencies but also to federal contractors, colleges and universities began canceling diversity programs until they received further guidance on what constituted the “divisive concepts” and “race and sex-based scapegoating” proscribed.

At a White House Conference on American History that took place a few days before the executive order was issued, President Trump warned “the radical left is trying to silence dissent, to scare you out of speaking the truth, and to bully Americans into abandoning their values, their heritage, and their very way of life” (Trump, 2020). He made his view clear that higher education is a major contributor to the fraying of the fabric of American society, saying,

Students in our universities are inundated with critical race theory. This is a Marxist doctrine holding that America is a wicked and racist nation, that even young children are complicit in oppression, and that our entire society must be radically transformed. Critical race theory is being forced into our children’s schools, it’s being imposed into workplace trainings, and it’s being deployed to rip apart friends, neighbors and families.

(Trump, 2020)

Though on his first day in office, Biden revoked the executive order censoring specific equity-related speech and content, Trump’s narrative has permeated the psyche of many of his supporters.

The result has been a flurry of legislation aimed at controlling what can be said on college and university campuses. According to data tracked by the 100-year-old free expression organization Pen America, 137 educational gag orders that seek to substitute political mandates for the judgment of professional educators were introduced in 36 states during legislative sessions in 2022. This represents a 250% increase from 2021, in which 54 such bills were put forward in 22 states. Already law in seven states, these legislative proposals are increasingly targeting higher education, with 47 of the 2022 proposals explicitly aimed at prohibiting or limiting discussions of systemic racism, anti-racist theory, white privilege,

gender identity, and reproductive rights in higher education. Among the proposals, 26 include harsh penalties, ranging from fines and the loss of state funding to the elimination of tenure, the termination of faculty, and the filing of criminal charges against violators (Pen America, 2022).

In what follows, I examine the dilemma of college administrators leading public institutions in states that have imposed educational gag orders, potentially impeding the ability of the institution to meet its educational mission by infringing upon academic freedom. I do so within the context of a public administrator's duty to further the public interest and maintain the public trust.

Academic Freedom as a Cornerstone of American Higher Education

Academic freedom has long been considered a cornerstone of America's distinctive tradition of liberal education and our nation's historic mission of educating for democracy. Grounded in principles formally articulated in 1915 by the Association of American Colleges (now the American Association of College and Universities) and the American Association of University Professors, academic freedom was defended as essential for fulfilling the "public trust" in colleges and universities "charged with advancing the sum of human knowledge." In 1940, building upon a 1925 statement of principles endorsed by the two associations AAC&U and AAUP issued the influential and broadly adopted "Statement of Principles on Academic Freedom and Tenure." The restatement of the earlier precepts was designed to promote public understanding and support for academic freedom and tenure while fostering agreement among college and university leaders on procedures around how to uphold the principles. Interpretive comments added in 1970 were again developed jointly by AAC&U and AAUP with the same purpose in mind (AAUP, 2022).

The central tenets regarding academic freedom, reiterated throughout the 20th and 21st centuries, insist that higher education is conducted for the public good rather than for the sake of furthering the interest of the individual faculty member or the institution, that academic freedom is fundamental to protecting both faculty's rights in teaching and students' freedom in learning, and that faculty are entitled to freedom in the classroom and beyond in discussing their topics—making clear that when faculty members "speak or write as citizens, they should be free from institutional censorship or discipline" (AAUP, 2022).

The U.S. Supreme Court upheld these widely recognized principles in two notable cases. The first was the 1957 case of *Sweezy v. New Hampshire*, in which the court ruled that the New Hampshire attorney general had engaged in overreach when investigating Marxist economist

Paul Sweezy's political associations and for finding him in contempt when he refused to testify on the content of a university lecture. Concurring with the majority opinion written by Justice Earl Warren, Justice Felix Frankfurter detailed four essential freedoms possessed by each university: (1) to determine who may teach, (2) what can be taught, (3) how it is taught, and (4) who will be admitted. In supporting his contention that "a free society [depends] on free universities," Frankfurter cited "the grave harm resulting from governmental intrusion into the intellectual life of a university" (*Sweezy v. New Hampshire*, 1957).

A decade later, the Supreme Court took up another case addressing academic freedom in *Keyishian v. Board of Regents*, which involved a Cold War-period loyalty oath requiring administrators in the state of New York to investigate the political beliefs and associations of public employees, including professors. The Board of Regents of the University of the State of New York attempted to comply with the law by mandating that employees sign a loyalty oath denying that they were, or had ever been, Communists and vowing to refrain from "treasonable or seditious" speech or acts. Harry Keyishian was among a group of faculty members at the University at Buffalo who, under the threat of dismissal, refused to become signatories on the grounds that the requirement was a rights violation. In deciding the case, the justices focused on whether the requirements compelling public servants to renounce Communism were so overly broad and vague as to be unconstitutional. The 5-4 majority answered "yes" (*Keyishian v. Board of Regents*, 1967).

Unlike the opinion in *Sweezy*, the *Keyishian* ruling identifies academic freedom as a right protected by the First Amendment. Writing for the majority, Justice William Brennan declared,

Our nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us, and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.

(*Keyishian v. Board of Regents*, 1967)

Today, the pall of orthodoxy has indeed been cast upon classrooms across the country, from Texas to Florida, and it is being used to both conceal knowledge and perpetuate misinformation.

Upholding Academic Freedom and Maintaining the Public Trust

This is certainly not the first time that state-ordered ideology has been used to undermine the free exchange of ideas and hinder the unfettered

pursuit of truth on college and university campuses. The Civil War, World War I, the McCarthyism of the 1940s and 1950s, the Vietnam War, and the Civil Rights Movement each provided a backdrop for attempts to rout out and dismiss faculty for their political affiliations and for espousing particular points of view. Nevertheless, the current proliferation of efforts by legislators, governors, and governing boards to impose educational gag orders is alarming in its nature and scope.

Dilemmas for state university presidents around these orders arise when their responsibility to maintain the public trust and uphold the mission of their institutions by protecting academic freedom comes into direct conflict with their duties as public servants in states that have legislative mandates infringing upon that freedom. Two legislative efforts, entailing orchestrated campaigns to curtail academic freedom, chill faculty speech, and exert control over the curriculum, illustrate the complexity of ethical challenges for campus leaders.

In April 2022, Governor Ron DeSantis signed the Individual Freedom Act (HB7), commonly known as “Stop WOKE (Wrongs to Our Kids and Employees).” The law, which went into effect on July 1, 2022, prohibits public colleges from subjecting anyone to mandatory training or delivering instruction that promotes any of eight concepts about race and sex that are considered divisive by suggesting “an individual, by virtue of his or her race, color, sex, and national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion” (Florida Governor’s Office, 2022). The bill codifies the Florida Department of Education’s prohibition on teaching critical race theory in K–12 schools and prevents school districts, colleges, and universities from hiring “woke CRT consultants” and making people feel “guilt or anguish” over their race, sex, or national origin (Stop W.O.K.E., 2022).

Praising the bill at a news conference, DeSantis announced, “We believe in education, not indoctrination. We believe an important component of freedom in the state of Florida is the freedom from having oppressive ideologies imposed upon you without your consent” (Florida Governor’s Office, 2022). Florida’s Commissioner of Education Richard Corcoran echoed DeSantis’s sentiments, thanking the governor for taking a “stand against discrimination, especially against revisionist history and ideological concepts that are outside Florida’s academic standards” (Florida Governor’s Office, 2022).

While the legislation contains language indicating that it should not be construed as prohibiting discussions of the listed concepts within courses or workshops, it requires that “the training or instruction be given in an objective manner without endorsement of the concepts” (Foundation for Individual Rights and Expression, 2022). This includes prohibitions against advancing positions for the sake of argument as part of engaging in the Socratic method,

used widely to promote critical thinking. In the aftermath of the legislation, faculty at the University of South Florida were warned against endorsing “any opinion unless you are endorsing an opinion issued by the Department of Education.” And, on the university’s website, students, faculty, and staff were also strongly encouraged to report violations of STOP Woke (Foundation for Individual Rights and Expression, 2022).

One of the first suits against the state was filed by the Foundation for Individual Rights and Expression (FIRE) on behalf of USF history professor Adriana Novoa and Sam Rechek, president of the student group First Amendment Forum. FIRE’s attorneys allege that the law impermissibly chills free expression and promotes unconstitutional censorship on the state’s college campuses. They argue that a law only allowing for the endorsement or promotion of government-approved viewpoints is in direct conflict with the First Amendment. In addition, the vagueness of the language in the bill leaves professors uncertain as to whether what they are saying in class falls within the strictures of government-approved speech, placing professors like Novoa, who teaches courses on Science in Cultural Context, History of Sports from National and Global Contexts, and Modern Latin America, at risk for sanctions, including termination and responsibility for legal fees. Informed by her experience growing up under a dictatorship in Argentina, each of Novoa’s classes involves advancing prohibited concepts by defending either her own arguments or those of her students. Continuing this practice will expose the university to the possibility of losing \$73 million in annual state funding (Foundation for Individual Rights and Expression, 2022).

Turning to the concerns of students, the complaint reads that HR7

limits students’ ability to hear from—and chills students’ willingness to ask questions of—faculty whose views may be contrary to those of the State of Florida. Rechek and the First Amendment Forum sue to preserve students’ right to information unfiltered by state orthodoxy.

(Foundation for Individual Rights and Expression, 2022)

In an op-ed commentary detailing what is at stake, Rechek describes the value of robust debate representing a diversity of viewpoints in many of the classes he had taken. He states, “This process of discovering one’s place in the moral landscape is so baked into the idea of a liberal arts education that to threaten it might be to abandon the project of the liberal academy itself” (Rechek, 2022).

A subsequent lawsuit filed by the American Civil Liberties Union and the Florida ACLU that specifically challenges the part of the law applied

to higher education reinforces the danger of Stop W.O.K.E. to the core mission of colleges and universities. The ACLU attorneys maintain that “All educators and students have a right to teach and learn free from censorship and discrimination” and that “the First Amendment broadly protects our right to share information and ideas, and this includes educators’ and students’ right to learn, discuss, and debate issues around systemic racism and sexism” (American Civil Liberties Union, 2022). Moreover, the censorship imposed by the Stop W.O.K.E Act, they claim, “deprives them of important tools to challenge racism and sexism” and violates the Equal Protection Clause because it was enacted with the intent to discriminate against Black educators and students (American Civil Liberties Union, 2022).

In response to the plaintiffs, the state’s attorneys argue that in-class instruction is “pure government speech” and therefore not entitled to protection under the First Amendment. They base their assertions on the claim that the people of Florida have empowered their elected officials to set the curriculum for public universities (American Civil Liberties Union, 2022). In the process of their defense, the lawyers for the state appealed to a 2006 U.S. Supreme Court ruling, *Garcetti v. Ceballos*, which affirmed that “when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes” and that “[r]estricting speech that owes its existence to a public employer’s professional responsibilities does not infringe any liberties the employee might have as a private citizen” (American Civil Liberties Union, 2022).

In delivering the opinion, Justice Anthony Kennedy notes Justice David Souter’s admonition that the *Garcetti* decision may have important ramifications for academic freedom as a constitutional value. Kennedy writes,

There is some argument that expression related to academic scholarship or classroom instruction implicates additional constitutional interests that are not fully accounted for by this Court’s customary employee-speech jurisprudence. We need not, and for that reason do not, decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship or teaching.

(*Garcetti v. Ceballos*, 2006)

Even though the justices deliberately left open the question of whether the holding applied to classroom instruction, Florida’s attorneys proffered that based on the arguments presented in the case, educators in public universities do not have a First Amendment right to control the curriculum and must comply with the law—a conclusion that undercuts the ability

of campus leaders, faculty, and staff fulfill institutional commitments to diversity, equity, inclusion, and academic freedom.

A second case implicating academic freedom at public colleges and universities centers on the impact of Idaho legislation restricting abortion and reproductive rights on what can be said on campuses. At the beginning of the fall 2022 semester, following the *Dobbs* decision overturning *Roe v. Wade*, legal counsel at the University of Idaho sent a message to employees reminding them that it may be considered a felony under the law not only to perform an abortion but to promote abortion, counsel people in favor of an abortion, refer someone for abortion, provide facilities or training for performing abortions, contract with an abortion provider, or advertise services for abortion or “the prevention of conception” (Gluckman, 2022). The missive advised that “university employees must remain neutral on the subject of abortion,” yet they can still direct students to sources of information in other states “where students can receive a discussion of *all* aspects of the topic and be presented with *all alternatives* legally available to them” (Gluckman, 2022). Even in classes where abortion is central to the discussion, such as courses in medicine, medical ethics, or the history of reproductive rights, faculty are enjoined to remain “neutral” on the topic of abortion or risk prosecution.

Like the Florida case, faculty raised concerns about the vagueness of the ban having a chilling effect, both inside and outside of the classroom, on speech afforded the highest protection under the Constitution and how the legal directive undermined their ability to promote critical thinking based on viewpoint diversity as a core learning outcome. Others drew attention to the fact that the legal mandate is in direct conflict with the state’s own academic freedom policy. This policy, falling under the Idaho State Board of Higher Education, holds that

Academic Freedom is a long-standing philosophical, legal, and constitutional principle of freedom of speech that advances the right of postsecondary students, faculty, and institutions to pursue educational opportunities that seek, examine, apply, discuss and build knowledge, theories, values, concepts, or ideas without fear of censorship, retaliation, or threat to institutional status.

(Gluckman, 2022)

These laws, and the many others like them being introduced across the country, pose a significant dilemma for how college and university presidents at state institutions should balance their duty as public administrators to uphold the law while safeguarding their professional responsibilities to maintain academic freedom and the integrity of American higher education—a system whose strength is derived in part from the fact that what

is taught in our classrooms is protected from direct government control and undue political influence.

Public Administration and an Ethic of Neutrality

Public administration ethics consists of the application of moral principles to the conduct of individuals in organizations that serve the public good. Among the key principles guiding public administrators is the duty to advance the interests of the public and put service to the public above service to oneself. As Dennis Thompson notes in his influential article on “The Possibility of Administrative Ethics,” the conventional theory and practice of administrative ethics “holds that administrators should carry out the orders of their superiors and the policies of their agencies and the government they serve,” leading to the adoption of an ethic of neutrality (Thompson, 1985). In other words:

Administrators are ethically neutral in the sense that they do not exercise independent moral judgment. They are not expected to act on any moral principles of their own but are to give effect to whatever principles are reflected in the orders and policies they are charged with implementing. The ethic of neutrality portrays the ideal administrator as a completely reliable instrument of the goals of the organization, never injecting values into the process of furthering these goals. The ethic thus reinforces the great value of the organization—its capacity to serve any social end irrespective of the ends that individuals within it favor.

(Thompson, 1985)

In the realm of academia, this ethic of neutrality has amounted to what former Princeton University president and academic luminary William Bowen identified as a strong presumption against the university taking a position or playing an active role in issues of politics and society. According to Bowen:

One of the hardest things for many people to understand is the powerful complementarity between the rights of individual faculty members and students to speak out strongly on issues of all kinds and the need for institutional restraint in addressing broad political and social issues.

(Bowen, 2010)

Bowen remained consistent throughout his career in his adherence to the principle that “the university should not be the critic itself, but rather the home of the critic,” seeing this position as ultimately contributing to the protection of academic freedom from outside intervention (Bowen, 2010).

His perspectives were in alignment with and supported by recommendations made in the groundbreaking “Report on the University’s Role in Political and Social Action,” issued in 1967 by a faculty committee, chaired by legal scholar Harry Kalven, Jr. at the University of Chicago. The report begins with the assertion that “a university has a great and unique role to play in fostering the development of social and political values in a society” through its mission of “discovery, improvement, and dissemination of knowledge.” Fulfilling this mission, the authors argue, will require it to “sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures” while being true to intellectual inquiry by encouraging “the widest diversity of views within its own community.” Since they cannot conceive of reaching a collective position on social policy without inhibiting dissent, they maintain that anything other than a position of neutrality jeopardizes the principles upon which the university is founded. In their view, “the neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints” (Report on the University’s Role in Political and Social Action, 1967).

While the perspectives offered by Bowen and the University of Chicago faculty committee are grounded in the circumstances of a vastly time, when universities were still considered a public good and critical to the strength of our democracy, more than a half-century after the Kalven report was released, there remains widespread adherence to the sentiments expressed in it and the justification offered in support of an ethic of neutrality. Attempting to elucidate why presidents are so steadfast in their refusal to take political stands, president emeritus Brian Rosenberg of Macalester College cites an appeal to the educational mission of colleges and universities outlined in the Kalven report as the most compelling reason for campus leaders adopting an ethic of neutrality. Given the fiduciary responsibility of presidents at public institutions and the wide range of constituents they serve, there is a danger that presidents who take a stance on the most pressing ethical, legal, social, and political issues of the day risk either biasing the views of some or silencing the voices of those who disagree (Rosenberg, 2022).

However, there are two other reasons Rosenberg entertains for campus leaders to remain neutral. The first is legal. While college and university presidents are permitted to speak on political issues related to their institution’s educational mission, such as Affirmative Action, student loan forgiveness, or legal protection for undocumented students, federal law under the codes of the Internal Revenue Service prohibits 501C3 nonprofit organizations from endorsing or opposing political candidates. Rosenberg suggests that campus leaders’ reluctance to take a position on controversial political issues might be a result of their erring on the side of caution

(Rosenberg, 2022). This is perhaps especially true in times of extreme partisanship, when otherwise neutral speech might be branded as a violation of these proscriptions. In fact, since only one of the bills that fall into the category of educational gag orders was introduced by a Democratic legislator, decrying these policies might very well be seen as an endorsement of the Democratic opponents of those who propose them.

The same political climate has magnified the worries of campus leaders at public colleges and universities around the impact of speaking out on their financial bottom line. Over the past decade and a half, there has been a dramatic decline in public funding of higher education. Forty-four of 49 states spent less per student on higher education in 2017 than they did during the Great Recession, and the published tuition rate at four-year public institutions rose 37% from 2008 to 2018. In seven states, tuition grew by more than 60% and by more than 41% in 21 states (Fredman, 2019). During this same period, federal Pell grants for students remained constant, making higher education less affordable and therefore less accessible. Colleges and universities were concomitantly forced to cut programs, increase class sizes, and engage in overreliance on adjunct faculty. One result has been that public university presidents and chancellors are increasingly dependent upon tuition dollars and staying in the good graces of private funders, alumni donors, state-appointed governing boards, and legislators who are controlling the purse strings.

Concern among college presidents over speaking out on certain issues is borne out by the findings from a 2022 *Chronicle of Higher Education* survey in which 80% of campus leaders reported that they would self-censor on national policy issues to “avoid creating a controversy for themselves or their colleges.” Two-thirds said they would remain silent on topics related to state politics, and many admitted an unwillingness to weigh in even around issues central to their institution’s mission and values, such as diversity, equity, and inclusion, gender and sexual identity, and racial justice (Kelderman, 2022).

On the list of the controversial matters that presidents were asked to consider, only academic freedom was deemed relatively safe as a topic for public commentary, with only 13% reporting self-censorship in this area, compared to 83% when it comes to national politics (Kelderman, 2022). Yet, the current political climate and legislation targeting the discussion of divisive concepts and reproductive rights on campus, makes it increasingly difficult to separate issues of academic freedom from the controversies they are most hesitant to address in public.

Challenges to an Ethic of Neutrality

Still, Rosenberg, Bowen, and even the Kalven report recognize that there may be times when the mission and values of free inquiry are themselves

threatened. Under these circumstances, the university has an obligation to “actively defend its interests and values” and break free from an ethic of neutrality (Report on the University’s Role in Political and Social Action, 1967). For Bowen, this can happen when an issue is directly related to the ability of the college or university to carry out its mission, when the institution is called upon to act as an employer or municipality in addressing issues such as unionization or zoning, and when there are “potential threats to the fabric of the entire society that are so serious that if the ‘wrong’ outcome occurs the survival of the university would itself be threatened—or, in the most extreme situations, would not even matter” (Rosenberg, 2022).

Rosenberg agrees that the code of silence that follows from the position of neutrality on political issues should be broken by presidents when statements or proposals in the political realm come into direct conflict with or openly threaten the educational missions of colleges and universities. Indeed, he insists that remaining silent in such instances would be tantamount to an abrogation of responsibility (Rosenberg, 2022).

Addressing ethics in public administration specifically, Thompson offers a more expansive critique of the ethic of neutrality. He contends that if an ethic of neutrality carries the expectation that all administrators should fall into line and faithfully carry out policies, the only alternative for public administrators who oppose unethical policies is to resign. The consequences would be a cadre of leaders who unquestioningly followed the rules without exercising moral courage and the loss of those whose service could contribute the most to public life. For Thompson, this situation is untenable since the willingness to exercise moral authority is essential to good leadership in public administration (Thompson, 1985).

Thompson stresses, therefore, that there may be good moral reasons for staying in office even when disagreeing with the policies being implemented. When considering how much individual injustice one is willing to countenance for the sake of long-term reform and whether there is a duty to jettison a position of neutrality, the question becomes the extent to which the policy violates the ethics of the profession to which one is obligated. The more directly a policy seems to violate an important moral principle, the more justifiable dissent becomes (Thompson, 1985).

Safeguarding Academic Freedom and Shared Governance

Academic freedom and shared governance within the academy are two such principles. American higher education’s distinctive tradition of liberal education aims at more than the mere dissemination of knowledge. It is intended to help students acquire new knowledge for themselves and evaluate evidence across disciplines. Developing the habits of heart and mind necessary to

thrive in work, citizenship, and life in an increasingly complex world necessitates giving students practice discerning the truth by thinking critically, being mindful of the dangers of ideological filtering, and examining, elucidating, and evaluating competing points of view and differing perspectives around intricate and often controversial questions. These practices, which of necessity include the freedom to express one's views publicly, have been shown to promote cognitive complexity and empathy. In fact, this type of engagement is intended not only to build students intellectual capacities but also to foster the dispositions necessary to consider the possibility that some of one's most fundamentally held beliefs might actually be mistaken and an openness to the challenges one's views might elicit, to gain tolerance for ambiguity, and to facilitate respect for others with opposing positions by learning to develop evidence-based arguments that truly anticipate and respond to objections in a manner that fully supports whatever conclusions are drawn. This, in turn, calls for the establishment of curricular and co-curricular spaces and guideposts to support students in forming their own judgments inside and outside of the classroom. Ideologically motivated government dictates that restrict speech serves to upend academic freedom, academic integrity arising from subject matter expertise, and shared governance (American Association of Colleges and Universities, 2006).

Under the principles of shared governance exercised within academia, the curriculum falls within the purview of the faculty, who bear primary responsibility for teaching, scholarship, and research. The positioning of academic freedom as implying not just freedom from constraint but also freedom for faculty and students to work within a scholarly community to develop the intellectual and personal characteristics necessary for success in work, citizenship, and life demands the protection of these ideals.

Equally important, the preservation of these academic principles is also essential for a vibrant democracy. Research conducted by Tony Carnevale and his colleagues at the Georgetown Center for Education and the Workforce chronicled in their 2020 report on "The Role of Higher Education in Taming Authoritarian Attitudes" offers evidence as to why academic freedom is so vital to higher education's overall mission and purposes. Their study shows that liberal education, with its exposure to diverse contexts, histories, ideas, lifestyles, religions, cultures, and ways of life, mitigates against authoritarian tendencies by reducing individuals' sensitivities to potential triggers, providing protection in the form of self-esteem, personal security, and autonomy. It also enhances a level of interpersonal trust associated with lower inclinations toward expressing authoritarian attitudes and preferences. Because democracies with higher levels of education have greater levels of political tolerance and are more likely to survive, the report concludes that "higher education is the cornerstone of successful democracies not easily shaken by authoritarian

threats” (Carnevale, 2020). This is where the new challenges to academic freedom—striking at the very heart of American higher education—have the potential to take the greatest toll.

A Way Forward

Public college and university presidents have a duty to promote the public interest by affirming the core values of higher education when they are being challenged. They also have the responsibility to seek to improve laws and policies to promote the public good. If we are to avoid the mistakes of the past that led to the purging of academics in times of national crisis, college and university leaders at all levels must engage in both individual and collective action, speaking out in support of academic freedom, decrying attempts to control the curriculum and subvert the autonomy of colleges and universities, and resisting efforts to diminish the concept of higher education as a public good. In the process, we must prioritize and institutionalize academic freedom, offering greater clarity around its larger purposes and the educational responsibilities implicated. This should include identifying internal impediments to academic freedom, such as the decline in tenure and breakdowns in shared governance (Pasquerella, 2022).

Trinity Washington University president Patricia McGuire situates the obligation to speak out in support of academic freedom as a component of the responsibility academic leaders have to the public good and for defending the values we embody in the public square. In a *Chronicle of Higher Education* opinion piece on the topic titled “The Dumbing Down of the Purpose of Higher Ed,” she asks, “If we do not speak out about racial justice and political suppression of the truth about American history ... as fundamental to the entire idea of a university ... how dare we robe ourselves in velvet and satin and march into our fall convocations to orate on the greatness of our institutions?” (McGuire, 2022).

Ethics in public administration inevitably involves conflicts of loyalty. At times this will put campus leaders at odds with government officials and pose dilemmas for them around whether it is ever justified to violate ethical principles and professional norms to advance their institution’s interest in securing a favorable budget or whether it is ever in an institution’s best interest to ignore ethical principles for the sake of political expediency and the avoidance of retribution in a political culture dominated by a quid pro quo mentality. However, in the end, public college and university leaders must recognize that unless they are willing to move past a position of neutrality to protect academic freedom on their campuses, the small battles they win over resources will be nothing more than pyrrhic victories, as the system collapses under its own weight and the misguided belief that silence equates to neutrality.

This is not to minimize the challenges for campus leaders in overcoming moral distress. Doing so takes practice involving preemptive decision-making around the kinds of situations that are likely to create ethical dilemmas in the first place. Senior staff meetings, workshops, and leadership institutes can make a difference by assisting leaders in identifying and analyzing the sources of their moral distress, its severity, the urgency of responding, and the readiness to act, alongside the risks, benefits, and likelihood that one's actions will make a difference. Further, developing the moral resilience necessary to counter moral distress requires fostering and maintaining self-awareness and a clear sense of one's values over time.

That resilience and the ability to exercise moral courage must also be nurtured and can be bolstered by sharing critical perspectives and action steps with trusted colleagues and professional associations. Working within a professional culture in which leaders are expected to do the right thing can make an enormous difference in accomplishing broader reform. Therefore, college and university presidents must sustain institutional cultures that safeguard academic freedom by devoting resources to ongoing training and the establishment of standards and processes informed by community-wide input. Research has shown that equally important is "resilience bundling," or engaging in a set of activities such as informal discussions with colleagues, social events, mindfulness, thankfulness journaling, exercise, and time with family and friends that contribute to moral empowerment (Rushton, 2016). Perhaps this is because in these remedies there is an acknowledgment that having a successful career and living a meaningful life entails more than individual achievement. Rather, they necessitate an honest reckoning with the question of how to live a good life, even in the absence of a good society.

Questions for Discussion

1. Some campus leaders in states with laws limiting discussions of critical race theory and other "divisive concepts" have engaged in covert dissent by asking professors to change the names of their classes to disguise the content of their courses. Is this ethical?
2. In the wake of the high-profile murder of African American George Floyd at the hands of a white Minneapolis police officer, college and university presidents issued a flurry of statements condemning racism and white supremacy. Many on their campuses criticized these missives as mere performative acts. When should presidents at public universities speak out on political and social issues and other matters?
3. Is it ever justified for a campus leader to remain silent on an issue for the purpose of not offending legislators controlling the institution's budget? Is there a difference between an existential threat

to an academic institution resulting from diminishing financial resources and one resulting from an attack on academic freedom? Why, or why not?

References

- American Association of Colleges and Universities. (2006). "Academic Freedom and Educational Responsibility." <http://aacu.org>
- American Association of University Professors. (2022). "1940 Statement on the Principles of Academic Freedom and Tenure." <http://aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>
- American Civil Liberties Union. (2022). "Florida Educators and Students File Lawsuit Challenging 'STOP W.O.K.E.' Law." <http://aclufl.org>
- Bowen, W. (2010). "The Value of Dissent." *Forbes*. <http://forbes.com>
- Brown, A. (2018). "Most Americans Say Higher Ed Is Heading in Wrong Direction, but Partisans Disagree on Why." Pew Research Center. <http://pewresearch.org>
- Carnevale, A.P., N. Smith, L. Drazanova, A. Gulish, and K.P. Campbell (2020). "The Role of Higher Education in Taming Authoritarian Attitudes." Center for Education and the Workforce Georgetown University. <http://cew.georgetown.edu>
- Federal Register. (2020). "Combatting Race and Sex Stereotyping." Executive Order 13950. <https://federalregister.gov>
- Florida Governor's Office. (2022). "Governor Ron DeSantis Signs Legislation to Protect Floridians from Discrimination and Woke Indoctrination." [Press release]. <http://flgov.com/2022/04/22>
- Foundation for Individual Rights and Expression. (2022) "Lawsuit: FIRE Challenges Stop W.O.K.E. Act's limits on how Florida Professors Can Teach About Race, Sex," September 7, 2022, <https://www.thefire.org/news/lawsuit-fire-challenges-stop-woke-acts-limits-how-florida-professors-can-teach-about-race-sex>
- Fredman, J. (2019). "College Tuition Increases Put Diversity in Higher Education at Risk Report Says." National Association of Student Financial Aid Administrators. <http://nasfaa.org>
- Garcetti v. Ceballos*. (2006). "547 U.S. 410." <http://supremecourt.com>
- Gluckman, N. (2022). "It's Making Us Accomplices': A University Tells Faculty to 'Remain Neutral' on Abortion Discussions in Class." The Chronicle of Higher Education. <http://chronicle.com>
- "Governor Ron DeSantis Signs Legislation to Protect Floridians from Discrimination and Woke Indoctrination." (2022) [Press release]. <http://flgov.com/2022/04/22>
- Kelderman, E. (2022). "The Silent Treatment: Why College Presidents Don't Speak Out." The Chronicle of Higher Education. <http://chronicle.com>
- Keyishian v. Board of Regents*. (1967). "385 U.S. 589." <http://supreme.justia.com>
- McGuire, P. (2022). "The Dumbing Down of the Purpose of Higher Ed." The Chronicle of Higher Education. <http://chronicle.com>
- Pasquerella, L. (2022). "Of Transcendent Value." *Liberal Education*, Vol. 108, No. 2. <http://aacu.org>
- Pen America. (2022). "America's Censored Classrooms." <http://pen.org>

- Reчек, S. (2022). "I Am a USF Senior and Here's Why I Sued to Stop Florida's STOP WOKE Act." *Tampa Bay Times*. <http://tampabay.com>
- "Report on the University's Role in Political and Social Action." (1967). <http://provost.uchicago.edu>
- Rosenberg, B. (2022). "Should Universities Take Political Stands?" *The Chronicle of Higher Education*. <http://chronicle.com>
- Rushton, C.H. (2016). "Building Moral Resilience to Neutralize Moral Distress." *American Nurse Today*. <http://myamericannurse.com/building-moral-resilience-neutralize-moral-distress>
- "STOP W.O.K.E. Handout." <http://flgov.com/stopwoke>
- Svrluga, S. (2019). "Trump Signs Executive Order on Free Speech on College Campuses." *Washington Post*. <http://washingtonpost.com>
- Sweezy v. New Hampshire*. (1957). "354 U.S. 234." <http://supreme.justia.com>
- Thompson, D.F. (1985). "The Possibility of Administrative Ethics." *Public Administration Review*, Vol. 45, No. 5, pp. 555–561. www.jstor.com
- Trump, D. (2020). "Remarks by President Trump at the White House Conference on American History." National Archives Museum. <http://trumpwhitehouse.archives.gov>

7

THE ETHICS OF PUBLIC EMPLOYEES' DISPARAGING PRIVATE SOCIAL MEDIA USE, EROSION OF TRUST, AND THE ADVANCEMENT OF THE PUBLIC INTEREST

Marcus D. Mauldin

Introduction

There are over 4 billion social media users worldwide. Approximately 72% of U.S. adults used at least one social media platform in 2021 compared to approximately 5% in 2005 (Pew Research Center, n.d.). This growth in social media use lends itself to opportunities for individuals to engage in inappropriate behaviors. As an example, a history instructor at an Alabama community college, in response to a planned LGBTQ pride event posted on Facebook, "The devil is attacking our beautiful town of Cullman now apparently ... and the police chief is in on it?" ... "I heard he was a crazy-ass liberal but this??? We need a rally by the you-know-what to put an end to this foolishness" (Monger, 2022). The history instructor further asserted in response to a post about sundown ordinances, "the way she described the 1960's and 70's (Sundown Town) is what kept Cullman from being a ghetto like B'ham, Decatur, Montgomery, etc. I'm thankful for that! I hope we don't lose that but this event I posted shows that the good guys aren't always standing up against bad nowadays."¹ In this post, she compares the city of Cullman to cities that have larger minority populations. A person commenting on a Facebook story about the history instructor asked, "How did she get into a position like that? Did others know she was this way and they overlooked it?" The instructor defended her post saying "People need to get a life" and "That was on my private page, and if someone doesn't like it, they need to unfriend [and/or] block me" (Flaherty, 2022). The instructor's employer condemned the posts and placed the instructor on administrative leave (Griesbach, 2022).

Occurrences such as this provide a basis for understanding factors motivating public sector employees to make disparaging social media posts. The occurrences also provide an opportunity to examine the relationship between diminishing public trust in public employees and institutions and the advancement of the public interest.

Ethical Issues Associated with Public Employees' Personal Use of Social Media

Public sector workers have a unique relationship with their employers as they are both employees and citizens (Jacobson & Tufts, 2013). Does a public employee's personal social media use extend beyond the public workplace? The answer to this question is "yes" based on actions taken by public employers when employees make personal social media statements contrary to public values. Little has been known about public employees' personal use of private social media and its effect on the image of government institutions (Bezboruah & Dryburgh, 2012). However, private social media use by public employees is now gaining traction in the public administration literature (see Brewer, 2021) and in education policy (Warnick et al., 2016). In addition, organizations such as Injustice Watch have begun monitoring and reporting racist and violent social media posts made by law enforcement officers (Hoerner & Tulskey, n.d.).

Goffman (1959) defines a social establishment as a place with fixed barriers to perception where individuals engage in particular activities. For purposes here, social establishments include the public workplace and an employee's private social media presence. In these social establishments where public employees shape perceptions about themselves and may thus play multiple roles depending on the setting. Examinations of government employees' personal use of social media must consider role multiplicity. For instance, Mergel and Greeves (2013) distinguish social media by corporate and personal use while Bezboruah and Dryburgh (2012) suggest that public employees play roles as professionals and as citizens. Along these lines, individual users may create different social identities for specific audiences (Abril et al., 2012). In the corporate (public workplace), the barrier to perception is often found in workplace rules, codes of conduct, or ethics. In the social media space, the employees may follow different rules based on their social network audience (Abril et al., 2012). The employee may behave in such a way that segregates their workplace audience from their social media audience. Within the social media space, just as in physical spaces such as the public workplace, individuals create social establishments where they can control how other individuals view them based on how they perform in that space. (Goffmann, 1959).

This expression of individuality may create ethical dilemmas for both the employees and public sector employers.

Technology blurs professional and personal spaces (Abril et al., 2012). Thornthwaite (2018) asserts that this is “increasing control over personal lives in ways reminiscent of traditional master-servant relationships” (p. 119). Abril et al. note, “When the veil of audience segregation is pierced, social disruption ensues. The disclosure of information to unintended audiences discredits the construction of roles and identities within the group and causes “difficult problems in impression management” (p. 64 and citing Goffman p. 139). There is a tension associated with private social media use by public employees particularly when an employee posts comments seemingly unbecoming of a public employee due to them being held to higher ethical standards (Bezboruah & Dryburgh, 2012; McBeth et al., 2020). McDonald and Thompson (2016) contend that social media disrupts employment relationships to the extent that public/private boundaries have shifted where employers can reach beyond the workplace and work time to chastise employees for misuse. In this vein, social media diminishes boundaries between on- and off-duty conduct (McBeth et al., 2020) and often creates a divide between professional and private use (Johnston, 2015). Individuals who identify themselves as public employees do so at a risk as personal social media becomes both “a personal calling card and a company billboard” (Park & Abril, 2016).

Content Analysis of News Stories on Public Employee Disparaging Social Media Comments

There have been numerous examples of public sector employees making social media comments deemed to be unethical. We developed a dataset and conducted a content analysis of 39 news stories about state and local government employees who made disparaging social media posts. There are 29 local government cases and 10 state government cases. The dataset captures the individuals making posts, their gender, the government they worked for, their position, the types of posts made, and the consequences faced as a result of their disparaging posts. Each case is categorized by the type of job the employee performed and by the types of posts made. These are shown in Table 7.1.

Examples of conduct-related posts include a teacher making comments to students on social media deemed to be inappropriate and a teacher posting “racy” photographs of herself modeling a bikini. Insolent comments include a former police academy recruit posting a comment that mocked a stabbing victim in a thread that praised the victim’s suspected killer. Job complaints include a post where a teacher who was frustrated about the school not addressing student’s behavioral and disciplinary

TABLE 7.1 Employment categories and types of posts made by public employees

<i>Employment Category (number of cases)</i>	<i>Types of Posts (number of cases)</i>
Education (12)	Conduct (6)
Elected officials (3)	Insolent comments (8)
Public safety—Law enforcement (9)	Job complaints (6)
Public safety—Fire department (4)	Racist (13)
Other (11)	Sexist (4)
	Threat (2)

Source: Created by the author from a content analysis of news stories

issues complained, “I’m not a teacher. I’m a warden for future criminals!” One racist post features a fire department captain responding to Hillary Clinton’s comment referring to Donald Trump’s supporters as a basket of deplorables. The captain offered “Hey Hillary, I’m not one of your minority, hands-out, entitled, easily offended, whiney, unemployed drain on society voters. I’m a hard working, tax paying, gun owning, mortgage paying, productive member of society.” Examples of sexist comments include an elected official commenting about women’s appearances and a teacher posting the protesters “all went home to make dinner” after a Women’s March. Threats include a state official tweeting a picture of a hangman holding a noose with the message, “I’m Ready for Hillary” and a fire battalion chief posting “let’s all kill some with a liberal ... then maybe we can get (them) outlawed too! Think of the satisfaction of beating a liberal to death with another liberal.” For good measure, another department employee posted in part, “Oh ... pick a black one, those are more scary.” Figure 7.1 shows the type of comments by employment category.

The relationship map in Figure 7.1 illustrates the frequency magnitude of types of disparaging social media posts by employment category. Racist comments (13) account for the highest number of posts followed by insolent comments (8), conduct-related posts and job complaints (6), sexist comments (4), and threats (2). Education officials account for the highest number of disparaging posts (12) followed by officials in the “other” category (11), law enforcement officials (9), fire department employees (4), and elected officials (3).

Cases representing those in the “other” category account for the highest number of racist comments (6) followed by law enforcement officials (4), fire department employees (2), and education officials (1). Insolent comments were posted by education officials (3) in greater frequency than law enforcement officials (2) and public employees in each of the other employment categories (1). Education officials also account for the

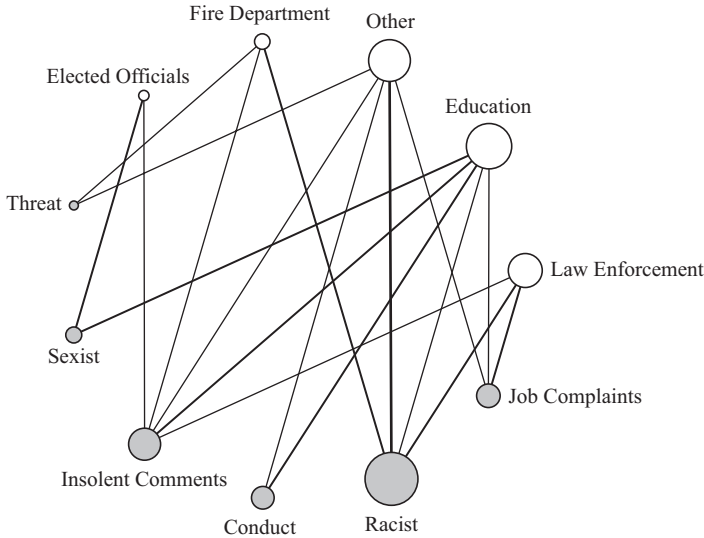


FIGURE 7.1 Type of social media post by employment category

Source: Created by the author from a content analysis of news stories

greatest number of conduct-related posts (4) followed by public servants in the “other” category (2).

Job complaints were posted by law enforcement officials (3), education officials (2), and one person in the “other” category. Education officials and elected officials made sexist posts (2). Finally, a fire department employee and a public servant in the “other” category made posts considered to be threats.

When public sector employees make such posts, they produce ethical dilemmas not only for themselves but also for their employers. These ethical dilemmas emerge because public servants represent and work on behalf of the people they serve (Bezboruah & Dryburgh, 2012). Employers must make decisions not only regarding how to address the employees’ behavior but also regarding the work-related consequences of private behavior.

Effects of Disparaging Social Media Post on Trust in Government

Citizen trust in government is a concern in public administration as there have been questions about the decline in trust (Houston & Howard Harding, 2013; Song & Lee, 2015). Trust implies a willingness to rely on government employees to act on behalf of the public and to take the public’s interests into account in decision-making (Houston & Harding, 2013). Further, Mansoor (2021) contends, citing Barnes and Gill (2000),

that trust in government refers to citizens' confidence that government authorities will do the right thing such as providing justice and safeguarding fundamental rights.

Bezboruah and Dryburgh (2012) call attention to the effects of public employee private social media use on administrative accountability. The authors contend that ethical expectations "include respecting the rights and dignity of people and are meant for the benefit of all stakeholders" (p. 470). Public trust is paramount to governmental legitimacy and democratic governance (Houston & Howard Harding, 2013).

Tufts et al. (2015) contend that because social media communications are "hyper-public," public employees' social media activities outside of work are open to public scrutiny. When public sector employees make questionable posts on social media, "citizens and employers may question the decisions that the public administrators make, and the manner in which they make their on-the-job decisions based on their opinions expressed on personal social media" (Bezboruah & Dryburgh, 2012, 470). Citizens want governments to be responsive in ways that prioritize the public interest (Mansoor, 2021). Barnes et al. (2018) contend impartiality is a vital aspect of the public interest, thus public servants must be seen as impartial if they are to maintain the public's confidence through effective performance. Unethical behavior could erode the public trust thus limiting the advancement of the public interest.

Godwin et al. (2021) recognize that the concept of public interest can be broad. The authors contend, however, that public interest is about having concern and promoting ideas for societal good rather than self-interest. Further, advancing the public interest requires a focus on outcomes beneficial to the long-term survival and well-being of the public. Public interest means any government action directed at protecting and benefiting citizens at large. This view of public interest is echoed in the American Society for Public Administration's Code of Ethics (American Society for Public Administration, n.d.).

Public managers have to address instances of employee misconduct in social media spaces, but may be limited ethically and legally. Tufts et al. (2015) find that half of local government respondents have taken disciplinary actions against employees regarding social media use. Actions include oral warnings, formal warnings and reprimands, suspensions, and terminations. As it relates to off-duty use of social media, causes for disciplinary actions include harassing other employees, posting comments, videos, or photographs that call the employee's character into question, and negative comments about the organization. The authors point out that the majority of departments that have taken disciplinary actions against employees have some form of social media policy either stand-alone or

as part of another policy. However, they find some that have taken such actions have no policy regarding employee social media use.

Administrative Discretion in Monitoring Employee Private Social Media and in Resulting Disciplinary Actions

The numerous media reports about public employee social media posts beg the question of how employers find out about the private posts of employees. There are two possibilities that create ethical dilemmas for the employer. Employers find out about such posts either by monitoring employees' personal social media or by encouraging or receiving reports from citizens or other employees and stakeholders.

Social Media Monitoring and First and Fourth Amendment Rights

Lam (2016) presents the reasons employers may want to monitor employees' social media use but acknowledges potential ethical issues. These reasons include protecting employees from problematic employees, protecting the organization, and complying with record-keeping laws. Public administrators, however, are expected to uphold the Constitution and the law (American Society for Public Administration, n.d.). In order to protect the image of the institution or preserve the public's trust, public employers may utilize administrative discretion to monitor employees' social media use both on and off the job. Social media can be used as a form of surveillance allowing employers to monitor employees' social media interactions both at and away from the workplace (McDonald & Thompson, 2016). Monitoring employees' social media can lead to tensions between employees and employers. In a broader sense, research suggests linkages between monitoring with problems such as stress, depression, and anxiety (Tufts et al., 2015). Each of these psychological conditions could inhibit an employee's ability to work efficiently and effectively, thereby limiting the advancement of the public interest. Monitoring raises the issue of an employee's right to privacy. In a survey of local government social media practices, Tufts et al. (2015) found that some human resources departments monitor employee's social media use outside of work hours. Some of these departments, at times, log into employees' accounts using passwords provided by the employees. Other departments "friend" employees in order to monitor personal activities. Finally, some human resources departments have occasionally logged into employees' social media accounts by using passwords saved on work computers obtained by extracting passwords using keystroke capturing technologies (Tufts et al., 2015). McDonald and Thompson (2016) refer to such practices as "profiling" and argue that employees are averse to them as they threaten their rights to privacy

outside of the organization. While such practices are done to protect the organization's image and maintain public trust, they have the potential to violate employees' Fourth Amendment rights.

First Amendment rights may also be called into question. However, under some circumstances, public employee personal social media posts may not be protected (Snowden, 2017). For example, Johnston (2015) notes that the National Labor Relations Board has sometimes found employees who were fired due to comments they made about their workplace to be in the wrong and thus upheld employers' termination decisions.

Citizen Reporting of Disparaging Social Media Posts

Employers may also learn of employees' disparaging social media reports from other social media users. Citizens often report misdeeds to the jurisdictions in which the offending public servant is employed. Oftentimes the public employees' disparaging posts "go viral" forcing employers to public address. Even under such circumstances, rushing to judgment and taking actions against the employee can place administrators in an ethical quagmire.

Public administrators must consider the content and context of posts when making judgments about ethical social media behavior and potential disciplinary actions. However, perception is likely to be a reality to those charged with making organizational decisions regarding the public employee's controversial private social media posts. This produces an ethical burden for the public sector institutions. Administrative discretion plays a substantive role in how organizations reprimand employees over disparaging social media posts. This is important because of the subjectivity associated with judging employees' questionable posts.

Disciplinary Actions Taken against Employees for Disparaging Comments

Both social media monitoring and public administrators' acceptance of reports about an employee's inappropriate social media communications may serve to inhibit the advancement of the public interest. First, tensions may arise between the employee and employer where they can no longer trust each other. Employees may believe employers do not give them the benefit of the doubt by quickly accepting reports of their misdeeds without context. Public sector employers face the difficult task of reprimanding employees who make disparaging comments, but they must exercise good judgment in doing so.

Social media posts have often been used as evidence to justify disciplinary actions against employees (Lam, 2016). Tufts et al. (2015) state that



FIGURE 7.2 Employment consequences by type of disparaging social media post
Source: Created by the author from a content analysis of news stories

some organizations monitor social media use and address related disciplinary issues without having guiding policies. The authors further highlight the fact that many government agencies do not have social media policies in place. This raises additional concerns related to disciplinary actions taken by public sector employers. As shown in Figure 7.2, the content analysis reveals that a majority of cases examined resulted in the public servant being fired. This was particularly evident when employees made posts that were insolent, racist, or violated conduct standards. Further, employees were suspended after they made racist, insolent, or sexist social media posts.

There are, however, legal consequences particularly when an employee is fired due to private social media use (O'Connor & Schmidt, 2015). Tufts et al. (2015) suggest public employers must use caution in how they deal with personal social media use. For example, First Amendment rights violations may become an issue if an employee is reprimanded for making negative comments about the employer while off-duty.

Recommendations for Ethical Private Social Media Use

Public sector employees are reflections of their employers and thus government as a whole. The image that public employees portray on social media can profoundly affect their roles as both citizens and employees

(Bezboruah & Dryburgh, 2012). When they engage in unethical practices, the public may naturally project their perceptions of unethical behaviors onto public organizations. Addressing the ethical use of social media use is incredibly difficult. Because of concerns about First and Fourth Amendment rights violations, public employers are limited in completely banning employees from using social media in a private capacity, although they may be able to do so during working hours. Further, banning employees from using social media in a personal capacity and on personal time would lead to costs associated with bureaucratic expansion due to monitoring and enforcement. The following recommendations are offered to minimize problems arising from a public employee's private use of social media.

Establish a Social Media Policy Related to Personal Use

Public employers should offer guidance so that public employees have a sense of autonomy and freedom outside the workplace. For instance, organizational social media policies should encourage employees to not list their place of employment or make references to the workplace in personal posts. This allows employees to exist and interact on social media without apparent connections to their employers. This also protects the organization's image in the event the employer chooses to engage inappropriately on social media. In addition, social media policies must establish consequences for inappropriate behaviors. However, such consequences must not violate an employee's constitutional rights. Without at least an informal social media policy in place, it may be needlessly difficult for employees to understand expectations for appropriate social media conduct and for supervisors to justify disciplinary action (Tufts et al., 2015). Lam (2016) suggests that employees should be involved in policy development so that they buy in and support the policy and it would help them understand expectations better.

Employers Should Be Proactive in Addressing Reports of Potentially Unethical Behavior

While actions may be taken for employees to dissociate themselves from their organizations when they are not working, social media is full of citizen investigators who will utilize networks to identify a person's workplace. Public employers, in an attempt to maintain transparency and trust in public institutions, must do their due diligence in addressing reports. While transparency in actions is critical to the advancement of the public interest, employers neither want to make hasty decisions that jeopardize

their institutional reputations nor subject employees to unjustified criticism and consequences. Employers must not jump to conclusions due to public pressure. Furthermore, employers must be transparent with employees about reports of social media misconduct and provide a space for employees to nonjudgmentally plead their cases.

Employers Must Distinguish between Justified and Unjustified Consequences

Context matters in interpreting social media posts (Warnick et al., 2016). Clear organizational social media policies should align behavior expectations with consequences. With this, employers should clearly inform and train employees on the need to maintain professionalism both at and outside of the workplace (Lam, 2016). In addition, in the event of reported unethical behavior, administrators must exercise due diligence in investigating the complete nature of the allegations.

Public Administrators Must Promote Ethical Behavior Throughout the Organization

Public administrators must recognize the unique role that public servants hold as both citizens and employees. At the same time, employees must recognize that their controversial social media engagements may reflect negatively on their employers and more broadly on government and governance. Given this, both employers and employees must ensure that ethical behavior is promoted in all facets of public organizational life.

Questions for Discussion

1. What factors should public managers consider when making judgments about employees' seemingly questionable private social media posts?
2. How should public managers respond to citizens who have concerns about an employee's social media post?
3. What factors should be considered when developing organizational social media policies regarding personal use of social media?
4. What problems could arise from a public employer "friending" an employee on social media? How can these problems be rectified?

Note

- 1 A sundown town is a town that forces nonwhites to leave the town before sunset.

References

- Abril, P. S., Levin, A., & Del Riego, A. (2012). Blurred Boundaries: Social Media Privacy and the Twenty-First-century Employee. *American Business Law Journal*, 49(1), 63–124.
- American Society for Public Administration. (n.d.). *Code of Ethics*. American Society for Public Administration. Retrieved August 24, 2022, from <https://www.aspanet.org/ASPA/Code-of-Ethics/Code-of-Ethics.aspx>.
- Barnes, A., Belnave, N., & Holland, P. (2018). 'Utterly Disgraceful': Social Media and the Workplace. *Australian Journal of Public Administration*, 77(3), 492–499.
- Barnes, C., & Gill, D. (2000). *Declining government performance? Why citizens don't trust government*. New Zealand: State Services Commission.
- Brewer, A. M. (2021). A Manager's Guide to Free Speech and Social Media in the Public Workplace: An Analysis of the Lower Courts' Recent Application of Pickering. *Public Personnel Management*, 50(3), 430–457. <https://doi.org/10.1177/0091026020954507>
- Bezboruah, K. C., & Dryburgh, M. M. (2012). Personal Social Media Usage and Its Impact on Administrative Accountability: An Exploration of Theory and Practice. *International Journal of Organization Theory and Behavior*, 15(4), 469–495.
- Flaherty, C. (2022, September 30). *Instructor on Leave After Blaming Satan for Pride Event*. Inside Higher Ed. Retrieved September 30, 2022, from <https://www.insidehighered.com/quicktakes/2022/09/30/instructor-leave-after-blaming-satan-pride-event>.
- Godwin, K., Ntayi, J. M., & Munene, J. C. (2021). Accountability and Public Interest in Government Institutions. *International Journal of Public Administration*, 44(2), 155–166. <https://doi.org/10.1080/01900692.2019.1672187>.
- Goffman, E. (1959). *The Presentation of Self in Everyday Life*. Garden City, NY: Doubleday & Company, Inc.
- Griesbach, R. (2022, September 28). Alabama College Instructor Allegedly Called for Anti-LGBT Rally, Placed on Leave. *AL.com*. <https://www.al.com/news/2022/09/alabama-college-instructor-allegedly-called-for-anti-lgbt-rally-placed-on-leave.html>.
- Hoerner, E., & Tulskey, R. (n.d.). *Cops' Troubling Facebook Posts Revealed in Plain View*. Injustice Watch. Retrieved October 1, 2022, from <https://www.injusticewatch.org/interactives/cops-troubling-facebook-posts-revealed/>.
- Houston, D. J., & Howard Harding, L. (2013). Public Trust in Government Administrators: Explaining Citizen Perceptions of Trustworthiness and Competence. *Public Integrity*, 16(1), 53–76. <https://doi.org/10.2753/PIN1099-9922160103>.
- Jacobson, W. S., & Tufts, S. H. (2013). To Post or Not to Post: Employee Rights and Social Media. *Review of Public Personnel Administration*, 33(1), 84–107.
- Johnston, J. (2015). 'Loose Tweets Sink Fleets' and Other Sage Advice: Social Media Governance, Policies and Guidelines. *Journal of Public Affairs*, 15(2), 175–187.
- Lam, H. (2016). Social Media Dilemmas in the Employment Context. *Employee Relations*, 36(3), 420–437.

- Mansoor, M. (2021). Citizens' Trust in Government as a Function of Good Governance and Government Agency's Provision of Quality Information on Social Media During COVID-19. *Government Information Quarterly*, 38(4). <https://doi.org/10.1016/j.giq.2021.101597>.
- McBeth, M. K., Brewer, A. M., & Smith, M. N. (2020). Teaching Social Media and Public Administration: Applying Four Approaches to an Emerging Issue. *Teaching Public Administration*, 38(2), 168–186.
- McDonald, P., & Thompson, P. (2016). Social Media(tion) and the Reshaping of Public/Private Boundaries in Employment Relations. *International Journal of Management Reviews*, 18(1), 69–84.
- Mergel, I., & Greeves, B. (2013). *Social Media in the Public Sector Field Guide: Designing and Implementing Strategies and Policies*. San Francisco, CA: Jossey-Bass.
- Monger, C. (2022, September 29). Wallace State Professor on Leave after Speaking Out against Planned Cullman Pride Event. *1819 News*. <https://1819news.com/news/item/wallace-state-professor-on-leave-after-speaking-out-against-planned-cullman-pride-event>.
- O'Connor, K. W., & Schmidt, G. B. (2015). "Facebook Fired": Legal Standards for Social Media-Based Terminations of K-12 Public School Teachers. *Journal of Workplace Rights*, 5(1), 1–15. <https://doi.org/10.1177/2158244015575636>
- Park, S., & Abril, P. S. (2016). Digital Self-Ownership: A Publicity-Rights Framework for Determining Employee Social Media Rights. *American Business Law Journal*, 53(3), 537–598.
- Pew Research Center. (n.d.). *Social Media Fact Sheet*. Retrieved September 29, 2022, from <https://www.pewresearch.org/internet/fact-sheet/social-media/?menuItem=f13a8cb6-8e2c-480d-9935-5f4d9138d5c4>.
- Snowden, M. (2017, May 3). *Public Employee's Offensive Social Media Comments Unprotected*. SHRM. Retrieved October 3, 2022, from <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/public-employee-offensive-social-media-posts-unprotected.aspx>.
- Song, C., & Lee, J. (2015). Citizens' Use of Social Media in Government, Perceived Transparency, and Trust in Government. *Public Performance and Management Review*, 39(2), 430–453.
- Thornthwaite, L. (2018). Social Media and Dismissal: Towards a Reasonable Expectation of Privacy? *Journal of Industrial Relations*, 60(1), 119–136.
- Tufts, S. H., Jacobson, W. S., & Stevens, M. S. (2015). Status Update: Social Media and Local Government Human Resource Practices. *Review of Public Personnel Administration*, 35(2), 193–207.
- Warnick, B. R., Bitters, T. A., Falk, T. M., & Kim, S. H. (2016). Social Media Use and Teacher Ethics. *Educational Policy*, 30(5), 771–795.

PART 3

Bureaucracy in a Democracy

Operating the government requires the day-to-day management of the bureaucracy, which is charged with the implementation of policies developed by the legislative branch of government. Inherent tensions exist related to the degree to which the bureaucracy should exert its control and influence over the operations of the government. Bureaucrats are the experts in the fields in which they serve and are trained on technical and managerial matters while the legislators are elected to serve the interests of the people. As laws grow increasingly complex, there is potential for bureaucrats to use and/or abuse this role. The downside of this complexity was explored by Madison in “Federalist No. 62,” who warned quite strongly of the dangers of so-called mutable policy, the effects of which he predicted would be nothing short of calamitous. The Trump administration was an example of the populist turn against public administrators serving in the bureaucracy when cries to *drain the swamp* were common during his run for office and subsequent term as president.

Thus, it is critical that public administrators examine the public service values that guide their decisions when interpreting complex policies. This section seeks to explore this topic.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

8

PRINCIPLE ORGANIZATIONAL DISSENT AND PUBLIC SERVICE

Robert Roberts

Introduction

From its birth in the late 19th century through today, the discipline of public administration has avoided the subject of principled organizational dissent by public administrators. After the early 1970s Watergate scandal, many public ethics scholars focused on the importance of career public servants in carrying out their official duties (Cohen & Eimicke, 1995; Cooper, 2012; Reynolds, 1995). Many public service ethics scholars argue that public servants are responsible for considering the moral and ethical implications of their actions and the actions of their organizations (Reynolds, 1995, 129–131). Public servants must do much more than comply with written rules of conduct (Reynolds, 1995, 126–128). This argument runs counter to the “ethic of neutrality” doctrine. “On this view, administrators are ethically neutral because they do not exercise independent moral judgment. They are not expected to act on any moral principles of their own but are to give effect to whatever principles are reflected in the orders and policies they are implementing” (Thompson, 1985, 556). The conflict between the moral duty to act doctrine and the “ethic of neutrality” doctrine places public administrators in a tough situation. And, suppose a public administrator accepts the argument that public administrators must take some action to confront organizational wrongdoing or evil (Cohen & Eimicke 1995, 108). In that case, the pressure placed on a public administrator to act may result in some public administrators deciding to work without carefully considering the implications of their decision.

Few public management scholars have taken on the difficult task of helping career public servants evaluate the costs and benefits of engaging in principled organizational dissent (O’Leary, 2017a, 2017b; Thompson, 1985). Teaching public administrators how to dissent contradicts deeply entrenched public management theory. This gap in the public management literature has serious consequences for career public servants. Some public ethics scholars encourage the leadership of public organizations to embrace organizational dissent (O’Leary, 2017a, 2017b). Few public or private organizations follow this advice. Why? Many public and private organizations see a direct relationship between organizational dissent and organizational inefficiency. Historically, organizations viewed criticism of management’s actions as insubordination (*Pickering v. Board of Education*, 1968). To allow such behavior runs counter to the bureaucratic theory that argues a direct relationship between hierarchical control and organizational efficiency and effectiveness. Critics of organizational democracy, for example, say that “[d]emocratic processes take time, which can hurt efficiency. For example, every issue or decision can potentially result in negotiation and time-consuming analysis” (Harrison & Freeman, 2004, 50). Moreover, organizational democracy may not work when situations require an organization to respond quickly to changing circumstances (Harrison & Freeman, 2004, 50). Also, employees who engage in organizational dissent may disclose illegal conduct or mismanagement that may have serious consequences for the employee’s organization and the management of the organization. From the perspective of most private and public organizations, embracing organizational dissent has few positive benefits. This view directly conflicts with organizational communication literature that finds the benefits of constructive organizational dissent outweigh any negative consequences (Garner, 2016). A growing public employee voice literature reinforces the argument that public organizations should embrace rather than obstruct employee voice.

What type of employee communication falls within the definition of organizational dissent? According to Gardner and other organizational dissent scholars, “organizational dissent occurs when an employer engages in speech that is counter to the expectations of management but excludes other forms of employee voice (such as the conflict between coworkers or complaints about customers)” (Gardner, 2016, 29). Organizational dissent takes many forms. It includes engaging in secret external whistleblowing activities, including leaking arguably nonpublic information to law enforcement, legislative branch officials, the media, sympathetic interest groups, and other external actors with interest in the subject matter of the dissent (O’Leary, 2017a, 2017b). It may involve using social media to express opposition to an employer’s actions. Moreover, it often

involves making complaints within an organization up the chain of command. These “internal disagreements” are not reported to those outside the organization (Gardner, 2016, 29).

Organizational behavior scholars have devoted extensive research concerning the impact of psychological contract breaches on organizational dissent (Morrison & Robinson, 1997). Organizational theory scholars define a psychological contract “as expectations about the reciprocal obligations that compose an employee-organization exchange relationship. A psychological contract forms when an employee and their organization agree on what each party is entitled to, and obligated to give, in exchange for another party’s contributions” (Morrison & Robinson, 1997, 288). Most often, such an agreement takes shape informally rather than formally; a psychological contract breach occurs when an employer violates the workplace expectations of an employee (Gakovic & Tetrick, 2003, 236). Negative consequences for an organization include reduced performance, reduced organizational commitment, job satisfaction, and sometimes a decision by an employee to resign (Gakovic & Tetrick, 2003, 236). Moreover, communication scholars argue that a direct relationship exists between psychological contract breaches and organizational dissent by employees (De Ruiter, Schalk, & Blomme, 2015).

What explains the lack of interest of public management scholars in psychological contract breaches in public organizations? The discipline of public administration broke away from the study of government, intending to make government much more efficient and efficient. Because of the widespread perception of a relationship between organizational dissent and organizational inefficiency, public administration discipline has never prioritized workplace democracy (Hague, 2000). As one workplace democracy scholar writes, “no one should be compelled to be subservient at work” (Malleon, 2013, 605). The management of most private and public organizations expects their employees to remain subservient to management.

Research conducted by O’Leary and other public management scholars provides valuable insights into what motivates public employees to engage in organizational dissent and, more narrowly, secret organizational dissent or guerrilla government. O’Leary identifies four conditions that triggered guerrilla government activities by public employees (O’Leary, 2017a, 75). The list included (1) “[w]hen internal opportunities for voicing one’s dissent are limited or decline,” (2) “[w]hen the perceived cost of voicing one’s opposition is greater than the perceived cost of guerrilla government activities,” (3) “[w]hen the issues involved are personalized or the subject of deeply held values,” and (4) “[w]hen quitting one’s job or leaving one’s agency is seen as having a destructive (rather than a salutary) effect on the

policies of concern” (O’Leary, 2017a, 75). These four triggers have striking similarities to what leads to a psychological contract breach. Public administrators lose trust in their organization to do the right thing, and they reject the “ethic of neutrality” as a conduct guide. They conclude they must act.

Shahinpoor and Matt write, “[o]ne of the few ways employees can reclaim their identity is to voice their dissent. By dissenting, individuals voice their conscience, recover their dignity, and lay claim to their principles and self-worth” (2007, 47). Shahinpoor and Matt also write that “[w]hen the organizational leadership comes to see the dissenter as a truly productive and ethical employee, the organization can become a more humane, compassionate, and efficient place of work, and therefore more successful” (2007, 47).

The chapter argues that career public servants should carefully evaluate the costs and benefits of organizational dissent before deciding to engage in organizational dissent. A civil servant who chooses to act might hope that individuals and groups concerned over the conduct of public organizations would vigorously support the action taken by a public servant seeking to do the right thing. This often does not occur. The leadership of many public organizations continues to view organizational dissent as treasonous. Because members of the public and interest groups often view organizational dissent from an ideological or partisan perspective, public employees who engage in dissent may quickly find themselves the subject of ideologically driven attacks. Due to the high cost of organizational dissent to public employees, the chapter does seek to persuade public employees to engage in organizational dissent. On the contrary, it argues that public servants must think carefully before engaging in organizational dissent. Advocates of public administrators taking a moral stand against organizational misconduct may argue that such an approach may result in many public administrators erring on the side of caution and remaining silent. Because public administrators will be better prepared to dissent, more public administrators will likely be willing to engage in constructive dissent.

The Hostility of Public Agencies to Organizational Dissent

One may trace the hostility of many public agencies to organizational dissent to the preoccupation of the discipline of public administration with the paradigms of economy, efficiency, and effectiveness and the belief that organizational dissent seriously disrupts organizational efficiency (Norman-Major, 2011, 234–236). Ironically, the discipline of public administration emerged as an anti-public corruption insurgency. The 19th-century spread of the spoils system led to a collapse of public

integrity at the local, state, and federal levels. After the Civil War, reformers viewed the spoils system as a direct threat to the survival of the nation's democratic institutions. Political machines controlled the day-to-day government operation by placing political hacks in key government positions. Political machines routinely fixed elections by coercing voters, stuffing ballot boxes, and hand-picking political candidates. "Moral was low in a civil service largely composed of misfits employed temporarily. Contemporaries noted the cloud of fear that hovered over government workers, especially after a change of administration," explained civil service reform historian Ari Hoogenboom (1959, 302). The cost of government also skyrocketed due to bribery and kickbacks and the lack of expertise in the administration of public programs. The discipline of public administration challenged the "corrupt" status quo.

Faced with growing complaints from the public over political corruption, the rising cost of government, and terrible service, political machines were forced to accept the establishment of civil service systems. The civil service reform movement offered political machines a deal. If they dropped their opposition to civil service systems and management reforms, elected leaders could take the credit for much more efficient public administration. From 1900 through 1940, the combination of the expansion of civil service systems and the widespread adoption by governments of good government management reform led directly to a sharp drop in public corruption associated with the spoils system (Anechiarico & Jacobs, 1994; Mosher, 1982). A golden age of public administration followed. However, the discipline of public administration quickly lost sight of its revolutionary roots as it matured. Public organizations embraced the "ethic of neutrality" as a requirement for public service (Thompson, 1985).

Due to its heavy focus on efficiency, effectiveness, and economy, the golden age of public administration had little tolerance for organizational dissent. The "ethic of neutrality" put public administrators in a moral straight jacket. Civil service employees faced the same threat of discipline as non-civil service employees. The case of *McAuliffe v. Mayor of New Bedford* (1892) symbolized the moral straightjacket public administrators found themselves forced to live with. As part of civil service reform initiatives, the City of New Bedford adopted a rule that "[n]o member of the department shall be allowed to solicit money or any aid, on any pretense, for any political purpose whatever" (Vile, 2009). The mayor of New Bedford subsequently fired police John McAuliffe for soliciting political campaign contributions and belonging to a political committee (Vile, 2009). In a decision that held that public administrators had no First Amendment freedom of speech rights, Justice Oliver Wendell Holmes wrote that a policeman "may have a constitutional right to talk politics, but he has no constitutional right to be a policeman" (Vile,

2009). The so-called public employment “privilege doctrine” would deny public administrators any First Amendment freedom of speech protection (Dotson, 1955; Rosenbloom, 1975). This included not providing career public servants protection from retaliation for engaging in organizational dissent.

The “ethic of neutrality” and the public employment “privilege doctrine” had grave consequences for the moral well-being of civil servants. Most faced the stark choice of doing nothing to oppose profound violations of civil liberties to keep their jobs. Without the active support of large civil servants, Jim Crow could not have survived from the late 19th century into the 1960s. Likewise, the forced serialization of thousands of Americans to implement morally bankrupt eugenics theory could not have happened. The same period saw police departments across the country sanction massive violations of civil liberties to oppress some of the most vulnerable members of society. The discipline of public administration lost its soul in the name of efficiency, economy, and effectiveness.

Before the 1970s, public management scholars demonstrated little interest in protecting public administrators from retaliation for engaging in either internal or external organizational dissent. From this perspective, career public servants did not have a role in holding their organizations accountable for wrongdoing. Because most career public servants were not ethicists, they could not distinguish between moral and immoral conduct by their organizations.

Public management scholars did talk about ethics in government, but normally from the perspective of legalistic ethics rules (Wood, 1955). Gradually, a few public management scholars recognized that the discipline of public administration faced a moral crisis (Bailey, 1964). Bureaucratic organizations could engage in evil and good.

Public Service and Administrative Evil

Human beings run organizations, and human beings make use of bureaucratic power for good and evil. Few organizations admit their mistakes. Moreover, only some organizations voluntarily seek to repair their mistakes without first facing intense public pressure. The discipline of public administration badly underestimated the ability of public administrators to do harm as well as good. Hitler and his followers, for example, could not have perpetrated the Holocaust without the active help of thousands of career public servants in Nazi Germany and other European countries occupied by Nazi Germany (Cohen & Eimicke, 1995, 108). Adam maintain that “many of the administrators directly responsible for the Holocaust were, from the technical-rational perspective, effective and responsible administrators who used discretion to both influence and

carry out the will of their superiors” (2011, 278). During World War II, for example, French railway workers never sabotaged deportation trains (Broch, 2014). Historians point to the professionalism of French railway workers to explain this behavior (Broch, 2014).

In the United States, one may find evidence of administrative evil committed by well-intended civil servants. In 1932, the United States Public Health Service (USPHS) began working with the Tuskegee Institute to study the progression of syphilis as a disease (The Centers for Disease Control, 2022). As revealed by a subsequent investigation,

[t]he study initially involved 600 Black men – 399 with syphilis, 201 who did not have the disease. Participants informed consent was not collected. Researchers told the men they were being treated for “bad blood,” a local term used to describe several ailments, including syphilis, anemia, and fatigue. In exchange for participating in the study, the men received free medical exams, meals, and burial insurance.

(Centers for Disease Control, 2022)

In 1943, penicillin became available to treat certain infections, including syphilis. The USPHS did not offer participants in the study the treatment. Due to a leak, on July 24, 1972, *The Washington Star* published an article detailing the ongoing syphilis study. In the same year, an advisory panel recommended that the federal government end the study (Centers for Disease Control, 2022).

Decades before the disclosure of the Tuskegee syphilis study, public management scholars began to debate the most effective way to assure the integrity of the modern administrative state. The 1940s, for instance, saw public management scholars Carl Friedrich and Herbert Finer articulate radically different solutions to the problem of abuse of administrative power (Plant, 2011). Friedrich trusted the moral character of career civil servants to do the right thing (Rosenbloom, 1984, 52–53). According to Friedrich, “responsible conduct of administrative functions is not so much enforced as it is elicited” (1977, 340). Friedrich also did not trust “politically appointed officials” to make decisions affecting the lives of many individuals because elected officials have a strong incentive to put their personal and political interests ahead of the public interest (Plant, 2011, 473). Friedrich maintained that many elected and politically appointed officials lacked the technical expertise to make informed based on facts. Friedrich recognized that entrusting career civil servants with considerable discretion to make and implement public policy created a democratic legitimacy issue.

To address the legitimacy issue, Friedrich argued that career civil servants must build a close working relationship with those they serve. This

includes educating the citizenry about why they took a particular action (Plant, 2018, S35). By engaging in a dialogue with the citizenry over public policy decisions, career administrators could “open communication between administrators and the public in instances in which factual information can and should be provided for the public to reach rational conclusions on issues of policy” (Plant, 2011, 475).

This did not mean that the citizenry should have the power to veto the proposed policy choices of career civil servants. It did mean that career civil servants have a moral and professional obligation to explain the reasons for their actions to citizens impacted by them. Friedrich understood that public administrators must have the right to freely engage in dialogue with the citizenry to build a trusting relationship with those they serve.

Herbert Finer found Friedrich’s administrative responsibility arguments alarming and undemocratic. To assure the responsiveness of career civil servants to the citizenry, Finer stressed that administrative power must rest in democratically elected officials. Because the citizenry elected officials, these officials had democratic legitimacy. In reaching this conclusion, Finer ignored that not all citizens had equal access to the polls. Finer also sought to sharply limit the interaction of career civil servants with the citizenry. Finer openly advocated public organizations enforcing gag rules on career public servants. This meant that public administrators must never go public with their positions on public policy issues or opposition to the actions of the political leadership of their organizations. Referring to the behavior of career public administrators, Finer argued that “[s]till less would he use public advocacy to spur on his political chief or connive with reformist groups having a purposeful policy” (Finer, 1941, 34–9). According to Finer, safeguarding the administrative state’s legitimacy required external solid control of the behavior of career public administrators (Plant, 2011, 473). The debate between Friedrich and Finer took on new significance with the collapse of the myth of administrative infallibility. Career public servants became increasingly forced to consider whether they should internally or externally object or protest the actions of their organizations.

In developing their visions of administrative responsibility, Finer never faced up to the reality of administrative evil. He took it as a given that the popularly elected leadership of public organizations would always do the right thing. With the experience of World War II and the behavior of Nazi Germany and Imperial Japan, Friedrich did not. He saw the impact of administrative evil all around him. He believed that career public servants could serve as the guardians of the public trust. He believed that career public servants could serve as the first line of defense against administrative evil.

Neutral Competence and the Moral Responsibility of Public Administrators

In 1956, political scientist Herbert Kaufman coined the phrase “neutral competence” (1956). The term described the ability of career public servants “to do the work of government expertly and to do it according to explicit, objective standards rather than to personal or party or other obligations and loyalties” (1956, 1060). For decades, the partnership between the discipline of public administration and elected officials worked remarkably well. Why? Respect for the neutral competence of public administrators served the interests of public administrators and the political leadership of public agencies (Kaufman, 1956, 1067; Rourke, 1992)). Voters wanted the government to operate efficiently and effectively. Modern public administration could deliver goods and services more efficiently. The political leadership of many public organizations found it in their best interest to respect the neutral competence of career public administrators. If neutral competence constitutes the best line of defense against administrative evil, how does the discipline of public administration protect the neutral competence of career public servants?

This informal agreement fell apart after World War II. Conservative opposition to the administrative state put “big government” on the defensive. Critics of the administrative state put forward a narrative of “corrupt” and power-hungry bureaucrats seeking to deprive Americans of their freedom by making them dependent upon government programs instead of helping Americans learn to take care of themselves (Republican National Committee, 1952). Government bureaucrats only sought to line their pockets and accumulate more and more power.

Defenders of the administrative state countered by arguing,

[p]ublic agencies must respond to demands of multiple special interests within the society. They are asked to do things which are immensely difficult or sometimes impossible and are often overloaded with responsibilities relative to their resources for carrying out those responsibilities.
(*Millard & Rainey, 1983, 163–164*)

This does not mean that because big government does not always solve the problems society asks it to solve, you just let the public fend for themselves. To have any chance of dealing with problems facing society requires the public to trust the neutral competence of career public servants. The success of bureaucratic bashing paved the way for critics of neutral competence to advocate much greater political control of bureaucratic policymaking. Much like the 19th-century spoils system, these critics of neutral competence sought to require bureaucrats to adhere strictly to the

“ethics of neutrality” (Thompson, 1985). Many of these critics embraced unitary executive theory as a solution to the perceived crisis in bureaucratic accountability (Crouch, Rozell, & Sollenberger 2020, 20–22; Rosenbloom, 2019). And with the rise of unitary executive theory, career civil service now faces much greater pressure to do the bidding of their political masters.

During much of 2020, for instance, President Donald Trump and White House officials put extreme pressure on the Centers for Disease Control (CDC) and the Food and Drug Administration (FDA) to downplay the seriousness of the COVID-19 pandemic. In testimony collected by a House of Representatives Subcommittee,

[f]ormer CDC director Robert Redfield, former top deputy Anne Schuchat and others described how the Trump White House and its allies repeatedly “bullied” staff, tried to rewrite their publications and threatened their jobs in an attempt to align the CDC with the more optimistic view of the pandemic espoused by Donald Trump.

(Diamond, 2022)

Staffed mainly with career civil servants, the CDC and FDA found it extremely difficult to provide the American people accurate information on the seriousness of the pandemic and to persuade the Trump White House to support policies that might have reduced the number of individuals killed and sicked by the virus.

Making the situation bleaker for some public employees, efforts continue, and the local, state, and federal levels are to strip career civil servants of civil service removal protections (Moynihan, 2022). In October 2020, for instance, President Donald Trump issued an executive order that sought to strip job security from tens of thousands of federal civil that exercised policymaking responsibilities by moving them into a new Schedule F. (Rein & Yoder, 2020). Even though President Joe Biden subsequently repealed Trump’s civil service executive order (Moynihan, 2022; Yoder, 2021), Trump’s effort raised the likelihood that a future presidential administration might attempt to limit the removal protections for career civil servants sharply (Shapiro, 2023). “For many years, reformers, especially from the right, have been chipping away at traditional civil service systems, particularly in state governments, by arguing that government would work far better if it followed the flexibility that private-sector managers have,” explains one public management scholar (Kettl, 2021).

Faced with these growing pressures, some public ethics scholars correctly argue that the “presumption of blind obedience by rank-and-file-administrators is also contrary to certain democratic principles” (Reynolds, 1995, 138). According to this argument, fundamental democratic principles

give public employees “the right to dissent in particular circumstances, as well as the obligation to dissociate oneself from acts that are potentially criminal or harmful to others” (Reynolds, 1995, 138). Democratic principles may create a moral right to dissent. Constitutional, statutory, and administrative rules provide career public servants limited protection from retaliation for engaging in activities critical of the conduct of their organizations and the leadership of their organizations.

Administrative Morality and Organizational Obedience

In *Pickering v. Board of Education* (1968), the U.S. Supreme Court held that public employees had limited First Amendment workplace freedom of speech rights. The decision had nothing to do with whistleblowing or another type of wrongdoing by a public agency. The case dealt with the firing of a high school teacher for insubordination for writing a letter to a newspaper criticizing the budget priorities of a local school board (Hudson, 2017; Rosenbloom, 2014, 143). The decision of *Pickering* to publicly criticize the budgetary priorities of his local school board constituted a classic example of a career public service exercising their moral responsibility to object to a policy decision that directly impacted those he served as a high school teacher or a classic example of a career public employee engaging in gross insubordination. Before the *Pickering* decision, the U.S. Supreme Court had begun dismantling the public employment privilege doctrine by adopting a new public service model to restore limited constitutional rights to public employees (Rosenbloom, 2014, 129–157). The new public service model required federal courts to balance the importance of allowing public employees to exercise fundamental constitutional rights with the perceived need for public organizations to maintain organizational efficiency and effectiveness. Concerning the First Amendment freedom of speech rights of public employees, this meant balancing the freedom of speech rights of public employees against the need to limit employee speech to maintain organizational discipline. In holding that the school board had violated *Pickering*’s freedom of speech rights, Justice Marshall stressed

[t]he problem, in any case, is to arrive at a balance between the interests of the teacher, as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public service it performs through its employees.

(*Pickering v. Board of Education*, 1968, 568)

By the late 1960s, it became clear that many public organizations had hidden serious problems with the administration of public programs. This

could not have happened without the cooperation of career civil servants. Because most public agencies refused to admit to their wrongdoing, federal courts found themselves forced to act (Bazelon, 1976). This gave birth to the institutional reform litigation movement, which forced major reforms in the administration of public programs and organizations, including prisons, public schools, state-run mental health facilities, etc. (Bazelon, 1976). The shattering of the myth of bureaucratic infallibility contributed to a greater willingness of career civil servants to blow the whistle on the organizations that employed them. Such conduct touched off a fierce debate over whether civil servants should take it upon themselves to determine whether their employers had engaged in immoral conduct (Hirschman, 1970). This debate continues today (Denhardt, 1988; Delmas, 2015; Lewis, 1990, Sunstein, 2003).

The 1968 presidential election saw the Vietnam War rip the democratic coalition apart. Through the 1968 presidential campaign, Richard Nixon told the American people he had a secret plan for ending the Vietnam War. He did not. Nixon went on to win the presidency primarily because he pledged to return law and order to American society. Nixon viewed federal career civil servants as the enemy committed to blocking Nixon administration initiatives. The story of Daniel Ellsberg and the Pentagon Papers has come to represent the problem of divided loyalties today faced by many career public administrators. To many Americans opposed to the Vietnam War, Ellsberg emerged as a hero. Many other Americans viewed Ellsberg as a traitor who should rot in prison for the remainder of his life.

As an employee of the Department of Defense, Ellsberg received an assignment to write a top-secret history of the involvement of the United States in the Vietnam War. The report detailed numerous missteps and failures that arguably cost the lives of many American soldiers. Ellsberg had top-secret clearance. No one could have imagined a federal employee with top-secret clearance leaking such a report to the *New York Times*. Due to highly classified information in the report, the Nixon White House frantically tried to stop its publication. In the landmark case of *New York Times Co. v. United States* (1971), the U.S. Supreme Court refused to allow federal courts to block its publication. The U.S. Government then tracked down Ellsberg as the source of the leak and prosecuted Ellsberg for violating the Espionage Act of 1917 and several other federal laws. Conviction of all counts could have subjected Ellsberg to 115 years in prison.

Seeking to increase the likelihood of Ellsberg's conviction, Richard Nixon's senior advisor, John Ehrlichman, ordered the so-called White House "plumber unit" to break into the office of Ellsberg's broke into Dr. Lewis Fielding's psychiatry office in Los Angeles to get dirt on his patient Daniel Ellsberg that might be used to discredit Ellsberg. Disclosure of

the break-in and other illegal conduct by the United States government related to Ellsberg's prosecution subsequently led a federal judge to dismiss all criminal charges against Ellsberg ("Ellsberg Case," 1973). In June of 2021, 50 years after his leak of the Pentagon Papers to the *New York Times*, Ellsberg continued to defend his decision to violate federal law (Smith, 2021).

Within a few years of the leaking of the Pentagon Papers, President Richard Nixon found himself forced to resign the presidency in part because of the willingness of Mark Felt, associate director of the FBI, to leak information Washington Post reporters Woodward and Bernstein with crucial information regarding the White House efforts to cover-up the break-in at the headquarters of the Democratic National Committee. In 2005, Felt revealed that he provided information to Woodward and Bernstein that helped Woodward and Bernstein uncover the Nixon White House cover-up of the Watergate break-in (Drehle, 2005).

From the late 1960s through today, the debate over whether career public administrators should engage in various types of organizational dissent continues (Delmas, 2015, 2018; O'Leary, 2017a, 2017b; Thompson, 1985). Many public management scholars have reservations about encouraging career public administrators to engage in organizational dissent for fear that such dissent unduly disrupts the efficient operation of public organizations. Justice O'Connor articulated this view in a 1994 U.S. Supreme Court decision. "When someone who is paid a salary so that she will contribute to an agency's effective operation begins to do or say things that detract from the agency's effective operation, the government employer must have some power to restrain her" (*Waters v. Churchill*, 1994, 674–675).

Civil liberties scholars, trained in law and philosophy, not public management, hold different perspectives on the value of public employees' organizational dissent (Delmas, 2015, 2018). One civil liberties scholar argues.

The current public employee speech rights law amounts to a near-perfect storm of jurisprudential undesirability. The Supreme Court's imposition of a gate-keeping requirement that the speech has been made in one's role as a citizen and not in one's role as a government employee has led to disturbing, specifically, democracy-undermining results. The case law combines murkiness with adverse impacts on the public accountability, openness, and transparency essential for genuine democracy.

(Wright, 2021, 366)

Many career civil servants face the cold reality that they often find themselves alone if they engage in organizational dissent.

The Cold and Dangerous World of Organizational Dissent by Public Administrators

For a brief time after the *Pickering* decision, the U.S. Supreme Court might continue to expand public employees' freedom of speech rights to make it easier for public administrators to engage in organizational dissent without fearing retaliation. In *Givhan v. Western Line Consolidated School District* (1979), for instance, the U.S. Supreme Court extended the reasoning in *Pickering* to situations where employees filed a complaint with a supervisor or other officials in their organizations that involved a matter of public interest and did not unduly disrupt the efficient operation of the employee's agency. The class had all the elements of an organizational dissent case. An African American school teacher employed by a middle school black middle school teacher complained privately to her supervisor that schools with more African American students received fewer supplies than schools with a higher percentage of white students. After the school year's end, the district did not renew her contract. The U.S. Supreme Court reversed the decision of the Fifth Circuit that the First Amendment did not protect private speech made by a public employee (Hudson, 2009).

This victory for the freedom of speech rights of public employees did not last long. Coinciding with the intense bureaucratic bashing of the Reagan administration (Milward & Rainey, 1983, 149), the U.S. Supreme Court in *Connick v. Myers* (1983), narrowly defined what constituted a "matter of public concern" for purposes of the First Amendment freedom of speech rights of public employees (Newswander, 2015, 127, 130). The U.S. Supreme Court held that most employee workplace grievances did not include a matter of public concern. Justice White, speaking for the majority, stressed that

[w]hile, as a matter of good judgment, public officials should be receptive to constructive criticism offered by their employees, the First Amendment does not require a public office to be run as a roundtable for employee complaints about internal office affairs.

(*Connick v. Myers*, 1983, 149)

Justice Brennan strongly disagreed with Justice White's assessment of organizational dissent in public agencies.

The Court's decision today inevitably will deter public employees from making critical statements about how government agencies are operated for fear that doing so will provoke their dismissal. As a result, the public will be deprived of valuable information to evaluate the

performance of elected officials. Because protecting the dissemination of such information is an essential function of the First Amendment, I dissent.

(*Connick v. Myers*, 1983, 170)

After *Connick*, lower federal courts also made it much easier for public employers to demonstrate that organizational dissent by their employees unduly disrupted the efficient operation of an employee's organization. Since the *Pickering* decision, federal courts have debated whether a public employer must prove an employee's speech actually disrupted the operation of the employee's agency or whether a public employer must only demonstrate that a reasonable employer might believe that their employee's speech could plausibly disrupt the workplace (Hopkins, 2021, 23).

After the U.S. Supreme Court decision in *Garcetti v. Ceballos* (2006), the organizational dissent environment for public employees has become much worse. To provide public employers greater authority to regulate the speech of their employees, the U.S. Supreme Court held that when public employees speak out in the course of performing their official duties, such speech does not have any First Amendment freedom of speech protection (Wright, 2021, 349). In narrowing the First Amendment freedom of speech rights of public employees, the decision sought "to promote equality between government and private employers concerning control over the workplace and employee performance" (Roosevelt III, 2012, 633).

Speaking for the *Garcetti* majority, Justice Kennedy left little doubt that the majority of the U.S. Supreme Court accepted the historical argument Finer and other public management scholars put forward that empowering public employees to speak their minds in the public workplace constituted a significant threat to organizational efficiency and effectiveness. "Employers have heightened interests in controlling speech made by an employee in his or her professional capacity" because "[o]fficial communications have official consequences, creating a need for substantive consistency and clarity. Supervisors must ensure that their employees' official communications are accurate, demonstrate sound judgment, and promote the employer's mission" (*Garcetti v. Ceballos*, 2006, 422–423).

In a vigorous dissent, Justice Souter admonished the *Garcetti* majority for ignoring public employees' role in uncovering official misconduct and corruption. "I agree with the majority that a government employer has substantial interests in effectuating its chosen policy and objectives, and in demanding competence, honesty, and judgment from employees who speak for it in doing their work," stressed Souter (*Garcetti v. Ceballos*, 2006). "But I would hold that private and public interests in addressing official wrongdoing and threats to health and safety can outweigh the

government's stake in the efficient implementation of policy," continued Souter (*Garcetti v. Ceballos*, 2006). From this perspective, the *Garcetti* majority had an agenda that went far beyond trying to maintain organizational discipline. The *Garcetti* majority sought to give public employers the same discretion to suppress organizational dissent as their private sector counterparts. In 2021, one civil liberties scholar described the *Garcetti* decision as an unmitigated disaster for public employees.

Under *Garcetti*, it does not matter how valuable an employee's speech is, how much corruption that speech exposes, or whether it informs the public regarding an important issue. Instead, the five-justice majority focused solely on creating a bright-line rule eviscerating employees' free speech rights.

(Hudson, 2021, 377)

The *Garcetti* decision created an organizational dissent minefield for public employees.

Loyalty, Disloyalty, and Organizational Dissent Options

A few public management scholars have discussed the different types of organizational dissent frequently used by public administrators (O'Leary, 2017a, 207b; Thompson, 1985). This research finds that public employees use internal and external organizational dissent strategies. Moreover, they may do so secretly or openly. O'Leary has analyzed secret organizational dissent methods. These include obeying your supervisors in public but disobeying them in private. Some dissenters work with interest groups by providing them with ghostwritten letters, testimony, and studies (O'Leary, 2017a, 73). Other dissenters sit quietly and allow their supervisors to make mistakes and fail. O'Leary also found that some silent dissenters ignored orders or policy directives that the employee disagreed with (2017a, 73).

O'Leary also identified leaking information to media outlets and building relationships with supportive interest groups as dissent strategies sometimes used by silent dissenters she studied (1917a, 73). Public administrators considering quiet dissent methods must understand that their conduct will remain secret.

Moreover, any public administrator considering using silent dissent methods must understand that no guarantee exists that their actions will impact the adoption and implementation of a policy or policies for their agency. Many Americans, for example, need more trust in news published by certain media outlets. Republicans generally disregard information published in *The Washington Post*, *New York Times*, and

broadcast on CNN. Democrats and progressives have little trust in news published on Fox News (Jurkowitz, Mitchell, Shearer, & Walker, 2020). One study found that “[t]he public generally favors those who engage in whistleblowing over those who leak, as long as those disclosures injure the opposing party. The public tends to be forgiving of leaking information (vs. whistleblowing) when it hurts the opposing party” (Touchton, Klofstad, West, & Uscinsk, 2020, 7). The authors speculated that the fact that partisans receive their news from different sources, many partisans

may be enclosed in information environments which exacerbate motivated partisan reasoning. This is unfortunate for democracy because citizens should hold officials accountable for wrongdoing regardless of party. Many partisans may be enclosed in information environments that exacerbate partisan motivated reasoning. This is unfortunate for democracy because citizens, regardless of party, should hold officials accountable for wrongdoing.

(Touchton, Klofstad, West, & Uscinsk, 2020, 8)

Thompson provides a simpler organizational dissent continuum (Thompson, 1985, 557). According to Thompson, the least aggressive form of dissent involves situations where “an official protest within the organization but still helps implement the policy, or (a slightly stronger measure) asks for a different assignment in the organization” (1985, 557). Thompson argues that some public organizations may attempt to domesticate dissenters by allowing dissenters to say what they want and then ignoring their complaints. This sends a message to the public that an organization welcomes dissent but disagrees with the arguments made by the dissenter (1985, 558). This strategy leaves the dissenter hanging in the wind. The media and the public may lose interest in the employee’s complaint. Faced with this neglect, a dissenter may give up and quit. According to Thompson, an attempt by a public employee to have other employees join their cause constitutes a more aggressive type of organizational dissent. Thompson argues that this strategy likely will fail unless the “dissenters find ways to show that they are defending principles that all citizens would endorse” (Thompson, 1985, 558).

O’Leary and Thompson make clear that public administrators as numerous organizational dissent options. During an era of political, cultural, and polarization, any public administrator deciding to engage in organizational dissent must prepare themselves for severe consequences from inside and outside their organization.

Public Service Ethics and Organizational Dissent Implementation Plans

Due to the limited First Amendment freedom of speech rights of public employees and the ineffectiveness of whistleblower laws, public administrators often find themselves with few protections if they engage in principled organizational dissent (West & Bowman, 2019). This fact increases the importance of career public administrators carefully evaluating the costs and benefits of engaging in organizational dissent. Does this mean that the public administrator should remain silent or resign from their job if the costs to an employee exceed any potential benefits? No. It does mean that public administrators should understand that if they engage in organizational dissent, they may find themselves out in the cold without a safety net.

Faced with the realities of public sector organizational dissent, one may make a strong argument that a public administrator should develop an organizational dissent implementation plan (ODIP) to help them develop sufficient information to make an informed decision on whether to engage in organizational dissent and if they decide they must act how to act. Undertaking an ethical self-assessment constitutes the first step in developing an ODIP. Dwight Waldo's *Ethical Obligations of a Public Servant* may help a public administrator conduct such an ethical self-assessment. Developed during the late 1980s, Waldo identified 12 ethical obligations typically that a public administrator needs to access (O'Leary, 2017, 15). These include (1) the Constitution, (2) the law, (3) nation or country, (4) democracy, (5) organizational bureaucratic norms, (6) profession and professionalism, (7) family and friends, (8), self, (9) middle range collectives, (10) public interest and general welfare, (11) humanity or the world, and (12) religion or god (O'Leary, 2017, 15). A public administrator, for example, might lose their job if they engage in organizational dissent. Without a job, the family of a public administrator may not have enough money to live on or pay for health insurance. Suppose a public administrator believes they have an ethical responsibility to care for their family. In that case, the risk of leaving their family without necessary financial resources might lead one public administrator to conclude that they should not engage in organizational dissent because of this ethical responsibility. Another public administrator might place their ethical obligation to protect the nation's democratic institutions before their ethical obligations to their family. By undertaking an individual ethics self-assessment, the public employee considering engaging in organizational dissent can evaluate how their organization's actions impact their ethical value system.

Second, the public servant should evaluate whether they believe a psychological contract breach between the public employee and their organization. Such a brief may motivate an employee to engage in organizational dissent. Moreover, such a brief may not have anything to do with their

ethical value system. Because a psychological contract breach may profoundly impact an employee's mental health, expressing concern over one's treatment may help repair the damage. However, the factors that led to the breach may apply only to the employee and not have significant implications beyond the employee. Does that mean that a public administrator should not engage in organizational dissent if a psychological contract breach occurs that, in theory, only impacts the employee? Certainly not. A supervisor, for example, promises an employee a promotion if he takes on additional responsibilities due to staffing issues. As an exempt employee, federal law does not require their employer to pay the employee more for the extra work performed. Once the staffing crisis passes, the employee asks when they might expect their promotion. The employee's supervisor thanks the employee for their service but tells the employee that they will not seek approval for the employee's promotion. The supervisor's superiors might fire him for promising an employee a promotion for taking on additional responsibilities. Blowing the whistle on their supervisor might or might not help the employee get their well-deserved promotion. It might also get the employee fired.

Third, a public employee should conduct a broad ethical assessment of their organization. Does the organization routinely lie to employees and the public regarding how it conducts public business? (Mulgan, 2007). Does the employee's organization serve the public interest or special interests, including the interests of the political leadership of an organization? Does the employee's organization treat its employees respectfully and provide secure organizational dissent channels? (Cooper, 2018). Does the employee's organization attempt to abide by the rule of law and constitutional values underlying our democratic form of government? (Newbold, 2010, 2011, 2016; Rohr, 1986, 1988, 1998, 2002; Rosenbloom, 2019). As one public ethics scholar argues, "[s]imply choosing or being expected to follow orders, without knowing or having the opportunity to learn their likely consequences, is ethical—and operationally untenable for agency employees, especially if things go badly and subordinates are expected to take the fall" (Reynolds, 1995, 138).

Fourth, suppose the organizational ethics assessment reveals serious harm to the public and the nation's democratic institutions. In that case, public employees must consider whether they need to break the law for the greater good. After World War II, the Civil Rights Movement effectively used nonviolent civil disobedience to challenge pervasive violations of fundamental human rights. In his April 16, 1963, "Letter from Birmingham Jail" Martin Luther King wrote,

My friends, I must say to you that we have not made a single gain in civil rights without legal and nonviolent pressure. History is the long and tragic story that privileged groups seldom give up their privileges

voluntarily. Individuals may see the moral light and give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups are more immoral than individuals.

(King, 1963)

Conclusion: Maximizing the Effectiveness of Organizational During an Era of Polarization

The chapter does not argue that more public administrators should consider engaging in open or secret organizational dissent. On the contrary, if one accepts the argument that partisanship has reduced the effectiveness of certain types of organizational dissent, this might persuade some public administrators to have second thoughts about engaging in any organizational dissent. The chapter does argue that the discipline of public administration has discouraged organizational dissent mainly because of its belief that organizational dissent reduces the efficiency and effectiveness of public organizations. O’Leary encourages public organizations to listen to dissenters (O’Leary, 2017a, 2017b). One may argue that graduate programs in public administration, public policy, or public affairs should offer Administrative Responsibility and Organizational Dissent courses. Should such a course teach students to leak information to a reporter without getting caught (Confidential Tips, 2022; Freedom of the Press Foundation, 2019)? Should such a course discuss how a public administrator might delay or resist efforts by the political leadership of a public organization that ignores recommendations from career public administrators based on fact rather than ideology?

Sadly, it has come to the point that some career public servants must have a lawyer on speed dial if they think about engaging in organizational dissent whether secretly or in the open.

The U.S. Supreme Court has sharply limited public employees’ First Amendment freedom of speech rights. Public administrators increasingly face harassment for doing their job. As one organizational dissent scholar explains, “[i]f dissent is taken seriously, the resulting transformation will humanize the whole organization. For what is acknowledged and nurtured when dissent is protected is individual conscience and the fullness of its capacities” (Shahinpoor & Matt, 2007, 47).

Questions for Discussion

1. What are the advantages and disadvantages of the different types of organizational dissent available to public administrators?
2. What are public employees’ First Amendment freedom of speech rights?

3. When is it ethical for a public administrator to leak information to the press regarding the conduct of the organization that employs the public administrator?
4. Should public managers encourage employees to engage in principled organizational dissent?
5. If a public administrator disagrees with their organization's actions, should they resign, remain quiet, or engage in some organizational dissent?

References

- Adam, G. B. (2011). The Problem of Administrative Evil in a Culture of Technical Rationality. *Public Integrity* 13 (3), 275–286.
- Anechiarico, F. & Jacobs, B. (1994). Visions of Corruption Control and the Evolution of American Public Administration. *Public Administration Review* 54 (5), 465–473.
- Bailey, S. K. (1964). Ethics and Public Service. *Public Administration Review* 24 (4), 234–243.
- Bazelon, D. L. (1976). The Impact of the Courts on Public Administration. *Indiana Law Review* 52 (1), 101–110.
- Brouch, L. (2014). Professionalism in the Final Solution: French Railway Workers and the Jewish Deportations, 1942–4. *Contemporary European History*. 23 (3), 359–380.
- Cohen, S. & Eimicke, W. B. (1995). Ethics and the Public Administrator. *The Annals of the American Academy of Political and Social Science* 537, 96–108.
- Confidential Tips. (2022). *Washington Post*. <https://www.washingtonpost.com/anonymous-news-tips/>.
- Connick v. Myers*, 461 U.S. 138 (1983).
- Cooper, C. A. (2018). Encouraging Civil Servants to Be Frank and Fearless: Merit Recruitment and Employee Voice. *Public Administration* 96 (4), 721–735.
- Cooper, T. L. (2012). *The Responsible Administrator: An Approach to Ethics for the Administrative Role*, 6th ed. San Francisco, CA: Jossey-Bass.
- Crouch, J., Rozell, M. J. & Sollenberger, M. A. (2020). *The Unitary Executive Theory: A Danger to Constitutional Government*. Lawrence, KS: Kansas University Press.
- Delmas, C. (2015). The Ethics of Government Whistleblowing. *Social Theory & Practice* 41 (1), 77–105.
- Delmas, C. (2018). *A Duty To Resist*. New York: Oxford University Press.
- Denhardt, K. G. (1988). *The Ethics of Public Service: Resolving Moral Dilemmas in Public Organizations*. Westport, CT: Greenwood Press.
- De Ruiter, M., Schalk, R. & Blomme, R. (2015). Manager Responses to Employee Dissent About Psychological Contract Breach: A Dyadic Process Approach. *Management Communication Quarterly* 30 (2). DOI: 10.1177/0893318915623238
- Diamond, D. (2020, September 11). Trump Officials Interfered with CDC Reports on Covid-19. *POLITICO*. <https://www.politico.com/news/2020/09/11/exclusive-trump-officials-interfered-with-cdc-reports-on-covid-19-412809>.

- Diamond, D. (2022, October 17). CDC Officials Describe Intense Pressure, Job Threats from Trump White House. *Washington Post*. <https://www.washingtonpost.com/health/2022/10/17/trump-cdc-pressure-covid-pandemic-house-report/>.
- Dotson, A. (1955). The Emerging Doctrine of Privilege in Public Employment. *Public Administration Review* 15 (2), 77–88.
- Drehle, D. V. (2005, June 1). FBI's Number 2 Was 'Deep Throat': Mark Felt Ends 30 Year Mystery of the Post's Watergate Source. *Washington Post*. https://www.washingtonpost.com/politics/fbis-no-2-was-deep-throat-mark-felt-ends-30-year-mystery-of-the-posts-watergate-source/2012/06/04/gJQAwseRIV_story.html.
- "Ellsberg Case" (1973, May 13). Ellsberg Case: Defendants Freed, Government Convicted. *New York Times*. 19. ProQuest Historical Newspapers: The New York Times.
- Finer, H. (1941). Administrative Responsibility in Democratic Government. *Public Administration Review* 1 (4), 335–350.
- Freedom of the Press Foundation. (2019, October 16). Here's How to Share Sensitive Leaks with the Press. Freedom of the Press Foundation. <https://freedom.press/news/sharing-sensitive-leaks-press/>.
- Friedrich, C. J. (1977). Public Policy and the Nature of Administrative Responsibility, 333–343. In *The Politics of the Federal Bureaucracy*, 2nd ed. Edited by Alan Altshuler & Norman Thomas. New York: Harper and Row.
- Gakovic A. & Tetrick, L. E. (2003). Psychological Contract Breach as a Source of Strain for Employees. *Journal of Business and Psychology* 18 (2), 235–246.
- Garcetti v. Ceballos*, 547 US 410 (2006).
- Gardner, J. T. (2016). Open Doors and Iron Cages: Supervisors' Responses to Employee Dissent. *International Journal of Business Communication* 53 (1), 27–54.
- Gardner, J. T. (2019). Troublemaker or Problem-Solver? Perceptions of Organizational Dissenters. *Western Journal of Communication* 83 (4), 519–535.
- Gardner, J. T. (2009). When Things Go Wrong at Work: An Exploration of Organizational Dissent Messages. *Communication Studies* 60 (2), 197–218.
- Garner, J. T. (2016). Open Doors and Iron Cages: Supervisor' Response to Employee Dissent International. *Journal of Business Communication*, 53(1), 27–54.
- Givhan v. Western Line Consolidated School District*, 439 U.S. 410 (1979).
- Hague, M. S. (2000). Threats to Public Workplace Democracy. *Peace Review* 12 (2), 237–241.
- Harrison, J. S. & Freeman, R. E. (2004). Is Organizational Democracy Worth the Effort? *The Academy of Management Executive* (1993–2005) 18 (3), 49–53.
- Hirschman, A. (1970). *Exit, Voice, and Loyalty*, Cambridge, MA: Harvard University Press.
- Hoogenboom, A. (1959). The Pendleton Act and the Civil Service. *The American Historical Review* 64 (2), 301–318.
- Hopkins, M. (2021). Click at Your Own Risk: Free Speech for Public Employees in the Social Media Age. *The George Washington Law Review Arguendo* 89, 1–27.

- Hudson Jr. D. L. (2009). *Givhan v. Western Line Consolidated School District* (1979) The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/597/givhan-v-western-line-consolidated-school-district>.
- Hudson Jr. D. L. (2017). *Pickering v. Board of Education* (1968). The First Amendment Encyclopedia. <https://www.mtsu.edu/first-amendment/article/648/pickering-v-board-of-education>.
- Hudson Jr. D. L. (2021). The Supreme Court's Worst Decision in Recent Years – *Garcetti v. Ceballos*, The Dred Scott Decision for Public Employees. *William Mitchell Law Review* 47, 375–395.
- Jurkowitz, M., Mitchell, A., Shearer, E. & Walker, M. (2020, January 24). Americans are divided by party in the sources they turn to for political news. *Pew Research Center*. <https://www.pewresearch.org/journalism/2020/01/24/americans-are-divided-by-party-in-the-sources-they-turn-to-for-political-news/>.
- Kaufman, H. (1956). Emerging Conflicts in the Doctrines of Public Administration. *American Political Science Review* 50 (4), 1057–1073.
- Kettl, D. (2021, August 12). Is Government Better When Anyone Can Be Fired Anytime? *Governing*. <https://www.governing.com/work/is-government-better-when-anyone-can-be-fired-anytime>.
- King, M. L. (1963, April 16). Letter from Birmingham Jail. Bill of Rights Institute. <https://billofrightsinstitute.org/primary-sources/letter-from-birmingham-jail>
- Lewis, C. (1990). *The Ethics Challenge in Public Service*. San Francisco: Jossey Bass.
- Malleson, T. (2013). Making the Case for Workplace Democracy: Exit and Voice as Mechanisms of Freedom in Social Life. *Polity* 45 (4), 604–629.
- Martin, B. & Rifkin, W. (2004). The Dynamics of Employee Dissent: Whistleblowers and Organizational Jiu-Jitsu. *Public Organization Review: A Global Journal* 4, 221–238.
- Millard & Rainey (1983). Don't Blame the Bureaucracy! *Journal of Public Policy* 3 (2), 149–168.
- Morrison, E. W. & Robinson, S. L. (1997). When Employees Feel Betrayed: A Model of How Psychological Contract Violation Develops. *The Academy of Management Review* 22 (1), 226–256.
- Mosher, F. C. (1982). *Democracy and Public Service*, 2nd ed. New York: Oxford University Press.
- Moynihan, D. P. (2022). Public Management for Populism: Trump's Schedule F Executive Order and the Future of the Civil Service. *Public Administration Review* 82 (1), 174–178.
- Mulgan, R. (2007). Truth in Government and the Politicization of Public Service Advice. *Public Administration*, 85, 569–586.
- New York Times Co. v. United States*, 403 U.S. 713 (1971).
- Newbold, S. (2010). Toward a Constitutional School for American Public Administration. *Public Administration Review* 70 (4), 538–546.
- Newbold, S. (2011). No Time Like the Present: Making Rule of Law and Constitutional Competence in the Theoretical and Practical Foundation for Public Administration Graduate Education Curriculum. *Journal of Public Affairs Education* 17 (4), 465–481.

- Newbold, S. P. (2016). Towards a constitutional school of public administration. Ed. Stephanie P. Newbold and David Rosenboom. In *The Constitutional School of Public Administration*, pp. 8–27. New York: Routledge.
- Newswander, C. B. (2015). Guerrilla Statesmanship: Constitutionalizing an Ethic of Dissent. *Public Administration Review* 75 (1), 126–134.
- Norman-Major, K. (2011). Balancing the Four Es, or Can We Achieve Equity for Social Equity in Public Administration. *Journal of Public Affairs Education* 17 (2), 233–252.
- O'Connor v. Ortega, 480 U.S. 709 (1987).
- O'Leary, R. (2017a). The Ethics of Dissent: Can President Trump Survive Guerrilla Government? *Administrative Theory & Praxis* 39 (2), 63–79.
- O'Leary, R. (2017b). The New Guerrilla Government: Are Big Data, Hyper Social Media and Contracting Out Changing the Ethics of Dissent? *PS: Political Science and Politics* 501 (1), 12–22.
- O'Leary, R. (2019). *The Ethics of Dissent Managing Guerrilla Government*, 3rd ed. Washington, DC: C.Q. Press.
- Pickering v. Board of Education, 391 U.S. 563 (1968).
- Plant, J. F. (2011). Carl J. Friedrich on Responsibility and Authority. *Public Administration Review* 71 (3), 471–482.
- Plant, J. F. (2018). Responsibility in Public Administration Ethics. *Public Integrity* 20 (Sup1), S33–45.
- Rein, L. & Yoder, E. (2020, October 22). Trump Issues Sweeping Order for Tens of Thousands of Career Federal Employees to Lose Civil Service Protections. *Washington Post*. https://www.washingtonpost.com/politics/trump-order-federal-civil-service/2020/10/22/c73783f0-1481-11eb-bc10-40b25382f1be_story.html.
- Republican National Committee (1952). Crook & Crony Government. The Story of Democratic Fraud and Graft. Documents and Index. Washington, D.C.: Democratic National Committee.
- Reynolds, H. W. (1995). Educating Public Administrators about Ethics. *The Annals of the American Academy of Political and Social Science* 537, 122–138.
- Rohr, J. (1986). *To Run a Constitution*. Lawrence, KS: University Press of Kansas.
- Rohr, J. A. (1988). Bureaucratic Morality In the United States. *International Political Science Review*, 9(3), 167–178.
- Rohr, J. (1998). *Public Service, Ethics, and Constitutional Practice*. Lawrence, KS: University of Kansas Press.
- Rohr, J. (2002). *Civil Servants and Their Constitutions*. Lawrence, KS: Kansas University Press.
- Roosevelt III, K. (2012). Not as Bad as You Think: Why *Garcetti v. Ceballos* Makes Sense. *Journal of Constitutional Law* 14 (3), 631–660.
- Rosenbloom, D. H. (1975). Public Personnel Administration and the Constitution: An Emergent Approach. *Public Administration Review* 35 (1), 52–59.
- Rosenbloom, D. H. (1984). Public Administrative Professionalism and Public Service Law. *State and Local Government Review* 16 (2), 52–57.
- Rosenbloom, D. H. (2014). *Federal Service and the Constitution*. Washington, DC: Georgetown University Press.
- Rosenbloom, D. H. (2019). Public Administration and the Erosion of the Rule of Law in the United States. *Journal of Chinese Governance* 4 (1), 1–14. DOI: 10.1080/23812346.2018.1564490.

- Rourke, F. E. (1992). Responsiveness and Neutral Competence in American Bureaucracy. *Public Administration Review* 52 (6), 539–546.
- Shahinpoor, N. & Matt, B. F. (2007). The Power of One: Dissent in Organizational Life. *Journal of Business Ethics* 74 (1), 37–48.
- Shapiro, S. (2023). *Trump and the Bureaucrats: The Fate of Neutral Competence*. New York: Springer International.
- Smith, D. (2021, June 13). I've Never Regretted Doing it': Daniel Ellsberg on 50 Years since Leaking the Pentagon Papers. *The Guardian*. <https://www.theguardian.com/world/2021/jun/13/daniel-ellsberg-interview-pentagon-papers-50-years>.
- Sunstein, C. R. (2003). *Why Societies Need Dissent*. Cambridge, MA: Harvard University Press.
- The Centers for Disease Control. (2022). The U.S. Public Health Service Syphilis Study at Tuskegee: The Tuskegee Timeline. <https://www.cdc.gov/tuskegee/timeline.htm>.
- Thompson, K. (1985). The Possibility of Administrative Ethics. *Public Administration Review* 45, 555–561.
- Touhnton,M. R.,Klofstad,C. A., West,J. P.&Uscinski,J. E.(2020). Whistleblowing or Leaking? Public Opinion Toward Assange, Manning, and Snowden. *Research & Politics* 7 (1). <https://doi.org/10.1177/2053168020904582>.
- Vile, J. R. (2009). McAuliffe v. Mayor of New Bedford (Mass.) (1892). *The First Amendment Encyclopedia*. <https://www.mtsu.edu/first-amendment/article/1598/mcauliffe-v-mayor-of-new-bedford-mass>.
- Waters v. Churchill*, 511 U.S. 66 (1994).
- West, J. P. & Bowman, J. S. (2019). Whistleblowing Policies in American States: A Nationwide Analysis. *American Review of Public Administration*. First Published November 3, 2019. <https://doi.org/10.1177/0275074019885629>.
- Wood, R. C. (1955). Ethics in Government. *Public Administration Review* 15 (1), 1–7.
- Wright, G. R. (2021). A Democratic View of Public Employee Speech Rights. *Catholic University Law Review* 70, 347–366.
- Yoder, E. (2021, January 22). Biden Reverses Trump Orders Seen as Hostile to Federal Workers. *Washington Post*. https://www.washingtonpost.com/politics/biden-trump-federal-employees/2021/01/22/41078848-5cca-11eb-8bcf-3877871c819d_story.html.

9

THE INFLUENCE OF PUBLIC SERVICE VALUES ON IMPLEMENTATION AND PERFORMANCE

Evidence from the Housing Policy

Melissa Gomez Hernandez

Introduction

In 1997, Sandra J. Newman and Ann B. Schnare determined that housing programs in the United States had failed to deliver on the promise of neighborhood quality to vulnerable citizens (Newman & Schnare, 1997). Nowadays, public housing programs continue to be affected by concentrated poverty and disproportionate rates of racial segregation of minority recipients (Austin Turner, 2003; Carlson, Haveman, Kaplan & Wolfe, 2009; Deng, 2007). The performance disparities within housing programs in the United States are so notorious that even the most well-regarded and successful housing policy initiative, the Section 8 Housing Choice Voucher (HCV) program, specifically created to tackle problems of poverty and minority concentration, also faces these difficulties (Deng, 2007; Devine, Gray, Rubin & Taghavi, 2003; Galvez, 2010; Hartung & Henig, 1997; Newman & Schnare, 1997; Pendall, 2000; Varady & Walker, 2000; Varady, 2010).

In the midst of this policy failure (Deng, 2007; Newman & Schnare, 1997), housing scholars explain the causes of the Section 8 HCV Program's unaccomplished goals, going from the existence of markets with serious housing shortages (Deng, 2007), budget limitations (Austin Turner, 2003), to racial discrimination in society (Pendall, 2000), and program's internal inadequacies (Grigsby & Bourassa, 2003).

Some indicators focus the attention on "administrative inefficiency at the local level" (Basolo, 2003; Katz & Turner, 2001; Popkin & Cunningham, 1999, in Marr, 2005, p. 86), the presence of a "troublesome

bureaucracy” (Marr, 2005, p. 92), red tape (Grigsby & Bourassa, 2003), and evidence of landlords’ complaints of the “Bureaucratic System” in the Section 8 vouchers (Grigsby & Bourassa, 2003). Despite such evidence, public administrators’ part in policy implementation and organizational performance remains unexplored.

In defiance of the aforementioned discouraging assessment, an important portion of these federally funded and locally administered programs operating within Public Housing Authorities (PHAs) across the country perform at the highest level.¹ According to HUD’s Public Housing Assessment System, by 2015, 1,240 municipal PHAs scored between 90 and 100 points, obtaining a high performer designation. If the Section 8 HCV Program’s administrators face similar challenges nationwide and a significant amount of them are able to excel regardless, an unanswered question on public administrators’ part in policy implementation and organizational performance demands to be asked: *Do public service values, applied by public administrators to the implementation process of the Section 8 HCV Program influence the program’s performance and recipients’ access to high quality, affordable, non-racially segregated and non-poverty concentrated homes?*

Public administration scholars accept that public values guide administrators’ behavior (Andersen et al., 2012). Such guidance also derives from “social and cultural values” (Molina, 2015, p. 49). Public administrators’ values also play an important role during the implementation process (Elmore, 1979; Matland, 1995), where street-level bureaucrats “shape public policy through their daily use of discretion” (Bastien, 2009, p. 665). In the same vein, public servants reflect their “values or interests in the goals being pursued more or less effectively by public organizations” (Fried, 1976, p. 15, in Talbot, 2010, p. 137), resulting in administrators influencing performance as well.

With disregard for the existence of a solid theoretical discussion, policy implementation and organizational performance have been less frequently linked to public administrators’ values (Bastien, 2009). In consequence, the evaluation of any public policy seldom passes by the consideration of the role of public service values of its implementers.

This chapter analyzes how public administrators’ values shape a given policy. The unsatisfactory results of the American housing policy serve as the case study. The Section 8 HCV Program’s staff’s application of public service values toward citizens during the implementation process is studied in the light of high levels of performance. I hypothesize that administrators who utilize democratic public service values (Frederickson, 1989) during the implementation process positively influence organizational and program performance. This occurs because democratic values

(social equity oriented) aid administrators in overcoming environmental and organizational difficulties. The main goal of this study is to address administrators' understanding and application of public service values toward citizens during the Section 8 HCV Program's implementation process. Furthermore, this chapter seeks to comprehend how public service values influence organizational and policy performance.

I conducted semi-structured interviews with the Section 8 HCV Program's staff at PHAs and ethnographic observation of public administrators' quotidian rapport with program recipients in the states of Florida and California.

Public Administrators' Values and the Policy Implementation Process: An Overview

The notion of public service values in public administration is predominantly normative. It is presented as "the ideals, coined as principles to be followed when producing a public service or regulating citizens behavior, thus providing direction to the behavior of public servants" (Andersen et al., 2012, p. 293). In this tradition, values have been widely studied in two ways. Firstly, as the development of thoughtful lists of relevant and frequently used public service values such as neutrality, efficiency, and accountability (Box, 2015; Demir, Reddick & Nank, 2015). These lists emphasize on an idealistic depiction of these values and the servants that incarnate them. Secondly, public service values are grouped into public administrators' categories, organized according to the prevalent set of values utilized during their administrative activities. This categorization goes from Alasdair MacIntyre's (1984) ideal types of administrative roles of public servants as Mediator, Steward, Magistrate, and Advocate (in Molina, 2015, p. 50), to Kernaghan's categories of public service values, classified as ethical, professional, democratic, and human (Molina, 2015, p. 57).

Scholars are aware of the existence of a broad variety of public service values and the competition among them (Andersen et al., 2012). Values are also definitive motivators of public servants' behavior (Demir, Reddick & Nank, 2015). Accordingly, Molina (2015) states that "public administrators are broadly influenced by a wide range of social and cultural values, and will tend to accept organizational values as long as they are perceived as being consistent with those wider values" (p. 49).

Despite recognizing the impact of public administrators' values on their administrative activities, very few scholars contextualize the discussion of public servants' values preferences in terms of their influence on the implementation process and policy performance. In the same vein, most public administration scholars affirm that public values can coexist

despite tensions, rejecting the idea that values can be mutually exclusive (Frederickson, 1997). Following Van Wart (1998), public servants come to a “reachable gestalt” (in Molina, 2015, p. 49) that provides them with a feasible resolution in a particular competing values dispute scenario. This normative approach poses a difficulty when linking public service values to quotidian administrators’ behaviors, and when connecting both—values and behaviors—to the realities of policy implementation and performance.

Public Service Values and Organizational Performance

Public Administration scholars approach the notion of performance as “the achievements of public programs and organizations in terms of the outputs and outcomes that they produce” (O’Toole & Meier, 2011, p. 2). Efficiency, effectiveness, equity, and public satisfaction (Boyne, 2003 in O’Toole & Meier, 2011) are fundamental dimensions and values of such a notion. Performance measurement of public organizations and policies leads to the improvement of delivered services, transparency, organizational innovation, and the “quality of policymaking” (De Bruijn, 2001, p. 5).

The most recurrent interest within the field is the way performance measurement is developed for management and accountability purposes, and their link to budgetary processes (Fawcett & Kleiner, 1994, in Van der Walddt, 2004). Following Van der Walddt (2004), “Measurement is the yardstick by which the value of productivity improvements can be quantified and assessed” (p. 49). In this vein, scholars conduct their research efforts toward the “determinants of performance in public organizations” (Boyne, Meier, O’Toole & Walker, 2006, p. 1), focusing on management (O’Toole & Meier, 2011; Walker, Boyne & Brewer, 2010), and less frequently addressing environmental factors, regarded by some scholars as the “most poorly understood and poorly measured aspect of the production process” (Smith, in Boyne, Meier, O’Toole & Walker, 2006, p. 87). Studies on public administrators’ influence on organizational and policy performance are even scarcer (Bastien, 2009).

A significant number of scholars concur with the idea that, far from being objective, organizational performance is “a socially-constructed concept; thus, all measures of performance are subjective” (Brewer, in Boyne, Meier, O’Toole & Walker, 2006, p. 35). This subjectivity extends itself to the difficulties associated with measuring government’s outcomes, where a given policy or organization’s ultimate effect is not always easily determined (Smith, 1993 in Van der Walddt, 2004). More interestingly, a few specialists interrogate the construction of public value through performance measurement, pointing out the challenges

of measuring notions such as “equity, democracy, participation, and citizenship” (Talbot, 2010, p. 49).

This study focuses on the following unexplored questions of the performance literature, formulated by Fried (in Talbot, 2010):

We take administrative performance to be measurable not only by effectiveness but by the question of effectiveness for whom, by what measure or indicator? Whose values or interests are reflected in the goals being pursued more or less effectively by public organizations?
(p. 137)

These set of questions identify a gap in the literature, where competition among public service values is revealed, and values such as effectiveness express themselves as “inherently paradoxical (...) as organizations have to satisfy contradictory demands and values simultaneously to be really effective” (Quinn & Cameron, 1988; Cameron, 2006 in Talbot, 2010, p. 151).

In pursuing and measuring performance, it may happen that “improvements on a given criterion (efficiency, for instance) might result in declines on another (equity, say)” (O’Toole & Meier, 2011, p. 2). Such a value-conflict environment poses questions to public administrators as implementers of policies to be measured and evaluated, above all, on “how individual behavior relates to organizational or institutional arrangements” (Talbot, 2010, p. 190).

Organizational and Environmental Challenges to the Section 8 HCV Program’s Performance

The Housing Choice Voucher Program allows the recipient to select the housing location and unit’s characteristics that best suit his/her demands (Austin Turner, 2003). In theory, recipients “choose better neighborhoods than they might otherwise be able to afford” (Pendall, 2000, p. 881). There is a deliberate and thoughtful policy aim behind this program’s mobility characteristic, the idea that the freedom to select quality housing and neighborhood will facilitate racial and economic desegregation (Schwartz, 2010 in Ross, Shlay & Picon, 2012). Despite this policy objective, the Section 8 HCV Program’s results are unsatisfactory at the very least (Austin Turner, 2003; Galvez, 2010; Pendall, 2000).

Scholars concur on a number of causes that account for the unaccomplished goal of poverty and racial desegregation, and the absence of housing betterment for the Section 8 HCV Program’s recipients. First, there are market causes. Authors who advocate for these arguments (Austin Turner, 2003; Deng, 2007; Ross, Shlay & Picon, 2012; Williamson, Smith &

Strambi-Kramer, 2009) blame the shortages of moderately priced rental housing and the tightness of local housing markets for the voucher recipients' difficulties in finding a proper, non-segregated home. Frequently, rental housing is concentrated in distressed neighborhoods (Pendall, 2000), an intrinsic market situation over which neither the Program nor the recipients have control.

Secondly, there are budgeting causes (Austin Turner, 2003). According to Turner and Kingsley (2008), "Only 5.5 million (31 percent) of the total 18.0 million eligible households with housing needs receive assistance. That number represents just 23 percent of the 23.6 million that are eligible" (p. 3). These figures express the inadequacy of federal spending in affordable housing, where only one in approximately three eligible households obtain assistance (Austin Turner, 2003).

Thirdly, there are family preferences or recipients' "individual needs" (Deng, 2007, p. 22). Sometimes, despite the availability of rental housing in socio-economic and racially deconcentrated neighborhoods, many voucher holders face the dilemma of improving their quality of life by renouncing their support systems formed by family, friends, churches, and services (Deng, 2007). A substantial number of these households make the decision to live in economically distressed and racially concentrated neighborhoods that are at the same time familiar and supportive ones.

The fourth factor that prevents the Section 8 HCV Program from reaching the goal of poverty and racial desegregation among its recipients is landlords' racial and ethnic discrimination. Following Beck (1996), "The Section 8 program's minimal success in promoting integration is attributable to the widespread discrimination against prospective section 8 tenants by private landlords, especially in largely white, middle-class communities" (p. 159). The U.S. Department of Housing and Urban Development (2013) has evidence of systemic discrimination against black, Hispanic, and Asian home seekers in the rental and sales markets.

Finally, there are the obstacles inherent to the program. Tegeler, Hanley and Liben (1995) subdivide these intrinsic limitations of the Housing Choice Voucher Program into four categories: "disproportionate allocations; residency preferences; multiple admissions requirements; and discretionary administrative practices that impede eligible families from obtaining subsidies" (p. 467).

Tegeler, Hanley and Liben (1995) rationalize the influence of public administrators' values toward program recipients and their impact on policy outcomes by introducing "discretionary administrative practices" (p. 467) as a possible cause for the Section 8 HCV Program's shortcomings. Through this term, Tegeler et al. explain situations such as "African-American city residents waited over ten years for subsidies they would never receive, [while] white suburban applicants received subsidies within

eighteen to twenty-four months” (p. 472). Other scholars incidentally allude to public administrators’ responsibility in policy outcomes by qualifying the program’s portability feature as a “bureaucratic nightmare” (Austin Turner, 2003, p. 1). These authors also mention administrative malfeasance in the Section 8 HCV Program, consisting of “delays in conducting inspections and approving leases, unreliability in making subsidy payments, and lack of responsiveness to landlord inquiries or complaints” (Turner, Popkin, and Cunningham, in Austin Turner, 2003, p. 3). There is an ‘intuitive knowledge’ about how public servants’ values affect the implementation process. Yet, the authors mentioned above fall short of exploring the topic.

A Typological Hypothesis of Public Service Values and Policy Implementation

The predominant academic position of public administrators vis-à-vis public service values builds this interaction as “an ongoing dialectic to resolve ‘legitimate competition of values and inevitable shifts in priority’” (Van Wart, 1998, p. xviii, in Molina, 2015, p. 49). Despite admitting that public service values can be mutually exclusive, compete from time to time, or attempt to find a desirable balance (Molina, 2015), a limited number of scholars delve into the possibility that the selection of an exclusive set of values could turn into a permanent preference for public servants. This research follows H. George Frederickson (1997) and his claim that “At any point in time, one set of values may be dominant and have a lock on the practice of public administration” (p. 31).

In this study, I propose four possible sets of values for public administrators to apply in policy implementation and rapport with citizens. I hypothesize that administrators that utilize the democratic set of public service values during the implementation process are able to positively influence, and coincide with, high levels of organizational and program performance.

Bureaucratic Values

The requirement of political neutrality of public administrators’ behavior along with the dominance of the classic and neo-bureaucratic models (Frederickson, 1997, p. 31) lies in the early foundation of the administrative state. There were two different and equivalent preoccupations regarding the tensioning relationship between politics and bureaucrats. On one hand, there was the American concern about the strength and influence of politicians upon the structure of the administrative state. Scholars of this thought attempted to take “politics out of administration” (Fry, 1989, pp.

1036–1037, in Overeem, 2005, p. 316). On the other hand, Max Weber shared the American founders' preoccupation, but from a contrasting path. Weber's concern lay in the fear that "politics was rather too weak to curb administrative power, and that the danger of *Beamtenherrschaft* (government by functionaries) was imminent" (Weber, 1919/1968, p. 28, in Overeem, 2005, p. 316).

A particular typology of public administrator–citizen rapport emanates from the predominance of the previously explained set of values and attitudes within the field. The category of "client" gathers the fundamental formulations of modern American public administration's birth. During this stage, Woodrow Wilson and Frank J. Goodnow fought the effects of an unorganized, unprofessional corps of public servants, whose decisions and actions were mediated by the political sphere and the actions of its elected officials (Kernaghan, 1976; Overeem, 2005; Stivers, 1995). To confront these behaviors and turn public administrators into mere executors of policy, the values installed at that time were—and still are—efficiency, accountability, and political neutrality of public administrators.

Democratic Values

By the 1960s, public administrators were criticized due to their apparent lack of self-consciousness, insensibility, and blind conformity toward the most urgent matters of society (Frederickson, 1989). The very content of the notion of political neutrality was severely questioned, including its moral and ethical validity (Jackson, 1987). The Weberian definition of the principle as "obey 'exactly as if the order agreed with his own conviction'" (Weber, in Jackson, 1987, p. 286) appeared diluted in the midst of the decade.

The "Minnowbrook Perspective," later known as "The New Public Administration" (NPA), was a movement developed in the field with the support of Dwight Waldo (Frederickson, 1989). This movement advocated for the contestation of those values historically established from the orthodoxy of Woodrow Wilson and Frank J. Goodnow and the paradigmatic place of technical efficiency postulated by Luther Gulick, Herbert Simon, and Frederick Taylor. The members of this group (Marini, 1971, in Overeem, 2005) committed themselves to attacking the traditional standards of "input-output ratio as token of technical efficiency" (Rutgers & Van der Meer, 2010, p. 758). Replacing them with 'democratic values' such as "equality, freedom, social responsibility, and the general welfare, as an end to be promoted when necessary by public action, regulating property and restricting profit" (McClosky & Zoller, 1984, in Frederickson, 1989, p. 96).

This more normative approach of the New Public Administration (Marini, 1971), and the New Public Service (Denhardt & Denhardt,

2000) perspectives allows the construction of the category of “citizen” to address the relationship between public servants and policy recipients. In this theoretical light, social equity (Frederickson, 1997), popular sovereignty (Waldo, 1998), and participation (Denhardt & Denhardt, 2011) are regarded as the fundamental values of public servants’ practice.

The Managerial Perspective and the ‘Customer’ Type

The 1980s welcomed the movement that attempted to revolutionize public administration. Many names were assigned to such movements: New Public Management (Denhardt, 2011), the New Right, New Conservatism (Peters & Savoie, 1994), and Managerialism (Kettl, 2005), among others. This transformation was driven by two fundamental assumptions. First, the conception of the bureaucracy as profoundly ill (Peters & Savoie, 1994; Savoie, 1995; Kettl, 2005). Among the pathological conditions developed by the orthodox modern bureaucracies are the inherent excesses of the traditional hierarchy and authority-driven practices (Kettl, 2005). The traditional Weberian bureaucracy was also conceived as “lethargic, cautious, bloated, expensive, unresponsive, a creature of routine, [...] incapable of accepting new challenges” (Savoie, 1995, p. 2014). These critiques favored the general perception of a “broken” classic bureaucracy, needing to be “fixed” (Savoie, 1995, p. 112) and assessed through the creation of a “system of performance accountability” (Pollitt & Bouckaert, 2000 in O’Toole & Meier, 2014, p. 244).

The second assumption of managerial theories advocates for the solutions to these bureaucracy’s pathologies. Such solutions would appeal to the private sector, under the conviction that “private sector management is superior to public administration” (Savoie, 1995, p. 113). The application of the private sector’s measures demanded a new and different type of public servant.

The NPM administrators are considered “public entrepreneurs” (Osborne & Gaebler, 1992 in Denhardt, 2011, p. 142), “doers rather than thinkers” (Peters & Savoie, 1994, p. 420), empowered and autonomous, and evaluate themselves by their rapport with clients and their capacity of “earning” instead of “spending” (Savoie, 1995, p. 113).

The “Customer” type is the relationship established between public servants and citizens in the light of the New Public Management’s precepts (Dewitt, Kettl, Dyer & Lovan, 1994; Kamensky, 1996; Kettl, 2005). This relation is mediated by values and attitudes such as economy (Kettl, 2005), performance (Kettl, 2005), and entrepreneurship (Osborne & Gaebler, 1992 in Denhardt, 2011).

Critical Theory, the Inquiry on the Notion of Neutrality, and the Category of “Subject”

The allocation of services and goods by public administrators is expected to be efficient, neutral, democratic, and professional. Nevertheless, suspicion emerges over the behavior of officials in front of vulnerable citizens, and the nature of their administrative discretion starts to be intensely interrogated (Alkadry & Blessett, 2010).

This inquiry comes from the very origin of the principle of neutrality, as part of the liberal tradition of addressing the public sphere as neutral and rational. The Rawlsian assumption of a neutral public sphere, in which “Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override” (Rawls, 1973, p. 3). This idea includes the ideal of citizenship’s impartiality (Young, 1990), along with the equally neutral condition of their interactions with public administrators. This assumption of neutrality of public administration legitimizes the practitioners’ status of “blindness” (Egan, 2006, p. 386) toward citizens in policy matters.

The main problem with the acceptance of the principle of political neutrality of public servants lies in the existence of a defective liberal notion of citizenship whose apparently ‘neutral’ content protects the assumption that all citizens are equally treated by public organizations and their members. In reality, the construction of individuals’ fixed identities, like being classified as a woman, or a man, or black, or poor “theoretically frees bodies from their contingencies such as race and gender” [but in reality] “creates those seeming contingencies as natural, and marks some as ineligible to be citizens subjects in the fullest sense” (Egan, 2006, p. 386). The rationale behind Egan’s claim is that identity cannot be hidden because it is body-portable. Public agents, as well as the public policy that they design and implement, are clearly able to identify who is who in the public game. Therefore, non-full citizens—those whose identities are not hegemonic—are subject to exclusion and discrimination (Egan, 2006; Gomez, 2004). This sense of political neutrality among citizens and public administrators is deliberate and serves “ideological functions” (Young, 1990, p. 97), covering for an unequal allocation of goods and services via public policy, hiding “the ways in which the particular perspectives of dominant groups claim universality, and helps justify hierarchical decision-making structures” (Young, 1990, p. 97).

The construction of the “subject” type of rapport between public servants and citizens contributes to a more critical approach to administrators’ attitudes and values while introducing power and domination as determinant variables (Alkadry & Blessett, 2010; Egan, 2006; Foucault, 1980; Mouffe, 1993).

Analyzing Public Service Values in the Light of Policy Implementation and Performance

To assess the influence of administrators' public service values on the implementation process and resulting performance of the Section 8 HCV Program, I use organizational ethnography (Watkins-Hayes, 2009, p. 34) as a qualitative research strategy. According to Watkins-Hayes (2009), organizational ethnography allows researchers to explore administrators' professional (public service values) identities. I address such identity by observing the rapport between recipient citizens of the Section 8 HCV Program and public administrators during the decision-making and implementation process.

The data come from in-depth interviews with the PHAs/Section 8 HCV Program's practitioners. I utilize semi-structured and ethnographic methods to interview public administrators. During the interview, I delve into public administrators' preferences of public service values utilized during the implementation process. I provided an open question about values preferences: "In your opinion, what are the main values that guide your work at the Section 8 HCV Program?" Then, I asked the Section 8 implementers to choose among specific selections of values trios. These trios speak for the four possible sets of public values that historically have defined the behavior of public administrators toward citizens: Client (efficiency, accountability, and neutrality), Customer (economy, performance, and entrepreneurship), Citizen (social equity, sovereignty of the people and participation), and Subject (control, domination, and power). Following this discussion, I asked administrators to select between two case scenarios where democratic and bureaucratic values compete.

I utilized a recording device to document and store interviews. After the scheduled time devoted to fieldwork, I manually transcribed the 15 interviews and proceeded to analyze them using NVivo 12 software. Besides the interviews, I coded and analyzed handwritten fieldwork notes, photographs, audio follow-ups, and several institutional documents that PHAs and the Section 8 HCV Program's administrators gave me while I visited the field. I created analytical nodes following the chapter's theoretical structure and the qualitative research question. Specifically, I based the nodes' construction on the semi-structured interview questionnaire.

In total, I interviewed 15 PHAs and the Section 8 HCV Program's practitioners at both managerial and operative levels in standard ($N = 1$) and high-performing ($N = 14$) Public Housing Authorities in the estates of California ($N = 14$) and Florida ($N = 1$) (see Table 9.1).

Rationale behind the Selection of the States of California and Florida

The rationale behind the selection of Florida and California as data collection sites pertains to a number of characteristics that add complexity to the

TABLE 9.1 Depiction of participants of the study

<i>Interviewee position</i>	<i>Gender</i>	<i>Ethnicity/race (Identified by the author)</i>	<i>Years of experience</i>	<i>PHA location</i>	<i>PHA score</i>
Administrative Analyst	Male	—	11	Urban city	94
Assistant Manager	Male	African American	—	Urban county	96
Executive Director	Male	White	30	Rural county	96
S8 Program Manager	Male	White	8	Rural county	96
S8 Program Director	Female	White	37 (PHA) 5 months (S8)	Urban city	85
A&E Supervisor	Male	White	10	Urban county	96
Caseworker	Female	Hispanic	11	Urban county	96
Occupancy Specialist	Female	White	2.5 (S8) 10 (PHA)	Rural county	96
Occupancy Specialist	Female	White	20 (S8) 30 (PHA)	Rural county	96
Occupancy Specialist	Female	White	9	Rural county	96
Special Programs Coordinator	Female	Asian	2.5	Rural county	96
Occupancy Specialist	Female	Asian	13	Rural county	96
Intake Specialist	Female	White	—	Rural county	96
Housing Quality Standards Inspector	Female	Hispanic	—	Rural county	96
Housing Quality Standards Inspector	Male	Asian	—	Rural county	96
Housing Quality Standards Inspector	Male	White	25	Rural county	96

Source: Created by the author

decision-making process and implementation environment of the Section 8 HCV Program. According to the 2010 Census estimations, California is the most populated state in the country (37,253,956), while Florida remains the third most populated (18,801,310), outnumbered by Texas. Beyond population size, both California and Florida comprise high levels of diversity regarding race and ethnicity, with representative amounts of White, African-American, Asian, and Hispanic or Latino populations. In both states, the Housing Choice Voucher Programs at the county level experience sharp

contrasts in accordance with the demographic differences found from one community to the other. While South Florida and the southern portion of California deal with tight housing markets, unaffordability, and fierce competition, northern territories in both states face less pressure regarding housing affordability. More importantly, California and Florida present multiple heterogeneities. The most relevant ones are related to the substantial differences in income and wealth from county to county, the existence of both rural and urban areas and a considerable performance disparity among Public Housing Authorities at the local level (HUD, 2015).

High-Performing Public Housing Authorities Administrators' Values toward Citizens during the Implementation Process of the Section 8 HCV Program

Analyzing Administrators' Interpretation of the Notion of Public Service Values

I purposely included the first question of the semi-structured interview questionnaire "In your opinion, what are the main values that guide your work at the Section 8 HCV Program?" The intention was to promote a self-reflective exercise among public administrators on the values that they utilize to implement the Section 8 HCV Program, and in general, the way they do their jobs. With an open question, I attempted to avoid creating an immediate bias by providing specific values' names. This question also allowed public administrators to discuss their qualities, temperament, and personality traces, along with customized methods and practices applied to their day-to-day duties. Such reflections were not distant from the original notion of public service values as "ideals, coined as principles to be followed when producing a public service or regulating citizens' behavior, thus providing direction to the behavior of public servants" (Andersen et al., 2012, p. 293). Later, while conducting the data analysis, I utilized the study's theoretical structure to align administrators' expressions with specific values.

Public administrators' spontaneous responses to the question of their values align mainly with what Frederickson (1989) calls the "democratic values" (p. 96), where equality, freedom, social responsibility, and the general welfare prevail. There is a common awareness of what the Section 8 HCV Program's implementers invariably call "the people," their needs, and the different ways in which the program may assist them. An administrative analyst reflects on the structurally unequal socio-economic situation of the citizens that the program serves:

People we're helping, we are helping the neediest people, the neediest segment of our population is the homeless. In many cases, we are kinda the last resource for them, you know in terms of getting them housed.

This awareness of the variations of social and economic conditions (Frederickson, 1997, p. 37) within the general population and the identification of those segments that most urgently demand governmental actions locates social equity at the center of the discussion. Citizens or “the people” are the starting point of the conversation on public service values, and the Section 8 HCV Program’s implementers intuitively formulate the basic questions of social equity: “[this program is] well managed for whom? Efficient for whom? Economical for whom?” (Frederickson, 1997, p. 37). A program’s director provides her response to the question on public service values by introducing a “for whom”/social equity statement:

The main values? The quality of life, that people have, you know, their living conditions, you know the basic needs that we all have, and food, shelter, those are too the basic needs, so being able to help with that.

After locating public service values as a social equity, or “people in need” matter, the Section 8 HCV Program’s administrators discuss their roles, orientations, personalities, and actions toward the satisfaction of people’s necessities. A housing quality standards inspector and a special programs coordinator share their views on how their values and character reflect on the program:

I have always been concerned about trying to get people back to a comfortable or standard lifestyle so I’m going into the houses with the impression of that is people who has had problems and people that is in a tough situation. My first thing is to try to calm them down, defuse it, so I go in with a friendly demeanor, I “kill them with kindness” is kind of my motto, so I’m very concerned about keep people at a calm level, a level where I can communicate with them.

So one of the values that I was kinda instilled on and that matches my personality and my background was to improve people to be self-sufficient so that they could be less reliant on public assistance and that they could focus on other things, education, you know increasing economic ... earning income, especially a job and things like that.

Not all interviewees invest themselves exclusively in social equity and democratic values. Four of them express a twofold interest and practice both democratic and bureaucratic values. These public servants give importance to the legislation and policy regulations while attributing equal relevance to the satisfaction of citizens’ needs. An occupancy specialist equates the importance of complying with the Program requirements

with the personal satisfaction that comes from providing housing to low-income families:

we are helping low-income families so, who is low-income and qualify and as long as they follow the rules they are gonna be fine, and I, to me I feel we do good for the public because we are helping a lot of low-income families with the Section 8, a lot of families cannot afford the rent, so I think that the value of having a roof over your head especially like in winter and it's cold and raining, it's pretty good.

A final group of three Section 8 HCV Program's implementers aligns its selection with the set of bureaucratic values of efficiency, accountability, and political neutrality. An intake specialist's preference for neutrality emerges as she explains the irrelevance of her beliefs when applying the regulation:

The values that guide my work are pretty much based upon what the rules and regulations of the program are, so what I feel is irrelevant (laugh), so you know, I have to go by whatever it is that the rules and the regulations of the program go by.

In the meantime, accountability is the major guidance and preoccupation of a Section 8 HCV Program's assistant manager:

As far as it being a public agency, you know this is ... our program is federally funded so our dollars and stuff come from the federal government, as far as running the program and as far as the assistance goes that we provide on behalf of our tenant. So, it's an obligation because we have tax dollars, you know this is not our money or anything, (...) we have an obligation to do the best we can because these are tax dollars so I come in here and always try to make sure that you know, we are very prudent, very prudent with the money and that we are making good, sound decisions because, again this is public money, and so you know we [are obliged to do] the right thing by.

The "Balancing Act," or the Complexities of Selecting a Unique Set of Values

This study accompanied Frederickson (1997) in his hypothesis that one specific set of values, usually bureaucratic ones, are at the top and "have a lock" (p. 31) on public administrators' preferences and actions when implementing policy. This dominant set of values influences the extension and quality of services delivered by policy implementers to citizens via

administrative discretion (Watkins-Hayes, 2009, p. 59). On the other side of the theoretical spectrum lies Montgomery Van Wart (1998). Van Wart advocates for a legitimate competition of values, where the selection of the “best” values “must be made within specific context” (Van Wart, 1998, p. 255). Surprisingly, neither Frederickson nor Van Wart coincided with the Section 8 HCV Program’s administrators’ responses.

Addressing the Importance of Bureaucratic and Managerial Values

I included two questions in the semi-structured interview with the purpose of classifying the program’s implementers within a particular set of values. In the first question, I encouraged PHAs and the Section 8 HCV Program’s administrators to select one out of the four possible sets of values. Their particular choice would define the behavior of public administrators toward recipients: Client (efficiency, accountability, and neutrality), Customer (economy, performance, and entrepreneurship), Citizen (social equity, sovereignty of the people, and participation), and Subject (control, domination, and power). In the second question, I read out loud the description of two different possible scenarios of administrators’ actions. The first case scenario accounts for a more democratically oriented decision; while the second scenario aims for a more bureaucratically oriented choice.

As initial responses were flooded with democratic-oriented references and constant mentions of “the people,” I expected similar positions when it came to a more specific values’ selection. Nonetheless, PHA and the Section 8 HCV Program’s administrators delivered answers of complexity only comparable with the decisions that their jobs entangle. When selecting among the different values’ trios and locating themselves in a particular end of the four administrators–recipients’ rapport typologies, a vast majority of the Section 8 HCV Program’s administrators (11 interviewees) opted for the ‘Client’ perspective, choosing the values of efficiency, accountability, and neutrality as the main guidance of their work. A program’s manager conceptualizes his selection:

So, the neutrality is as I mentioned, we don’t have a lot of discretion so we’re basically just following the rules and we’re looking at the facts, you know, if someone is making too much money every year, so they can’t come to the Program, it doesn’t matter if they are yellow, black or purple. Efficiency, I tell my staff that that’s the way we can provide customer service in this type of Program is by being efficient, so when we do paperwork to process it as quickly as possible and as correctly as possible so that we can get people housed onto the Program in a time-line manner. And then, the other ... what is the other point in there? Neutrality, efficiency and ...? (Interviewer: And accountability, yeah).

And accountability, so yes! Because we are a federally funded program we have to be held accountable on how we do our calculations, how we maintain our files, and so we are audited on a regular basis, both externally and internally.

Most of the Section 8 HCV Program's public servants considered the utilization of these values as necessary tools for conducting a clean and proper operation. A sense of compliance with their duties and responsibilities prevails when caseworkers reflect on the quotidian practice of managerial/bureaucratic values. An occupancy specialist explains:

Well, everything is on a deadline, you have so many cases a month that you have to get completed, so you have to make sure that the clients get their paperwork in and when they need assistance you have to try to help them to get it in, make sure that they have provided everything we need to calculate everything correctly and just be as accurate as possible with, you know, and get everything done in a timely manner by the deadline, as efficient as possible.

Three of the interviewed administrators selected a set of democratic values that include social equity, sovereignty of the people, and participation. A special programs coordinator elaborates on her selection, and "the people" as a subject reemerges:

HUD does try to create these programs so that there could be more ... I mean if you read in to the background of why these programs existed was to provide people, you know, take for example with the HUD-VASH program, the homeless vet, the goal of that program is to stabilize housing, once you stabilize housing, not just for homeless vets but for low-income individuals, you then, with the hope that they can then focus on other things, because housing is such an important factor in the health and well-being of people that without that they can't really focus on "oh, I should go get a job! I should go and get to school!" and so, once you stabilize that and hopefully eliminate that stress, you then can provide them a sense of power to go, or empowerment to go and achieve things that they normally wouldn't be if they were currently homeless or they have to stress about that situation, and I have seen that when some client, once that you stabilize housing for them then they can focus on other issues in their lives so that they could be self-sufficient.

Only one administrator, at the managerial level, selected the 'customer' rapport associated with the values of economy, performance, and entrepreneurship. Such preference becomes understandable in the light of his

role as executive director. Since the congressional approval of the Quality Housing and Work Responsibility Act, PHAs experienced an expansion in their scope of action. Such changes include increased flexibility (Garshick Kleit & Page, 2008, 2015) and a growing need of searching for resources and strategic alliances with both public and private partners (Bingham & Kirkpatrick, 1975; Garshick Kleit & Page, 2015). The PHA's executive director illustrates the case:

I think entrepreneurship is really required in today's day and age because the reality is we are facing a decline, a flat decline in federal budget so we have to be very creative about what we do, and in this day and age where our solutions usually revolve around the provision of housing and supportive services, we have to seek partnerships to provide the supportive services, so it invites a whole spirit of camaraderie given the special needs on target population, putting together special programs, special relationships with service providers on an entrepreneurial spirit by the way they are serving the various populations that we work with.

Curiously enough, the 'subject' category of public service values (control, domination, and power) spawned a humorous reaction and amused rejection among PHA and the Section 8 HCV Program's administrators. From a "Well is not that one! Of course! (Laugh) Not that one! Never!" of an occupancy specialist, to a "and control, and domination, and power, not quite sure what that one would mean, I have none of them! (Laugh)," of another intake specialist, this choice seemed strange to the administrators' imagination.

Navigating between Bureaucratic and Democratic Values

As stated before, I included a second question related to the selection of one specific set of values. This question consisted of a description of two different possible scenarios that demanded Section 8 HCV Program's administrators' actions. The first scenario accounts for a more democratically oriented choice; while the second one aims for a more bureaucratically oriented decision.

Previously, when PHA and the Section 8 HCV Program's administrators had to pick a single option of values' trios among the four possible administrator-recipient's rapports of 'client,' 'customer,' 'citizen,' and 'subject,' interviewees expressed nonconformity toward the exclusivity of these options. Through elaborated explanations, they provided choices that reached two or more categories of values simultaneously, proposing combinations of public service values selections that accounted for a far

more complex reality than the questionnaire had predicted. When asked to choose, one occupancy specialist reflects on this simultaneity of values:

I would say it's a mixture of the first two [bureaucratic and democratic values' selections]. You know, you have to be efficient, but we have to do it without losing perspective of the client so. I would say, probably number one, with a mixture of two. But number one, probably.

The Section 8 HCV Program's director finds herself navigating between both the managerial and the democratic sets of values:

Between number two and number three. (Interviewer: Social equity, sovereignty of the people and participation; and economy, performance and entrepreneurship?). But and again you have to consider budget, so that's where number three place into number two.

A housing quality standards inspector provides the key to understand this back and forward exercise. The inspector makes a distinction between the different scenarios and audiences for each set of values' selection. Democratic values such as social equity, sovereignty of the people, and participation aim toward "the clients," or recipients of the program. Meanwhile, the bureaucratic choice of public service values that includes efficiency, neutrality, and accountability points toward organizational duties and responsibilities:

I would have to say, it would have to be selection one and two, a little bit of one and two. I think for one it's more for me being efficient, but I think that when it comes to the clients and going out on the field I'm more empathetic to the second category, you know I value what their opinions are, so it's one and two.

This PHA and the Section 8 HCV Program's administrators' tendency to make more sophisticated uses of different sets of public service values simultaneously, and toward a variety of audiences, intensified along the case scenarios' responses. Six of the interviewees opted for solving the case through the use of a democratic values approach. Other six implementers reflected on the navigation of both democratic and bureaucratic values. A reduced group of three public servants turned to a rigorous bureaucratic perspective. Coincidentally, two out of these three workers deal with the strictest segments of the policy implementation process: housing quality standards inspections and eligibility.

The democratically oriented selection of values cares for the abidance of policy regulations and HUD and PHAs' rules. A caseworker establishes the precise limits of their actions within the case scenario before opting

for the more lenient response. She assures explicitly that her actions will not contradict eligibility requirements, which is by far, the strictest stage of the Section 8 HCV Program's implementation process and the one that allows near-zero levels of discretion:

So, it's still number one, regardless. It's still number one. The one I go by, because we are by the book, but being [case] number one you can also be by the book because you can provide the guidance and the resources that they need. If I can't give a decision because it's not up to me to give a decision I give the clients the tools to request what is available for them through the supervisor, the management, because it's not "your voucher is gonna expire today so if you don't bring it by five o'clock that's it", No.

There is a cohabitation of democratic and bureaucratic perspectives. Utilization of high levels of discretion is present too, in caseworkers who do not identify themselves exclusively with one case scenario. Two different occupancy specialists navigate the combination of values that entails their response:

Somewhere in between there. I'm a rule follower, these are the rules, but we have policies and procedures to try to be lenient in certain situations, there has to be a precedent and yes, we do ... it's a case by case situation, it's definitely a case by case ... I would never use the word "leniency", just because we do have to treat everyone the same, we can't just be lenient with this family and not lenient with the other family so, but if we set a precedent is like "in this situation we can do something extra" so, in this situation "ok, we have done it for this family in this situation so we can do it for this family in this situation," but we still have to follow the rules and the regulations.

Try to be as lenient as possible within the rules. So if we are able to extend, or help them in any ways and not being in violation of anything, yeah, that's the route. I'm not real strict! (Laugh) on people or anything, if usually I can do anything to help within what we are able to do for them.

While operative levels of the program tend to respond from a day-by-day experience to the case scenario question, the managerial level produces a more elaborated discourse on the rationale behind the simultaneous approach to democratic and bureaucratic values during the Section 8 HCV Program's implementation process. A program's director points at what seems to be the problematic knot of values cohabitation. The simultaneous use of value sets is possible, as policy and regulations provide room

for democratic values utilization. The catch lies in the scope of individual administrative actions. “Running the extra mile” (Marr, 2016) reveals itself as the starting point of the discretion needed to exercise the democratic set of values and approach program’s recipients as ‘citizens’:

I will work within the guidelines to my best capability. We are required to work within the core of federal regulations. Now, this is a human industry, so, I think part of that also entails going the extra mile. It doesn’t mean bending the rules, it doesn’t mean breaking the laws, it simply means working with people. So, there have been administrations, not only here, but in other agencies that I have been, that the administrator was by the book. It’s not by the book always, it’s not something that you read and you implement, because, it’s the human factor. So, you’re able, and you have to be able to remain within the regulations and the regulations generally do apply because they give you guidance, more than just strict rule books, and they also allow you to run your program with a little bit of flexibility because it’s a guideline and not a law. But, you know, some people see it as “You know, that’s the way it is, so that’s how it’s gonna be done, and I don’t care what the circumstances are”. That’s not how I ever implemented anything, I have always tried to adhere to the policy. However, had that policy worked with the intent that it was designed? To guide it.

A Balancing Act

Frederickson (1997) and Van Wart (1998) fall short when interpreting public service values utilization during the Section 8 HCV Program’s implementation process. A dominant bureaucratic set of values and its efficiency fever (Frederickson, 1997) does not marginalize the delivery of services. Contrariwise, the Section 8 worker recognizes the “duty and the obligation to deploy his [or her] efforts on behalf of the less advantaged” (Frederickson, 1997, p. 42):

if your development is like disabled and elderly I don’t know what else they can do, they have a limited amount of income, is not like they can even go to school to get help with education or jobs or anything like that, there is some people that they are just not capable of obtaining employment.

Neither is there a “reachable gestalt” (Van Wart, 1998 in Molina, 2015, p. 49) that allows public service values to circulate by the selection, depending on the specific context to eventually let the “best” values be “widely maintained or adopted” (Van Wart, 1998, p. 255).

In the particular analysis of the Section 8 HCV Program and high-performing PHAs, public administrators are able to identify and differentiate policy stakeholders and their demands. Such demands can be either democratic, bureaucratic, or managerial. Next, implementers comply with their multiple duties and responsibilities by simultaneously utilizing various sets of public service values. The selection of values depends on the situation and the audience (see Figure 9.1).

Back to Frederickson, it is important to concede that the application of democratic values demands extra effort from public servants. The utilization of bureaucratic values seems to be mandatory as the agency is formally accountable to HUD and subject to penalties. The use of democratic values appears to be more optative, as citizens have fewer accountability resources. In the case of high-performing PHAs and the Section 8 HCV Programs, public servants have naturalized and institutionalized running the “extra mile” demanded by the use of democratic values. Such behavior may count as a differentiator factor for achieving high performance, as environmental and organizational conditions equally affect both agencies and policy. In the following exchange, an occupancy specialist tells me about one of the many ways she assists citizens beyond her organizational duties. She also responds to my question about the “extra mile” (Marr, 2005, p. 101):

Occupancy specialist: “I have one person that was late getting paperwork in, I mailed twice and for some reason she still isn’t getting the mails, not able to drive to come to [town] to pick it up so that I reached for one of our inspectors who is going to be in the area and can actually hand deliver the paperwork to her, so she can get it, so we can get everything completed for her continue the occupancy and not be having taken through termination because she wasn’t getting the things turned back in. So that just whatever we can help, you know kinda hold their hand and try to get stuff in, if they don’t understand, they will come in and I go through the paperwork with them, help them fill it out, answer questions that they don’t understand on the forms ... yeah, just do anything that we can within our power to try to help them through the process if they are not able to on their own.”

Interviewer: And, only to ask, this may seem like a rhetorical question but, you don’t have to do that right? You don’t have to ... like, but you do it. Why do you do it?

Occupancy specialist: “Because we don’t wanna terminate people off the Program for something silly. You know, they are not breaking the rules, they are just maybe having a hard time, especially the elderly, you know, these persons unable to drive to come in. No, it’s not a

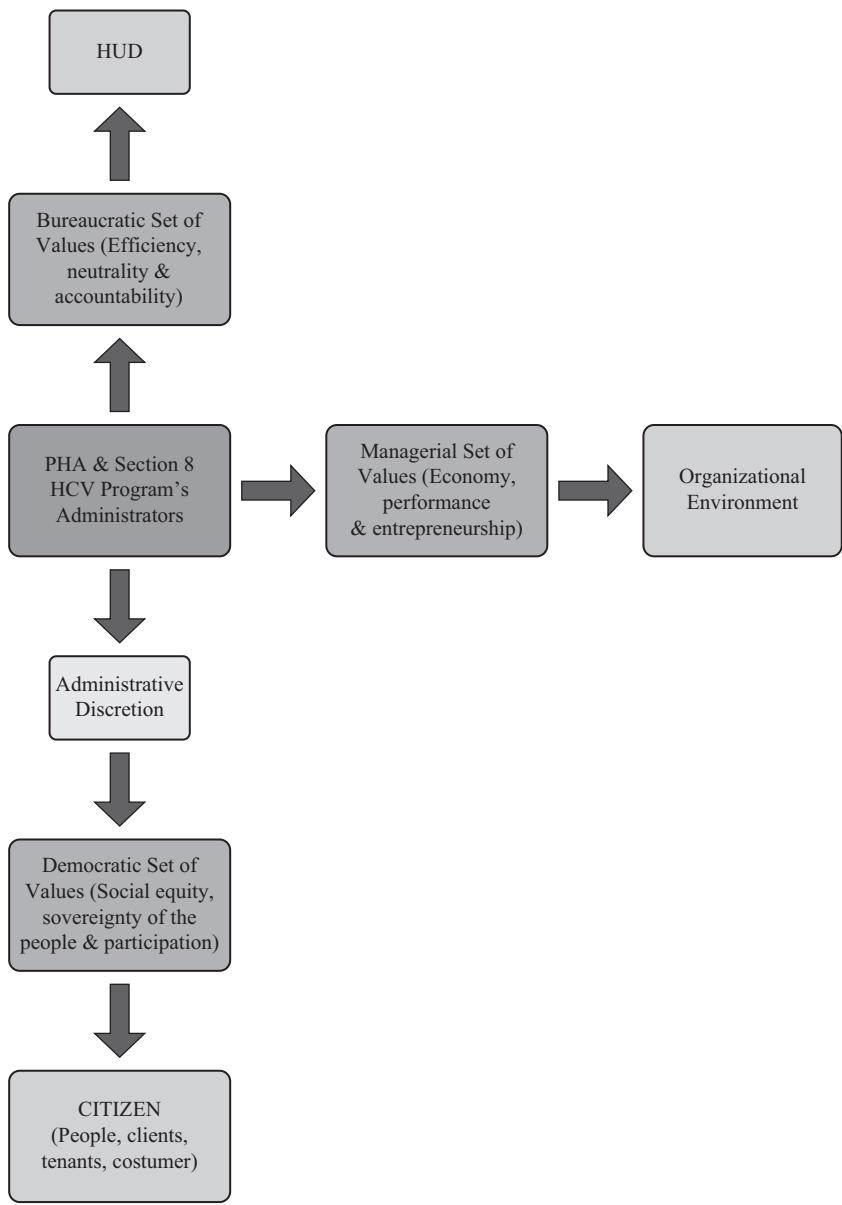


FIGURE 9.1 The balancing act

Source: Created by the author from study findings

requirement that we do it but it's ... for disabled and elderly especially, I think, you know, they may need an extra help than an able-body person. But still even the able-body people, they need help just with paperwork, you know, just it seems silly to go through a whole termination just because they can't get the paperwork (loud laugh) on time, you know."

PHA and the Section 8 HCV Program's administrators interviewed displayed high levels of professional and emotional investment in the utilization of democratic values to consciously address what Frederickson (1997) calls "social deprivation" (p. 38). Nonetheless, two external elements turn the simultaneous utilization of democratic and bureaucratic sets of values into what an assistant manager calls "a balancing act." These elements are limited funding and HUD regulations. The interviewee illustrates the limits of the norm, while a supervisor provides an example of the limits in eligibility matters.

I think it is a balancing act, you know there is never one thing that you just wanna lean on so much to work as guide every day, you know, you may come and you may hear an extremely sad story and you may wanna do everything in your power to help out a particular participant, right? But if it's gonna break the rules or whatever it is you try to do, if it's gonna break the rules and regulations, you know, unfortunately, you can't do that. You can help them as much as you can, but within reason as well. So, it's a balancing act.

You know, as sad as it is I have had to say someone is not eligible because of 50 dollars, you know, 50 dollars over the income limits, unfortunately means 50 dollars over the income limits, no way, no matter how you see it, how you calculate it, it's 50 dollars and I have to accept that.

Budget is another controlling element of administrative discretion and the exercise of democratic values. In a way, the due process actions and bureaucratic compliance guarantee the necessary funding to ensure democratic actions and citizens' assistance. An occupancy specialist reflects on the matter:

[I] try to help them in as much as I can while staying within all the rules because there are certain things that, you know, we have to follow, in order to receive funding, you know, we are a high performer so we do everything we can correctly to keep receiving all the funds to help as many people as we can.

Where Are These Values Coming From?

Celeste Watkins-Hayes (2009) describes “professional identities” as “relatively stable and enduring constellations of attributes, beliefs, values, motives, preferences, and experiences that individuals use to define themselves in an occupational role” (p. 26). The semi-structured interview explores the elements comprised in the organizational ethos of the Section 8 HCV Program’s implementers by including two questions: “Do you feel that your values’ trio selection is an autonomous one?” And “Do you think your PHA’s values are the same as yours?”

Ten PHA and the Section 8 HCV Program’s administrators recognize either partial organizational influence (four respondents) or full institutional guidance (six respondents) on the ways they select and utilize public service values during policy implementation. Five public servants coincide in recognizing their private milieu and family upbringing as the origin of their values’ preference. One of such servants recognizes her ‘evolution,’ from a conservative and bureaucratic approach to a more social equity and democratic-oriented perspective:

I have a totally different perspective than when I started working here, when I first started working here I wasn’t familiar with the clientele and the individuals I’ll be working with and I really changed and softened up in saw the hardship that a lot of the families go through here, and so I definitely evolved, that’s the best word I can say, so I am much more compassionated, much more understanding (...). My dad told me, my dad is a very conservative individual and he is not happy about how liberal I become lately (laugh), and he is like “working for the government has made you liberal” and that’s true, because he doesn’t see what I see, he doesn’t see the undocumented, Hispanic individual who was brought here at three years old and she can’t do anything, because her parents are dead now, she doesn’t even know Spanish really, this is all she knows, and she is scared she can’t ... we can’t even pay rent for her, you know, he doesn’t ... people don’t see what we see here.

Discussion and Conclusions

This research provides empirical support for the hypothesis that public administrators’ values play a part in policy implementation and performance. The findings coincide with previous theoretical works that assess the importance of public service values as a guide to administrators’ behavior (Andersen et al., 2012; Molina, 2015). The study also delves into public administrators’ daily use of discretion (Bastien, 2009; Lipsky, 1980), and its impact on organizational and program performance by the

selection of specific sets of public service values in the decision-making process.

The major contribution of this study lies in its empirical advancement of the theoretical discussions and normative approaches toward the topics of public service values and public servants' administrative discretion. Furthermore, this research uses the "housing policy failure" (Deng, 2007; Newman & Schnare, 1997) and the Section 8 HCV Program's unaccomplished goals (Austin Turner, 2003; Deng, 2007) to identify and analyze public administrators' values and discretion role in high-performing PHAs and the Section 8 HCV Programs.

High-performing Section 8 HCV Program's administrators' interpretation of public service values aligns mainly with Frederickson's (1989) view of "democratic values" (p. 96). In this perspective, equality, freedom, social responsibility, and the general welfare prevail. Given four representative sets of public service values to approach recipients as either clients, customers, citizens, or subjects, the Section 8 HCV Program's administrators tend to make a more sophisticated use of the different sets of public service values than this study had initially predicted. Simultaneously, and toward a variety of audiences and situations, the interviewees opted for solving cases through the use of either a democratic values approach or the navigation of both democratic and bureaucratic values. In some occasions, managerial values are used as well, mainly by administrators at the directive level.

I expected that the research evidence would support Frederickson's (1997) claim that a dominant bureaucratic set of values tends to marginalize the delivery of services, in opposition to Van Wart's (1998) idea of the "reachable gestalt," or the ongoing dialectic to resolve "legitimate competition of values and inevitable shifts in priority" (in Molina, 2015, p. 49). Instead, high-performing PHAs and the Section 8 HCV Program's administrators are able to identify and separate policy stakeholders and their demands. Such demands vary and can be of democratic, bureaucratic, or managerial nature, subsequently solved with corresponding values. In Frederickson's favor, the use of democratic values demands a deliberate extra effort from the implementers' part.

Two external elements operate as regulating devices for public administrators' use of discretion and incorporation of democratic values into their quotidian decision-making process: limited funding and HUD regulations. Also, PHAs and the Section 8 HCV Program's administrators recognize the importance of institutional guidance in the construction of their "professional identities" (Schein, 1978; Ibarra, 1999 in Watkins-Hayes, 2009, p. 26).

The Section 8 HCV Program's administrators' discretion works as a vehicle for the provision of democratic values to the most vulnerable

segments of the population (Frederickson, 1997, p. 42). Such provision coincides with high performance at both organizational and policy levels. Further research is needed to address the triad of public service values, implementation, and performance. The exploration of quantitative avenues to undertake these typically theoretical topics may assist in the gathering of solid evidence that would allow us to better understand the most unpredictable factor in the making of public policy: the human one.

Questions for Discussion

1. Do public service values, applied by public administrators to the implementation process of the Section 8 HCV Program influence the program's performance and recipients' access to high-quality, affordable, non-racially segregated, and non-poverty concentrated homes?
2. Does the chapter provide feasible evidence to establish a link between democratic/bureaucratic public service values and a particular level/type of performance?
3. Is a "reachable gestalt" (Molina, 2015, p. 49) or the practice of a "balancing act" feasible resolutions for public administrators in a competing values dispute scenario?

Note

- 1 "Scores below 60 result in a troubled designation. Scores of 90 points or above result in a high performer designation. Scores below 90 but above 60 are designated as a standard performer. If your PHA scores below 60 in any one indicator, you will be designated as a substandard performer" (HUD.GOV).

References

- Alkadry, M. & Blessett, B. (2010). Aloofness or Dirty Hands? Administrative Culpability in the Making of the Second Ghetto. *Administrative Theory & Praxis*. Vol. 32. No. 4, 532–556.
- Andersen, L., Jorgensen, T., Kjeldsen, A., Pedersen, L., & Vrangbæk, K. (2012). Public Values and Public Service Motivation: Conceptual and Empirical Relationships. *The American Review of Public Administration*. Vol. 43. No. 3, 292–311.
- Austin Turner, M. (2003). Strengths and Weaknesses of the Housing Voucher Program. The Urban Institute. Congressional Testimony of Margery Austin Turner, Director, Metropolitan Housing and Communities Policy Center, The Urban Institute, prepared for the Committee on Financial Services, Subcommittee on Housing and Community Opportunity, United States House of Representatives.
- Austin Turner, M. & Kingsley, T. (2008). *Federal Programs for Addressing Low-Income Housing Needs. A Policy Primer*. The Urban Institute.

- Basolo, V. & Hastings, D. (2003). Obstacles to Regional Housing Solutions: A Comparison of Four Metropolitan Areas. *Journal of Urban Affairs*. Vol. 25. No. 4, 449–472.
- Bastien, J. (2009). Goal Ambiguity and Informal Discretion in the Implementation of Public Policies: The Case of Spanish Immigration Police. *International Review of Administrative Sciences*. Vol. 75 (4), 665–685.
- Beck, P. (1996). Fighting Section 8 Discrimination: The Fair Housing Act's New Frontier. *Harvard Civil Rights-Civil Liberties Law Review*. Vol. 31, 155–186.
- Bingham, R. & Kirkpatrick, S. (1975). Providing Social Services for the Urban Poor: An Analysis of Public Housing Authorities in Large American Cities. *Social Service Review*, 49(1), 64–78.
- Box, R. (2015). *Public Service Values*. New York: Routledge.
- Boyne, G., Meier, K., O'Toole, L., & Walker, R. Editors. (2006). *Public Service Performance. Perspectives on Measurement and Management*. Cambridge. Cambridge University Press.
- Brewer, G. (2006). All Measures of Performance are Subjective: More Evidence on U.S. Federal Agencies. In Boyne, G., Meier, K., O'Toole, L., & Walker, R. *Public Service Performance. Perspectives on Measurement and Management*. Editors. Cambridge: Cambridge University Press.
- Carlson, D., Haveman, R., Kaplan, T., & Wolfe, B. (2009). *Long Term Effects of Public Low-Income Housing Vouchers on Labor Market Outcomes. Institute for Research on Poverty*. Discussion Paper Number 1363-09, 1–46.
- De Bruijn, H. (2001). *Managing Performance in the Public Sector*. London and New York: Routledge Taylor & Francis Group.
- Demir, T., Reddick, C. & Nank, R. (2015). The Relationship between Public Service Values and Administrative Involvement in Policy Making. *Public Organization Review*. Vol. 15, 79–98.
- Deng, L. (2007). Comparing the Effects of Housing Vouchers and Low-Income Housing Tax Credits on Neighborhood Integration and School Quality. *Journal of Planning Education and Research*. Vol. 27, 20–35.
- Denhardt, R. & Denhardt, J. (2000). The New Public Service: Service Rather than Steering. *Public Administration Review*. 60(6), 549–559. <https://onlinelibrary.wiley.com/doi/abs/10.1111/0033-3352.00117>
- Denhardt, R. & Denhardt, J. (2011). *The New Public Service. Serving, not Steering*. New York: M.E. Sharpe.
- Devine, D., Gray, R., Rubin, L., & Taghavi, L. (2003). *Housing Choice Voucher Location Patterns: Implications for Participants and Neighborhood Welfare*. Washington, DC. U.S. Department of Housing and Urban Development Office of Policy Development and Research Division of Program Monitoring and Research.
- Dewitt, J., Kettl, D., Dyer, B., & Lovan, W.R. (1994). What Will the New Governance Mean for the Federal Government? *Public Administration Review*. Vol. 54. No. 2, 170–175.
- Eagan, J. (2006). Who Are We Dealing With? Re-visioning Citizen Subject from a Feminist Perspective. *Administrative Theory & Praxis*. Vol. 28. No. 3, 381–398.
- Elmore, R. (1979). Backward Mapping: Implementation Research and Policy Decisions. *Political Science Quarterly*. Vol. 94. No. 4, 601–616.

- Foucault, M. (1980). *Power/Knowledge: Selected Interviews and Other Writings 1972–1977*. Edited by Gordon, Colin. New York: Pantheon Books.
- Frederickson, H.G. (1989). Minnowbrook II: Changing Epochs of Public Administration. *Public Administration Review*. Vol. 49. No. 2, 95–100.
- Frederickson, H.G. (1997). *New Public Administration*. Tuscaloosa, AL. The University of Alabama Press.
- Galvez, M. (2010). What Do We Know About Housing Choice Voucher Program Location Outcomes? A Review of Recent Literature. What Works Collaborative. <https://www.urban.org/research/publication/what-do-we-know-about-housing-choice-voucher-program-location-outcomes>
- Garshick Kleit, R. & Page, S. (2008). Public Housing Authorities Under Devolution. *Journal of the American Planning Association*. Vol. 74. No. 1, 34–44.
- Garshick Kleit, R. & Page, S. (2015). The Changing Role of Public Housing Authorities in the Affordable Housing Delivery System. *Housing Studies*. Vol. 30. No. 4, 621–644.
- Gomez Garcia, M. (2004). Crimenes de Odio en Estados Unidos. La Distincion Analitica entre Excluir y Discriminar. *Debate Feminista*. Ano 15. Vol. 29, 158–186.
- Grigsby, W. & Bourassa, S. (2003). Trying to Understand Low-Income Housing Subsidies: Lessons from the United States. *Urban Studies*. Vol. 40, 973–992.
- Härtung, J., & Henig, J. (1997). Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor: Evidence from the Washington, DC Metropolitan Area. *Urban Affairs Review*. Vol. 32. No. 3, 403–419.
- Jackson, M.W. (1987). The Eye of Doubt: Neutrality, Responsibility, and Morality. *Australian Journal of Public Administration*. Vol. 46. No. 3, 280–292.
- Kamensky, J. M. (1996). Role of “Reinventing Government” Movement in Federal Management Reform. *Public Administration Review*. Vol. 56. No. 3, 247–255.
- Kernaghan, K. (1976). Politics, Policy and Public Servants: Political Neutrality Revisited. *Canadian Public Administration*. Vol. 19. No. 3, 432–456.
- Kettl, D. (2005). *The Global Public Management Revolution*. 2nd ed. Washington, DC: Brookings Institution Press.
- Lipsky, M. (1980). *Street-Level Bureaucracy. Dilemmas of the Individuals in Public Services*. New York: Russell Sage Foundation.
- Marini, F. (1971). *Toward a New Public Administration*. Scranton: Chandler Publishing Company.
- Marr, M. (2005). Mitigating Apprehension about Section 8 Vouchers: The Positive Role of Housing Specialists in Search and Placement. Housing Policy Debate. *Fannie Mae Foundation*. Vol. 16. No. 1, 85–111. https://www.academia.edu/44974511/Mitigating_Apprehension_about_Section_8_Vouchers_The_Positive_Role_of_Housing_Specialists_in_Search_and_Placement
- Marr, M. (2016). Urban Welfare Regimes, Organizational Cultures, and Client-Staff Tie Activation: A Comparison of Transitional Housing Programs in Los Angeles and Tokyo. *Journal of Urban Affairs*. Vol. 38. No. 2, 214–235.
- Matland, R. (1995). Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation. *Journal of Public Administration Research and Theory*. Vol. 5. No. 2, 145–174.

- Molina, A. (2015). The Virtues of Administration. Values and the Practice of Public Service. *Administrative Theory and Praxis*. Vol. 37, 49–69.
- Mouffe, C. (1993). *The Return of the Political*. London and New York: Verso.
- Newman, S. & Schnare, N. (1997). "... And a Suitable Living Environment": The Failure of Housing Programs to Deliver on Neighborhood Quality. Housing Policy Debate. *Fannie Mae Foundation*. Vol. 8. No. 4, 703–741.
- O'Toole, L. & Meier, K. (2011). *Public Management, Organizations, Governance, and Performance*. New York: Cambridge University Press.
- O'Toole, L. & Meier, K. (2014). Public Management, Context, and Performance: In Quest of a More General Theory. *Journal of Public Administration Research and Theory*. Vol. 25, 237–256.
- Overeem, P. (2005). The Value of the Dichotomy: Politics, Administration, and the Political Neutrality of Administrators. *Administrative Theory & Praxis*. Vol. 27. No. 2, 311–329.
- Pendall, R. (2000). Why Voucher and Certificate Users Live in Distressed Neighborhoods. Housing Policy Debate. *Fannie Mae Foundation*. Vol. 11. No. 4, 881–910.
- Peters, G., & Savoie, D. (1994). Civil Service Reform: Misdiagnosing the Patient. *Public Administration Review*. Vol. 54. No. 5, 418–425.
- Rawls, J. (1973). *A Theory of Justice*. Cambridge: The Belknap Press of Harvard University Press.
- Ross, L., Shlay, A., & Picon, M. (2012). You Can't Always Get What You Want: The Role of Public Housing and Vouchers in Achieving Residential Satisfaction. Cityscape. American Housing Survey. *U.S. Department of Housing and Urban Development*. Vol. 14. No. 1, 35–53.
- Rutgers, M. & Van de Meer, H. (2010). The Origins and Restriction of Efficiency in Public Administration: Regaining Efficiency as the Core Value of Public Administration. *Administration & Society*. Vol. 42. No. 7, 755–779.
- Savoie, D. (1995). What is wrong with the New Public Management? *Canadian Public Administration*. Vol. 38. No. 1, 112–121.
- Smith, P. (2006). Quantitative Approaches towards Assessing Organizational Performance. In Boyne, G., Meier, K., O'Toole, L., & Walker, R. *Public Service Performance. Perspectives on Measurement and Management*. Editors. Cambridge: Cambridge University Press.
- Stivers, C. (1995). Settlement Women and Bureau Men: Constructing a Usable Past for Public Administration. *Public Administration Review*, 55(6), 522–529. Published by: Wiley on behalf of the American Society for Public Administration. Stable URL: <http://www.jstor.org/stable/3110343>
- Talbot, C. (2010). *Theories of Performance. Organizational and Service Improvement in the Public Domain*. Oxford: Oxford University Press.
- Tegeler, P., Hanley, M., & Liben, J. (1995). Transforming Section 8: Using Federal Housing Subsidies to Promote Individual Housing Choice and Desegregation. *Harvard Civil Rights – Civil Liberties Law Review*. Vol. 451. No. 30, 451–486.
- U.S. Department of Housing and Urban Development (2013). Housing Discrimination against Racial and Ethnic Minorities 2012. Retrieved May 2018 from https://www.huduser.gov/portal/Publications/pdf/HUD-514_HDS2012_execsumm.pdf

- U.S. Department of Housing and Urban Development (2015). Housing Choice Voucher Program Administrative Fee Study. Final Report. Executive Summary. Retrieved May 2018 from https://www.huduser.gov/publications/pdf/AdminFeeStudy_2015.pdf
- Van Der Waldt, G. (2004). *Managing Performance in the Public Sector. Concepts, Considerations and Challenges*. Cape Town: Juta and Co. Ltd.
- Van Wart, M. (1998). *Changing Public Sector Values*. New York and London: Garland Publishing Inc.
- Varady, D. (2010). What Should Housing Vouchers Do? A Review of the Recent Literature. Dealing with Living in Poor Neighborhoods. *Journal of Housing and the Built Environment*. Vol. 25. No. 4, 391–407.
- Varady, D. & Walker, C. (2000). Vouchering Out Distressed Subsidized Developments: Does Moving Lead to Improvements in Housing and Neighborhood Conditions? Housing Policy Debate. *Fannie Mae Foundation*. Vol. 11. No. 1, 115–162.
- Waldo, D. (1998). Bureaucracy and Democracy: Reconciling the Irreconcilable. In *The Enterprise of Public Administration*. Novato, CA: Chandler & Sharp Publishers Inc.
- Walker, R., Boyne, G., & Brewer, G. Editors. (2010). *Public Management and Performance. Research Directions*. New York: Cambridge University Press.
- Watkins-Hayes, C. (2009). *The New Welfare Bureaucrats. Entanglements of Race, Class, and Policy Reform*. Chicago: University of Chicago Press.
- Williamson, A., Smith, M., & Strambi-Kramer, M. (2009). Housing Choice Vouchers, the Low-Income Housing Tax Credit, and the Federal Poverty Deconcentration Goal. *Urban Affairs Review*. Vol. 45. No. 1, 119–132.
- Young, I.M. (1990). *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.

10

THE INSTITUTIONALIZATION OF INTEGRITY POLICIES AND THE MANAGEMENT OF A GROWING ETHICS BUREAUCRACY

Christoph Demmke

The Importance of Institutions and Institutional Design for Ethics

Organizational theory and organizational behavior theories claim that it is impossible to understand ethics policies without the way public institutions work and without analyzing how they are organized and their modes of working (Christensen/Laegreid & Rovik, 2020, 1). Interest in the power of institutional design and the so-called “institutional turn” originated well back to the French Sociologist Durkheim and was popularized by the United Nations in the 1980s and 1990s (Evans, 2005, 2006).

The institutional turn can be defined in very broad and loose terms as the more or less consistent elaboration of the intuition, hypothesis, or discovery that “institutions matter” in one or more theoretical, empirical, or practical contexts where their existence and/or relevance had previously been overlooked, denied, or deliberately ignored ... Institutions matter in so far as they provide the best entry point for understanding social life.

(Jessop, 2001, 1213, 1217)

During the past two decades, renewed interest in the impact of institutions and the importance of the quality of institutions became a characteristic of the “Good Governance” discourse. From now on, governments and international organizations acknowledged the link between institutional design, organizational behavior, and government outcomes (Rothstein,

2012). An “important trait of well-functioning states are good institutions” (Ahlerup, 2021, 359). These should be merit-based, impartial, participatory, accountable, transparent, responsive, and inclusive while respecting the rule of law (Dahlström et al., 2012; Dahlström & Lapuente, 2017). A growing body of good governance literature (Mungiu-Pippidi, 2015, 2020; Mungiu-Pippidi & Johnston, 2017) also backs up claims to which good governance features are linked to positive governance outcomes such as lower corruption levels, higher trust levels, enhanced organizational and individual performance, etc. In the meantime, a solid body of research exists (Bågenholm et al., 2021) that links the quality of governance, institutions, and management practices to governance effectiveness and positive ethical outcomes (Meyer-Sahling et al., 2019, 2020, 2021).

Ethics and Bureaucracy

Current trends toward “illiberal democracies” support the politicization of organizational and ethical policies (Demmke et al., 2021a). This stands in contrast to the rule of law doctrine, which starts from the assumption that organizations are supposed to act rather amoral, legalistic, standardized, and functional. A fundamental feature of modern organizations was the separation of morality and function and their impersonal and factual character. Subjective and emotional behavior was subordinated to the objectives of the “iron cage machinery” (Weber). Therefore, Weber defined bureaucracy as an organization without regard to persons and as an impersonal and technical system. For Weber, integer management could only be possible in an impersonal bureaucratic system. Also, most governments worldwide expected that a specific organizational structure, organizational culture, the existence of constitutional principles and values, rules and specific working conditions would produce certain ethical behavioral patterns and a specific public service motivation of civil servants who would be committed to the public good, neutrality, impartiality, and to observing confidentiality and displaying expertise. Indeed, Meyer-Sahling et al. (2018) and Schuster et al. (2021) show that public service motivation supports ethical behavior.

Because of the specific treatment of civil servants, public perceptions arose of civil servants having different personalities, being motivated by different incentives, working less hard than employees in the private sector, being more security-minded, more rule-oriented, and not very innovative. Subsequently, this behavior was called “bureaupathic behavior” (Thompson) (Bozeman & Rainey, 1998). In “Unmasking Administrative Evil,” Adams and Balfour (1998) established the connection between an impersonal and functional bureaucratic structure and the holocaust. According to the authors, the holocaust was only possible in a perfect system of extreme obedience, loyalty, and instrumental (technical)

rationality. In administrative theory, this administrative explanation for the holocaust was of utmost importance and well accepted although the concept of “administrative evil” was also strongly linked to the specifics of (German) bureaucracy. In fact, “administrative evil” can be linked to various contexts. Adam (2011) claimed the

common characteristic of administrative evil is that ordinary people, within their normal professional and administrative roles, can engage in acts of evil without being aware that they are doing anything wrong. Under conditions of moral inversion, people may even view their evil activity as good.

(Adam, 2011, 275)

Thus, types of administrative evil may be associated with various concepts of organizational culture.

“If people are surrounded by conduct that is morally abominable, or seeing a lot of it, they will not disapprove of, and may be even be fine with, conduct that is morally bad (...). That is the power of normal” (Sunstein, 2021, 21). If “mandates and behavior in general get worse, things that were once seen as bad or even as terrible may come to be seen as mildly distasteful or even fine” (Sunstein, 2021, 21). For example, research has identified organizational routines as potential sources of ethical blindness, blind spots (Bazerman & Tenbrunsel, 2011), or unintentional unethical behavior (Bazerman & Sezer, 2016). Yet, administrative routines also exist in various organizational forms. They are recognizable patterns of administrative actions and can be associated with many organizational workways. According to Kump and Scholz (2022), routines “may play a much more important role in the occurrence of unintentional unethical practices and may be more dangerous in this regard than is currently acknowledged” (Kump & Scholz, 2022, 2).

Contrary to this, also administrative reforms and innovation are not free of ethical contradictions and ethical challenges. Today, the blurring of boundaries between public- and private-sector organizations and the introduction of new public management concepts have also changed values and value expectations and have created new ethical challenges. De-bureaucratization trends have also paved the way for new requirements that organizations should act moral, functional (Demmke, 2020). Increasingly, management practices also design personal modes of management.

Ethics Management in Times of Individualism and Behavioralism

Whereas the traditional focus on organizational theory supports the view that institutional design influences personal behavior and that amoral,

functional, and de-personalized types of organizations are to be preferred, this has changed over the course of time. Examining today's institutions from the "perspective of bounded rationality leads quickly to the understanding that the cognitive architectures of individuals affect the institutions they inhabit" (Shannon et al., 2019).

From an ethical point of view, both concepts are problematic. The first, because it perceives organizations as machines and people as instruments. Overall, management is also associated with the expectation that organizations act rational, functional, and impersonal (Kuehl, 2020, 147). The second, because it perceives institutions as hosts of emotions, imperfect decision-making and constantly shifting (individual) justice perceptions. In "Greedy" Institutions, Coser discusses the dangers and challenges that can arise when moral "greedy institutions" demand total (behavioral) commitment, personal engagement, emotions, and loyalty from their employees. Similarly, Anderson discusses the critical consequences if moral management informs employees how to behave (Anderson, 2017, 25) and organizations and institutions become hosts of emotions, imperfect decision-making, and (individual) justice perceptions.

These "affective" forms of management raise the question about the limits of personal and emotional forms of management that build on theories of "bounded rationality." Whereas it is commonly accepted that work (in the public sector) is not always predictable, clear, objective, and rational, instead, it is also paradoxical, individual, value-laden, emotional, pluralistic, political, and unpredictable. However, consequently, planning and installing rational ethics management is difficult.

Thus, today, moral reasoning and workplace morality (Kvalnes, 2015; Kaptein, 2013, 2022) are considered to be highly contingent and situational in different administrative cultures. New behavioral insights place doubts on whether the planning of a rational ethics management system that achieves full integrity is possible at all (e.g., if irrational and unethical choices are constantly also made by people who in general want to behave ethically and rationally). De Bruin et al. (2022) show that moral goodness may also generate unethical behavior, for example, through moral justification, moral superiority, moral naivety, and the own glorification of knowing what is moral and right. Employees can act also pro-socially in ways that break rules, commit injustice, demonstrate dishonesty or, simply violate ethical standards (Bolino & Grant, 2016, 3). Research about altruistic behavior, organizational citizenship behavior (OCB), the good-soldier syndrome (Turnipseed, 2002), or (unethical) pro-social behavior concludes that—even—the desire to act with full integrity can nonetheless have negative organizational consequences (Turnipseed, 2002; Spector & Fox, 2010; Bolino et al., 2013; Gino, 2015; Bolino, 2016). Overall, employees who are subject to various forms of organizational injustice,

unprofessional and disrespectful treatment career pressure can commit organizational evil (Scharpf & Glässel, 2022). Moreover, the threat of management to dismiss employees, too demanding organizational (work) targets, too little job control and job autonomy, too high stress levels, etc. can produce negative individual and organizational outcomes.

Still, while managers must accept that organizations (and people) often do not act in rational ways (and behavior is characterized by biases), this does not mean that people and organizations are cognitively incapable of doing the right thing. Overall, organizational behavior is also surprisingly robust and rational, even in complex situations (Trondal, 2022). Thus, the existence of bounded rationality does not automatically mean that organizations have become hosts of irrationality. Equally, functional and impersonal behavior, hierarchical structures, and law obedience are still important ingredients of organizational life. From an ethical point of view, applying the law or superiors' orders is usually not problematic. It is still a very relevant guideline for public officials, as it highlights the importance of the rule of law and loyalty to the democratically elected government. What matters is that individuals are treated as individuals, ethically, and not as instruments. This does not mean that public institutions cannot be spaces of reason and stick to those administrative principles that are still important, such as the principles of rule of law, impartiality, equity, and fairness.

The Importance of Ethics Management

So far, our discussions focused on the question of how organizational settings influence ethical behavior. However, it is of equal importance to study how ethics policies influence organizational settings and management practices.

Today, when asked about their reasons for institutionalizing ethics in public and private organizations, politicians and managers mention their ethical duties and the need to enhance trust. However, increasingly, most evoke, either directly or indirectly, the positive effects on individual and organizational performance, and economic benefits to the company, reputational reasons or simple ethics as a branding instrument, means to implement legal requirements, and recruitment or retention strategies for employees.

Thus, in part, today's more sophisticated understanding of the complex linkages between ethics and institutional design can also be explained by new insights into the relationship between ethics and organizational performance, recruitment and retention policies, public trust, legitimacy, employee motivation, and commitment. In addition, employees in organizations with integrity are less affected by stress, anxiety, insecurity, and

emotional exhaustion, which means a lower sick leave rate in these organizations (Hoekstra, 2022).

Thus, all of these insights and developments explain why ethics policies have become a proper public policy and current developments continuously lead to an expansion of the meaning, importance, and practical expression of the concept of integrity policies. This growing importance of ethics policies and bureaucratization of ethics policies increasingly influence the workways of organizations. Overall, integrity management develops into a popular, distinctive, specialized, sophisticated, and professionalized policy. Also, more International Organisations (like the UN, IACA and the OECD) and Governments invest in the (improved) measurement of integrity policies. Integrity management is becoming not only more professional and better institutionalized but also complex and costly. The growing popularity of the concept of institutional ethics rests in large measure on the growing belief in its organizational, economic, and individual importance. In 1983, Bowman (Bowman, 1983) was actually the first to move beyond a focus on individual conduct and, instead, also the importance of the organizational context (see later, Cooper, 2001; Frederickson & Ghore, 2013; latest Bowman & West, 2021). In Europe, Kolthoff (2007) opened the discussions about the impact of public management reforms on integrity. According to Breaky et al. (2015, 3), Sampford started to distinguish between institutional and individual integrity. Since then, Hoekstra and Kaptein are the leading experts in the field of institutionalizing (public service) ethics. Anecharico and Segal defined ethics management as administrative mechanisms that are used by organizations to ensure appropriate workplace conduct (Anecharico & Segal, 2020, 83). Also related to the issue of institutional integrity, Cropanzano and Folger (1991) were the first to invent the term of organizational justice and Linda Trevino the concepts of unethical behavior in the workplace and ethical culture (Trevino 1986). In the private sector, the concept of managerial ethics was founded by Schminke (1998). The notion of integrity systems seems to originate in the works of Jeremy Pope, the founder of Transparency International (Pope, 1996). Other concepts discuss organizational ethics integrity (Polowczk, 2017) or ethics infrastructure concepts (such as those published by the OECD, 2020). As regards the latter, the most important distinction between integrity systems and ethics infrastructures seems to be that the former is a more technical concept and the latter relies on a discussion of much broader variables such as the importance of the rule of law, democracy, and the judiciary.

According to Huberts (2014), possible elements of an integrity system are rules, disciplinary policies, standards, codes of ethics, codes of standards, value management, ethical leadership, whistleblowing, job rotation,

risk analysis, training, integrity plans, integrity monitoring, scandal management, monitoring capacity, registers, disclosure policies, ethical climate surveys, self-assessments, integrity officers, (independent and powerful) ethics committees, clear accountability mechanisms, willingness to enforce, openness and good working conditions. The combination and precise configuration of these elements or instruments can be endless and can differ from organization to organization and from policy to policy.

Thus, proponents of integrity management rightly claim that institutions can enhance individual and organizational performance and promote honor, respect, compassion, mindfulness, tolerance, and anti-discrimination. However, as we have seen, unfortunately, institutions can also act exactly in the opposite direction (Ortman, 2010). They can promote and support unethical conduct, suppress morality, overstretch it, deviate and transgress from accepted norms, and commit employees to unethical acts. It is also still unclear whether any integrity strategy (e.g., compliance-based versus value-based) or any form of integrity management has become more effective than another. In the meantime, also so-called “value-based” countries wonder why their systems did not produce the desired (superior) results. Despite being an international forerunner in the field of (institutional) integrity, the Netherlands focuses strongly on economic values, financial constraints, and saving measures that have a negative impact on integrity policies. In 2021, in its fifth evaluation round, the Council of Europe (GRECO) issued a sharp report and recommended the Netherlands to more effectively regulate, monitor, and enforce conflicts of interest policies (GRECO, 2021). This recommendation could have also been interpreted as advice to focus not only on value-based policies. This also explains why ethics policies and ethics management in a “forerunner” country like the Netherlands are not more effective than integrity policies and integrity management in a traditional, compliance-based like Germany.

Here, only one explanatory variable is that—while the Netherlands invests much more resources in awareness raising, the monitoring of integrity policies, value-based instruments, and ethical leadership—German civil servants have a high public service motivation (which is positively co-related to ethical behavior) (Meyer-Sahling et al., 2019) and believe in the importance and effectiveness of rules (which matches with the existence of a rule-based system). Moreover, value-based countries trust in soft approaches and codes and even in situations (such as in the case of side activities and post-employment activities) when it would have been wiser to monitor and sanction misconduct through legally binding rules. These differences show that, in most countries, the effectiveness of any particular institutional integrity system is determined by the degree of

consistency among its constituent elements and the way they fit into the specific culture, organization, climate, and leadership styles.

In many countries, the focus of attention is still on legal- and institutional effectiveness, because the regulatory landscape is highly fragmented. Many countries do not have a consolidated version of all existing rules in place. As regards institutional effectiveness, various bodies are responsible for the monitoring of ethics policies such as various ethics commissions, ethics inspectorates, ethics commissioners, integrity officers, HR departments, audit bodies, and ombudspersons. Similar to the field of ethics regulation new institutional challenges concern the growing institutional fragmentation, enhanced coordination challenges and (in) effectiveness of anti-corruption bodies (Schuette et al., 2023).

As regards policy- and organizational effectiveness, integrity policies are rarely adopted as a consequence of evidence-based learning but as reactions to mediated political scandals.. Today, mediated scandals have become a standard feature, even as regards minor issues. Take only the case of a Finnish newspaper, *Ilta-Sanomat*, which reported videos posted on social media about the Finnish prime minister dancing and partying (which then caused media criticism about a potential drug abuse by the Prime Minister and the Prime Minister lacking work ethics, see Politico on August 18, 2022). As this case shows, compared with earlier times, there has been an exponential rise in the number of scandals. At the same time, “scandal fatigue” is also rising. Overall, the issue at the heart of the debate is not whether there is too little, too much, or just the right amount of ethics. Instead, new discourses focus on the question of whether some policies and instruments are effective and what kind of institutionalization of ethics regimes is needed. At present, no administration is equipped with the necessary resources, tools, and skills to monitor conduct effectively. Whereas implementation requirements are constantly rising, countries invest heavily in managing ethics policies. But it is never enough. At the same time, there is no consensus regarding the mechanism by which instruments and management approaches might impact output and outcomes. Moreover, only rarely, politicians engage in discussions about the capacity limits of administrations and how they can keep pace with growing (regulatory) implementation requirements. Overall, there is growing insecurity about the right regulatory mix, the role of self-regulation, the effectiveness of deterrence mechanisms and sanctions, the quality of regulation, and the need for other political, behavioral, and economical instruments. This situatedness immediately also raises the deep question of the limits of the law and traditional compliance-based approaches (Demmke et al., 2021b).

On the other hand, ethics policies can also be characterized as self-reinforcing processes that are highly change-resistant and continue to follow

the logic of evermore and ever stricter laws (Saint-Martin & Thompson, 2006, 17). Change-resistant means that it is simply impossible to call for a deregulation of ethics policies in certain areas, or—sometimes—even to criticize the ineffectiveness of chosen approaches. The popular narrative is still: More, better, deeper, stricter, wider—is the way to go. Until today, countries rarely apply (regulatory—or cost-benefit) impact assessments in the field of ethics policies.

Because of the focus on rules, ethics management concepts and instruments also concentrate on intentional causes of unethical behavior. They are not designed to unintentional causes of unethical behavior. On the other hand, as already discussed, ethics management is mostly dealing with individual causes and less with organizational causes for wrongdoing.

As regards enforcement effectiveness, frequently, administrations shy away from enforcing the existing policies and rules against top officials and ministers. Often, administrations are highly tolerant in the enforcement process (Demmke et al., 2021b).

All of these shortcomings explain the frustrated conclusions of experts like Johnston and Fritzen (2021):

We know far more about the issue than we did 30 years ago, and we have a network of policies, organizations, and researchers on a scale, and level of sophistication, few could have imagined in earlier days [...]. Unfortunately, ... few would argue we have decisively turned the tide.

(Johnston & Fritzen, 2021, 5)

The boundaries between growing expectations and daily, grandiose ethical failure are thin. As it seems, organizations can never function ethically if the governance context pursues other (utilitarian) goals and conflicting objectives. In the end, organizations can only be as ethical as the external (governance) and internal (management) context. Integrity requirements have less integrative power if the subsystems of society, meaning business, politics, law, science, organization, and culture, move in opposite directions! Overall, it is naive to think that ethics management pays any time and, in any place, and once it is implemented. As such, creating and maintaining conditions favorable to this alignment is a difficult and never-ending task. The best to be expected is a temporary and imperfect equilibrium (Paine, 2000).

Thus, it is only on the surface that ethics management is gaining importance as the basis for reasoning and justification. At a deeper level, however, it is being undermined, if ethics are implemented for mainly utilitarian reasons and conceived only as a tool that serves other imperatives and objectives. While a realistic understanding of the relations between ethics and economy is essential, the subordination of ethics to economics

is—at times—worrisome (Paine, 2000). Take the case of ethics management in the private sector. On the one hand, an increasing number of corporations are taking over public morality and claiming to defend sustainability. On the other hand, “they engage in elaborate practices of tax avoidance and even illegal tax evasion. They bend and break laws, or pressurize politicians to change the rules for their commercial advantage ... they pay workers as little as possible, lobbying against fair wages ... On top of all of this, these same corporations can promote themselves as ‘purpose driven,’ ‘socially responsible,’ ‘stakeholder driven,’ and even ‘ethical’” (Rhodes, 2021, 15). Overall, ethical “wokeness” is very situational and selective.

The Management of an Emerging Ethics Bureaucracy

In all countries worldwide, trends are toward (a) the adoption of more ethics rules and standards in different institutions and for different categories of staff/holders of public office, etc. (b) an “ethicalization of rules” (more laws, rules, and standards in various policy fields include references to ethics and ethical standards), (c) broader applicability of ethical definitions (e.g., the term spouse), and (d) the setting of stricter standards (Demmke et al., 2021b).

Despite these trends, countries and organizations rarely evaluate integrity policies. Mostly, organizations do not discuss whether there is too little, too much, or just the right amount of ethics. Or, whether some policies and instruments are more effective in one policy field and less effective in another. An OECD study (2022) also shows that, at present, almost no OECD country is equipped with the necessary resources to effectively manage and monitor ethics policies. Existing data are scarce, especially in the field of conflicts of interest (OECD, 2023). “In only four countries action plans include estimates for capital and operational expenditures” (OECD, 2022, 17). Thus, whereas countries invest heavily in setting stricter standards and adopting new rules and policies, they neglect that implementation requirements are also constantly rising.

Parallel to this trend, countries focus on individual causes of unethical conduct. This individualized approach is ineffective as long as institutions do not invest evermore resources in the investigations of institutional causes for misconduct. If they do so, the management of ethics requires sophisticated and complex interventions and high expertise of those who are in charge of monitoring the conduct of individuals. However, overall, individualized monitoring is difficult, complex, time-consuming, and increasingly costly. This all together can easily lead to an ethics- and control bureaucracy, which, however, remains relatively ineffective because detecting, managing, and measuring ethics policies involve some of the

greatest challenges and difficulties in legal, political, organizational, behavioral, and administrative sciences.

In fact, the downsides of ethics bureaucracies are well known and discussed under the label of integrity paradoxes. The more countries invest in the implementation and institutionalizing of integrity policies, the more resources are needed for the management of these policies and the coordination of (ever-new) ethics bodies. In these situations, more personnel and more resources are needed in the monitoring and enforcement process. However, if the trend toward more and stricter ethical requirements is not followed up by the allocation of more (personnel) resources, this increases the likelihood of new shortcomings in the implementation process. Then, the new circle starts, again: Politicians and media will call for stricter policies and rules, and hence the need for more investments in an integrity bureaucracy.

Managing the Antidiscrimination and Diversity Bureaucracy

As discussed, the era in which bureaucratic obedience, hierarchical decision-making, and treating all persons in the same way meant treating everybody fairly is not, anymore, the paradigm of our times (Menzel, 2011).

The age of standardization and the decline of patronage government were well suited for the belief in and practice that equal treatment for all is fair treatment. However, postmodern societies along with ethnic, racial, gender, and age diversity have challenged elected officials and administrators around the world to rethink how to treat people unequally and yet to be fair.

(Menzel, 2011, 122)

Therefore, a new challenge is to design fair organizational stems under individualized conditions that still can be combined with the legalistic nature of organizations and can avoid trends toward the personalization of management and law (Ben-Shahar & Porat, 2021; Demmke et al., 2021c).

Take the Case of Antidiscrimination and Diversity Policies

Whereas decades ago, the concept of antidiscrimination concerned the discrimination of women; today, the concept has greatly expanded. In the meantime, managing antidiscrimination (and diversity) is important as it is difficult. Should governments establish a relationship between different forms of discrimination? Do some forms exist that are more important than others? Is social discrimination (and social inequality) more accepted than age-related discrimination?

First, because of the expansion of the concept of diversity and anti-discrimination (which covers gender, race, many forms of sexual orientation, nationality, disability, and age-related forms of discrimination), public administrations also need to manage many more policies and cases, because they are considered as potentially discriminatory. On the other hand, characteristics that would once have labeled public officials as “corrupted” (Buchan & Hill, 2014) such as homosexuality or atheism, are nowadays—usually—no longer taken as signs of someone’s lack of integrity (Kerkhoff & Overeem, 2021). The case shows that, overall, the concept of integrity is a rather fluid and flexible concept. Behavior that was once unacceptable becomes acceptable.

Second, because discrimination is not always the result of intended, structural, and institutional forms of discrimination. Instead, it extends into many forms of discrimination as a result of unintended bias, for example, leading to discrimination in pay, promotion, recruitment, policies, etc. The real challenge is then to overcome unintended bias as regards an increasing number of groups/identities that claim to be discriminated (Nordell, 2021).

Third, because the concept is becoming overly complex and requires a reconsideration of the concept of “equality,” as such, all people should be treated equally and not be discriminated because of race, age, disability, sexual orientation, gender, etc. At the same time, (structural) discrimination requires interventions in order to protect, offer equal opportunities, support disadvantaged groups and identities, etc. Like this, diversity becomes a precondition for equality: “A common world disappears when it is only seen from one aspect; it only exists in the multiplicity of its perspectives” (Arendt, 2010, 73). However, measures to do so may take forms that are in conflict with the principle of equality and merit. Moreover, managing equality can become overly complex in certain cases, or policies. Take the case of age-related discrimination. Nowadays, almost every age cohort rightly reports experiencing different forms of unfair treatment because of their age. Like this, it is difficult to define equality in a context where everybody feels discriminated against everybody.

Fourth, the concept of antidiscrimination is heavily politicized and this (negatively) impacts on the management of antidiscrimination. More concretely, whereas the focus of attention is on racism, gender, and sexual discrimination, discrimination because of disability and sickness is somewhat neglected. In fact, for example in Germany (Antidiskriminierungsstelle, 2022), reported cases of discrimination in the field of disability and sickness almost rank as high as cases of racism. In the field of disability and sickness, many more cases (up to ten times more) are reported than in fields like discrimination because of religious belief, sexual orientation, or age-related discrimination. Overall, the number of reported

antidiscrimination cases is increasing. Obviously, there is a trend toward the perception of evermore and individualized experiences of discrimination. On the other hand, more people are courageous and report cases of discrimination.

Thus, the changing concepts of antidiscrimination and diversity policies and the development of (reported cases) of discrimination may threaten the capacities and cohesion of human resource management policies (Fukuyama, 2022, 47, 63). And, yet, it will become evermore difficult to draw a clear line as to where discriminatory behavior starts and where it ends. In the meantime, forms of discrimination are everywhere and appear anytime, especially in the field of age-related discrimination, as already mentioned. The increasing number of discriminations against ethnic minorities is also a tremendous challenge. However, it can also be explained by the tremendous change in societies. This should not be interpreted as a plea for relativizing democracy, the rule of law, liberalism, and discrimination.

One important cornerstone of democratic and liberal societies is the concept of individual autonomy, combined with tolerance, individual recognition, and the ability to make choices with regard to speech, association, belief, and sexual orientation. Critics of modern democracies and supporters of so-called illiberal democracies claim that current societal trends are toward too much autonomy, diversity, and individualization. Overall, individual autonomy and identity thinking are carried to an extreme and are absolutized (Fukuyama, 2022, 47). These trends may destroy the social cohesion within Western societies. Therefore, supporters of illiberalism plea for restricting diversity and pluralism (Deneen, 2018). According to Mounk

never in history has a democracy succeeded in being both diverse and equal, treating members of many different ethnic or religious groups fairly. And yet achieving that goal is now central to the democratic project in countries around the world.

(Mounk, 2022)

While claims that countries face “too much diversity” threaten the concept of democracy and liberalism, it is true that liberal and democratic societies face huge challenges when managing increasing diversity and individualization as a consequence of changing concepts of citizenship (Kochenov, 2018), migration, and labor mobility. For example, in the European Union, the number of non-EU people acquiring citizenship is constantly increasing (EUROSTAT, 2021). Also, the number of people living with a foreign background is going up. Overall, ethnic diversity is increasing.

Also, membership in churches and religious beliefs are changing. In most liberal and democratic societies, all people are entitled to choose their own religion, which means that frequently, more than twenty religions are tolerated and accepted within one country (such as in Finland). Overall, trends and attitudes as regards religious beliefs and attitudes confirm that people become more autonomous in adopting and practicing religious beliefs. In fact, the differentiation and diversity of (non-) religious affiliation and belief is increasing.

Finally, the broadening of the concept of antidiscrimination and inclusion causes entirely new management challenges. While, in recent decades, legislative developments, case law, and policy initiatives have improved many people's lives and helped building more equal and welcoming societies, including for lesbian, gay, bisexual, trans, non-binary, intersex, and queer (LGBTIQ) people, greater social acceptance and support for equal rights has not always translated into clear improvements in LGBTIQ people's lives. In a 2020 survey, the European Union Agency for Fundamental Rights (FRA) found that discrimination on grounds of sexual orientation, gender identity/expression, and sex characteristics was actually increasing in the EU (European Commission, 2020, 2 and 3). Thus, the legal, political, and cultural context is not necessarily translated into concrete managerial and organizational practices. Also, in daily life, "many people are now deeply pessimistic that different groups might be able to integrate in harmony, celebrating their differences without essentializing them" (Mounk, 2022).

So far, trends toward increasing diversity of populations are mirrored by increasing standardization and individualization of national (public) management and HR practices. These concern the DE standardization and flexibilization of pay, working time, pension, recruitment, training, career development policies, etc. (Demmke, 2019). All of these developments are supposed to create new opportunities, but they also generate new challenges. In times of increasing delegation of HR responsibilities to line managers, the decisions of superiors' change shape, direct, and alter employees' lives. Research in the field of organizational justice has found that each decision by leaders is strongly related to employee outcomes. Still, there is very little evidence on how trends toward more diversity are managed by leaders in times of more organizational de-standardization and responsabilization and how these influence perceptions of organizational justice. In the field of research, this is a "black box" (Demmke, 2020). So far, managerial challenges are underestimated in times of increased autonomy, diversity, and pluralism. Therefore, a new challenge is to design fair and rule-based organizational systems under individualized conditions that avoid trends toward biased treatment of employees (Ben-Shahar & Porat, 2021). Even in good governance countries, discrimination is—often—not the result of intended behavior, and done by

bad people. Rather, it is the result of unintended behavior that results in unfair treatment of groups as regards the recruitment, promotion, pay, and career development of people. Overall, concepts of organizational justice are applied differently to different groups. This can be the result of unintentional bias. Thus, liberal democracies must be equipped with the right tools, instruments, and behavioral set and prove that the management of diversity and autonomy is alive and doing well. For doing so, they should be more interested in how to overcome bias in order to manage increasing diversity. New research has started on how to overcome fatalism and the belief that “bias” cannot be changed (Nordell, 2021).

The Case of Managing Conflicts of Interests in Times of Individualization

Kaptein (2022) suggests that safeguarding the ethics of an organization may become paradoxical and more difficult if an organization becomes more effective. The higher the ethical expectations, the more standards are set higher, again (Kaptein, 2022). “For example, when an organization has successfully implemented the norms for its employees regarding insider trading, it is then expected that it also defines and implements them for the family members of its employees” (Kaptein, 2022). In fact, during the past years, countries have started to introduce evermore detailed disclosure requirements for holders of public office (Rossi, 2017, 23). Often, the sheer number of ever-new individual disclosure requirements exceeds the capacities of the administration (Ben-Shahar/Schneider, 2014).

In other words, if a financial disclosure agency has two dedicated staff members, and the law defines one million filers, will two people and their available resources be enough to support the filers, receive the disclosures, screen the disclosures, provide access, exchange information with other agencies, detect irregularities, and carry out any other activities that the law may mandate? Probably not.

(Rossi, 2017, 24)

Today, requirements to disclose non-financial interests arising from personal friendships and family relationships are the most difficult issues to monitor and enforce (Rodwin, 2018). Also, concepts of immediate family or spouse are constantly evolving. Thus, apart from the concept of “immediate family,” the changing concepts of close friendships, extended family, etc. also increase the list of potential conflicts of interest that need to be monitored by those officials who are charged with these tasks.

These cases illustrate the “bureaucratization” of ethics policies and the paradoxes in the field of ethics management (Anechiarico & Jabobs,

1996; Thompson, 1992; Stark, 2000; Behncke, 2005; Nieuwenburg, 2007). Setting stricter ethical standards necessarily requires the need to professionalize and institutionalize integrity systems. This, in turn, requires constant (and increasing) investments in monitoring and enforcement capacities. However, the stricter the monitoring requirements, the more likely will be that shortcomings in the implementation and enforcement will be discovered. In case, this leads to ethical scandals, the media and politicians will ask for more and tougher professional integrity policies. Following this, stricter standards, more rules and policies, and new ethics bodies will be introduced and, again, more shortcomings in the implementation of policies will be detected, leading to evermore calls for more and better ethics bureaucracies.

Thus, the broader the conflicts of interest's concepts, the more these concepts are amorphous, which reduces their usefulness. If evermore conflicting interests are included within the definition of conflicts of interest, then the whole concept of interest will become just another phrase for bias. The present situation is a dilemma: whereas a narrow definition of conflicts of interest may exclude from scrutiny a large bulk of conflicting situations that may lead to a conflict of interest, a too-broad definition leads "to finding conflicts of interest everywhere in social life" (Peters & Handschin, 2012, 6).

Conclusions

Today ethics policies and ethics management are expanding and becoming more personalized. Because of all of these trends, integrity policies are ever more difficult to manage and to monitor. Especially, the current individualized approach towards questionable behavior, the so-called "bad apples" approach, makes that the management and institutionalizing of ethics policies increasingly bureaucratic, complicated, expensive, hard to manage, to monitor, and to enforce. To conclude, integrity management becomes evermore bureaucratized, institutionalized, and professionalized but not necessarily coming closer to its objectives—integer organizations and people. Therefore, trying to be ethical in every sense of the word could mean that public organizations and their leaders end up pleasing no one. Our discussion is a plea to address these new challenges.

References

- Adam, G.B. 2011. The Problem of Administrative Evil in a Culture of Technical Rationality. *Public Integrity* 13(3), 275–286. doi:10.2753/PIN1099-9922130307
- Adams, G. & Balfour, D. 1998. *Unmasking Administrative Evil*. Thousand Oaks: Sage.

- Ahlerup, P., Baskaran, T. & Bigsten, A. 2021. The Quality of Government and Economic Growth. In Bågenholm, A., Bauhr, M., Grimes, M. & Rothstein, B. (eds.), *The Oxford Handbook of the Quality of Government*. Oxford: Oxford University Press.
- Anderson, E. 2017. *Private Government: How Employers Rule Our Lives*. Princeton: Princeton University Press.
- Anechiarico, F. & Jacobs, J.B. 1996. *The Pursuit of Absolute Integrity*. Chicago: The University of Chicago Press.
- Anechiarico, F. & Segal, L. 2020. Democratic Governance as a Function of Ethics Management Strategies. *Public Integrity* 22(3), 280–295. doi:10.1080/10999922.2020.1716603
- Antidiskriminierungsstelle Des Bundes (No Author), Jahresbericht 2021, Berlin.
- Arendt, H. 2010. *Vita Activa oder Vom Tätigen Leben* (1967), 9th edition. Muenchen: Piper.
- Arundel, A.V., Lorenz, E., Lundvall, B. & Valeyre, A. 2007. How Europe's Economies Learn: A Comparison of Work Organization and Innovation Mode for the EU-15. *Industrial and Corporate Change* 16(6), 1175–1210. doi:10.1093/icc/dtm035
- Bågenholm, A., Bauhr, M., Grimes, M. & Rothstein, B. (eds.). 2021. *The Oxford Handbook of the Quality of Government*. Oxford: Oxford University Press.
- Bazerman, M.H. & Tenbrunsel, A.E. 2011. *Blind Spots*. Princeton University Press.
- Bazerman, M.H. & Sezer, O. 2016. Bounded Awareness: Implications for Ethical Decision-Making. *Organizational Behavior and Human Decision Processes* 36, 93–105.
- Behnke, N. 2005. Ethics as Apple Pie: The Arms Race of Ethical Standards in Congressional and Presidential Campaigns. EGPA Paper, Ethics and Integrity of Governance: A Transatlantic Dialogue, Leuven, June 2005.
- Ben-Shahar, O. & Schneider, C. 2014. *More than You Wanted to Know*. Princeton University Press.
- Ben-Shahar, O. & Porat, A. 2021. *Personalized Law, Different Rules for Different People*. Oxford: Oxford University Press.
- Bolino, M.C. & Grant, A.M. 2016. The Bright Side of Being Prosocial at Work, and the Dark Side, Too: A Review and Agenda for Research on Other-Oriented Motives, Behavior, and Impact in Organizations. *The Academy of Management Annals*. doi:10.1080/19416520.2016.1153260
- Bolino, M.C., Klotz, W., Turnley, H. & Harvey, J. 2013. Exploring the Dark Side of Organizational Citizenship Behavior. *Journal of Organizational Behavior* 34(4), 542–559.
- Bowman, J.S. 1983. Ethics Issues for the Public Manager. In Eddy, W. B. (ed.), *Handbook of Organization Management*. New York: Routledge & CRC, pp. 69–104.
- Bowman, J. & West, J. 2021. *Public Service Ethics: Individual and Institutional Responsibilities*, 3rd edition. New York and London: Routledge.
- Bozeman, B. & Rainey, H.G. 1998. Organizational Rules and the “Bureaucratic Personality”. *American Journal of Political Science* 42(1), 163–189.

- Breaky, H., Cadman, T. & Sampford, C. 2015. Conceptualizing Personal and Institutional Integrity: The Comprehensive Integrity Framework. *Research in Ethical Issues in Organizations* 14, 1–40.
- de Bruin Cardoso, I., Russell, A.R., Kaptein, M., & Meijs, L. How Moral Goodness Drives Unethical Behavior: Empirical Evidence for the NGO Halo Effect. doi:10.13140/RG.2.2.19940.65921
- Buchan, B. & Hill, L. 2014. *An Intellectual History of Political Corruption*. Palgrave MacMillann.
- Christensen, T., Laegreid, P. & Rovik, K.A. 2020. *Organization Theory and the Public Sector*, 2nd edition. London and New York: Routledge.
- Cooper, L. T. 2001. The Emergence of Administrative Ethics as a Field of Study in the United States. In Cooper, T. (ed.), *Handbook of Administrative Ethics*. New York: Routledge, pp. 1–36.
- Cropanzano, R. & Folger, R. Procedural Justice and Worker Motivation. In Steers, R. M. & Porter, L. W. (eds.), *Motivation and Work Behavior*, 5th edition. New York: McGraw-Hill, pp. 131–143.
- Dahlström, C. & Lapuente, V. 2017. *Organizing Leviathan: Politicians, Bureaucrats, and the Making of Good Government*. Cambridge: Cambridge University Press
- Dahlström, C., Lapuente, V. & Teorell, J. 2012. The Merit of Meritocratization: Politics, Bureaucracy, and the Institutional Deterrents of Corruption. *Political Research Quarterly* 65(3), 656–668. doi:10.1177/1065912911408109
- Demmke, C. 2020a. Governance Reforms, Individualization of Human Resource Management (HRM), and Impact on Workplace Behavior – A Black Box? *Public Integrity* 2(3), 268–279. doi:10.1080/10999922.2019.1656960
- Demmke, C. 2020b. Public Administration Reform Over Time – Did Change Lead to a More Effective Integrity Management? *Central European Public Administration Review* 2(2), 7–27. doi:10.1080/10999922.2019.1656960
- Demmke, C. , Autioniemi, J. & Lenner, F. 2021a. Explaining the Popularity of Integrity Policies in Times of Critical Governance—The Case of Conflicts of Interest Policies for Ministers in the EU-Member States. *Public Integrity*. doi: 10.1080/10999922.2021.1987056
- Demmke, C., Autioniemi & Lenner, F. 2021b. *The Effectiveness of Conflicts of Interest Policies for Holders of Public Office*. Frankfurt/M. et al.: Peter Lang.
- Demmke, C., Autioniemi, J. & Lenner, F. 2021c. The End of the World as We Know It – Public Ethics in Times of De-Standardization and Individualization. *Public Management Review*. doi:10.1080/14719037.2021.2000221
- Deneen, P.J. 2018. *Why Liberalism Failed*. Yale University Press.
- European Commission. 2020. Communication about Union of Equality: LGBTIQ Equality Strategy 2020–2025, COM(2020) 698 final as of 12 November 2020.
- EUROSTAT. 2021. <https://ec.europa.eu/eurostat>
- Evans, P. 2005. The Challenges of the Institutional Turn: New Interdisciplinary Opportunities in Development Theory. In Nee, V. & Swedberg, R. (eds.), *The Economic Sociology of Capitalism*. Princeton: Princeton University Press, ix–xxxiii, pp. 90–117. <https://doi.org/10.1515/9780691217932-001>
- Evans, P. 2006. Extending the Institutional Turn: Property, Politics and Development Trajectories, WIDER Research Paper, No. 2006/113, ISBN 9291908975, The United Nations University World Institute for Development Economics Research (UNU-WIDER), Helsinki.

- Frederickson, G. & Ghore, R. (eds.). 2013. *Ethics in Public Management*, 2nd edition. New York: Routledge.
- Fukuyama, F. 2018. *Identity*. London: Profile Books.
- Fukuyama 2022. *Liberalism and Its Discontents*. London: Profile Books.
- Gino, F. 2015. Understanding Ordinary Unethical Behavior: Why People Who Value Morality Act Immorally. *Current Opinion in Behavioral Sciences* 3, 107–111.
- Government of Germany 2022. Antidiskriminierungsstelle des Bundes, Jahresbericht 2021, Berlin.
- GRECO. 2021. Fifth Evaluation Report (GrecoRC5(2021 6), Compliance Report Netherlands, Strasbourg. <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a2fcb0>
- Hoekstra, A. & Kaptein, M. 2012. The Institutionalization of Integrity in Local Government. *Public Integrity* 15(1), 5–28. doi:10.2753/PIN1099-9922150101
- Hoekstra, A., Huberts, L. & van Montfort, A. 2022. Content and Design of Integrity Systems: Evaluating Integrity Systems in Local Government. *Public Integrity*. doi:10.1080/10999922.2021.2014204
- Huberts, L.W.J.C. 2014. *The Integrity of Governance. What It Is, What We Know, What Is Done, and Where to Go*. London, New York & Shanghai: Palgrave Macmillan.
- Jessop, B. 2001. Institutional re(Turns) and the Strategic Relational Approach. *Environment and Planning. Part A* 33(7), 1213–1235.
- Johnson, M. & Fritzen, S. 2021. *The Conundrum of Corruption*. New York: Routledge.
- Kaptein, M. 2013. *Workplace Morality*. Bingley: Emerald.
- Kaptein, M. 2022. A Paradox of Ethics: Why People in Good Organizations Do Bad Things. *Journal of Business Ethics*. doi:10.1007/s10551-022-05142-w
- Kerkhoff, T. & Overeem, P. 2021. The Fluidity of Integrity: Lessons from Dutch Scandals. *Public Integrity* 23(1), 82–94. doi:10.1080/10999922.2020.1826139
- Kochenov, D. 2018. *Citizenship*. Cambridge: MIT Press.
- Kolthoff, E. 2007. *Ethics and New Public Management: Empirical Research into the Effects of Businesslike Government on Ethics and Integrity*. Den Haag: Boom.
- Kuehl, S. 2020. *Brauchbare Illegalität, Vom Nutzen des Regelbruchs in Organisationen*. Frsankfurt: Campus/M.
- Kump, B. & Scholz, M. 2022. Organizational Routines as a Source of Ethical Blindness. *Organization Theory* 3(1). doi:10.1177/26317877221075640
- Kvalnes, O. 2015. *Moral Reasoning at Work: Rethinking Ethics in Organizations*. London, New York & Shanghai: Palgrave MacMillan.
- McDonnell, E.M. & Vilaca, L. 2021. Pockets of Effectiveness and Islands of Integrity: Variation in Quality of Government within Central State Administrations. In Bågenholm, A., Bauhr, M., Grimes, M. & Rothstein, B. (eds.), *The Oxford Handbook of the Quality of Government*. Oxford: Oxford University Press.
- Menzel, D. 2011. Ethics and Integrity in the Public Service. In Menzel, D. & White, H. L. (eds.), *The State of Public Administration*. London: Sharpe.
- Meyer-Sahling, J. et al. 2020. Governing Illiberal Democracies: Democratic Backsliding and the Political Appointment of Top Officials in Hungary. *NISPACEE Journal* 13(2), 93–113.

- Meyer-Sahling, J.H., Mikkelsen, K.S. & Schuster, C. 2018. Civil Service Management and Corruption: What We Know and What We Don't. *Public Administration* 96(2), 276–285. doi:10.1111/padm.12404
- Meyer-Sahling, J.H., Mikkelsen, K.S. & Schuster, C. 2019. The Causal Effect of Public Service Motivation on Ethical Behavior in the Public Sector: Evidence from a Large-Scale Survey Experiment. *Journal of Public Administration Research and Theory* 29(3), 445–459.
- Meyer-Sahling, J.H., Mikkelsen, K.S. & Schuster, C. 2021. Merit Recruitment, Tenure Protections and Public Service Motivation: Evidence from a Conjoint Experiment with 7,300 Public Servants in Latin America, Africa and Eastern Europe. *Public Administration* 99(4), 740–757.
- Mungiu-Pippidi, A. 2015. *The Quest for Good Governance: How Societies Develop Control of Corruption*. Cambridge: Cambridge University Press.
- Mungiu-Pippidi, A. 2020. The Rise and Fall of Good Governance Promotion, *Journal of Democracy* 31(1), 88–102. doi:10.1353/jod.2020.0007
- Mungiu-Pippidi, A. & Johnston, M. 2017. *Transitions to Good Governance: Creating Virtuous Circles of Anti-corruption*. Cheltenham: Edward Elgar Publishing.
- Nieuwenburg, P. 2007. The Integrity Paradox, *Public Integrity* 9(3), 213–224. doi:10.2753/PIN1099-9922090301
- Nordell, J. 2021. *The End of Bias: Can We Change our Minds?* Granta Books.
- OECD. 2020. *OECD Public Integrity Handbook*. Paris: OECD.
- OECD. 2022. Anti-Corruption and Public Integrity Strategies – Insights from New OECD Indicators, OECD Working Paper, 29 July 2022.
- OECD. 2023. OECD Public Integrity Indicators. <https://oecd-public-integrity-indicators.org/about>
- Ortman, G. 2010. *Organisation und Moral*. Weilerswist: Velbrueck
- Paine, L.S. 2000. Does Ethics Pay? *Business Ethics Quarterly* 10(1), 319–330. doi:10.2307/3857716
- Peters, A. & Handschin, L. (eds.). 2012. *Conflict of Interest in Global, Public and Private Governance*. Cambridge: Cambridge University Press.
- Polowczyk, P.Ł. 2017. Organizational Ethical Integrity: Good and Bad Illusions. *Palgrave Communications* 3(1), 46. doi:10.1057/s41599-017-0044-x
- Pope, J. 1996. *National Integrity Systems: The TI Sourcebook*. Berlin: Transparency International.
- Rhodes, C. 2021. *Woke Capitalism: How Corporate Morality Is Sabotaging Democracy*. Bristol: Policy Press.
- Rodwin, M. 2018. Attempts to Redefine Conflicts of Interest. *Accountability in Research* 25(2), 67–78.
- Rossi, I. et al. 2017. *Getting the Full Picture on Public Officials*. Washington, DC: Worldbank.
- Rothstein, B. Good Governance. In Levi, D. (ed.), *Oxford Handbook of Governance*, Online Publication Date: September 2012. <https://doi.org/10.1093/oxfordhpb/9780199560530.013.0010>
- Saint-Martin, D., & Thompson, F. (eds.). 2006. *Public Ethics and Governance: Standards and Practices in Comparative Perspective*. Amsterdam: Elsevier.
- Scharpf, A. & Glässel, C. 2022. Career-Pressures and Organizational Evil: A Novel Perspective on the Study of Organized Violence. *International Studies Review*. doi:10.1093/isr/viac009

- Schminke, M. (ed.). 1998. *Managerial Ethics: Moral Management of People and Processes*. Mahwah: Lawrence Erlbaum.
- Schütte, S., Camilo Ceballos, J. & David-Barrett, E. 2023. *Measuring Effectiveness of Anti-Corruption Agencies*. Laxenburg: IACA.
- Schuster, C., Mikkelsen, K.S., Correa, I. & Meyer-Sahling, J.-H. 2022. Exit, Voice, and Sabotage: Public Service Motivation and Guerrilla Bureaucracy in Times of Unprincipled Political Principals. *Journal of Public Administration Research and Theory* 32(2, April), 416–435. doi:10.1093/jopart/muab028
- Shannon, B.N., McGee, Z.A. & Jones, B.D. 2019. *Bounded Rationality and Cognitive Limits in Political Decision Making*. doi:10.1093/acrefore/9780190228637.013.961
- Spector, P.E. & Fox, S. 2010. Counterproductive Work Behavior and Organisational Citizenship Behavior: Are They Opposite Forms of Active Behavior? *Applied Psychology: An International Review* 59(1), 21–39.
- Stark, A. 2000. *Conflict of Interest in American Life*. Cambridge: Harvard University Press.
- Sunstein, C. 2021. *This Is Not Normal: The Politics of Everyday Expectations*. Yale University Press.
- Thompson, D. 1993. Assessing Financial Conflicts of Interest. *The New England Journal of Medicine* 329(8), 573–576.
- Treviño, L.K. 1986. Ethical Decision Making in Organizations: A Person-Situation Interactionist Model. *Academy of Management Review* 11(3), 601–617. doi:10.2307/258313
- Trondal, J. 2022. Let's Organize: The Organizational Basis for Stable Public Governance. *Public Administration*, 1–20. doi:10.1111/padmin.12858
- Turnipseed, D.L. 2002. Are Good Soldiers Good? Exploring the Link between Organization Citizenship Behavior and Personal Ethics. *Journal of Business Research* 55(1), 1–15.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

PART 4

Balancing Politics and Administration

“Governance is the administration of government in a political context,” according to Gary Wamsley, founder of Virginia Tech’s Center for Public Administration and Policy. Trying to balance politics and administration in a practical context remains a central issue in public administration because the dichotomy is there whether we choose to acknowledge it or not. Administrators will be subservient to legislators, serving as subject matter experts and exerting their administrative discretion. Utah’s solution to chronic homelessness is a good heuristic because it required support from the governor’s office, state administrators, and local and nonprofit agencies to provide housing. Over a decade, the state virtually reduced chronic homelessness, especially among veterans.

This section on balancing politics and administration examines the dichotomy and its presence in contemporary public administration. To be sure, administrators today do not make ethical decisions in a legitimacy crisis like in the 1990s and 2000s; however, the balancing act remains a central public service value.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

11

BALANCING POLITICS AND ADMINISTRATION

Dangers of Administrative Discretion

Steven G. Koven

Introduction

The debate over whether administrators should be actively engaged in shaping public policy or should merely implement the directives of elected superiors never seems to die. Woodrow Wilson's classic article lays out a case for separating administrative functions from the "hurry and strife" of politics (Wilson, 1887, p. 209). This sentiment for more professionalism in government is reaffirmed by Herbert Kaufman (1956), who noted that the ethos of neutral competence played a significant role in the history of the U.S. administrative state. The essence of neutral competence was crystalized in the view that there was no democratic or republican way to perform a task such as paving a road. Professionals would replace corrupt politicians; experts would make decisions. Others would defer to the judgment of the professional. Lipsky (1980) noted that "street-level" professional bureaucrats such as police officers, border guards, social workers, and public-school teachers were able to exercise considerable independent judgment as they perform their tasks. More recently, O'Leary (2019) suggested that discretion could include "guerilla" behavior whereby bureaucrats may attempt to counter the policy prescriptions of organizational superiors. While some scholars argue that the politics-administration dichotomy is still relevant (Maranto & Skelling, 1992; Overeem, 2005, 2006; Pfiffer, 1987), an extensive literature documents its perceived limits (Appleby, 1949; Fredrickson & Smith, 2003; Rabin & Bowman, 1984; Svara, 1999, 2001).

The much-debated issue of neutral administration versus political influence, however, is not a matter one or the other. The choice is not

binary but one of degree. The following sections delineate how government representatives used their discretionary power to engage in morally unacceptable behavior. This chapter employs case studies of machine politics, abuses in the military, FBI behavior, and actions of individuals within local police forces to illustrate ethical misconduct. The chapter concludes that professional expertise is necessary; however, officials should not use the shibboleth of expertise as a shield to protect their behavior from outside oversight. In addition, principles of democracy are undermined if the ethos of technical proficiency allows organizations to operate independently and in secret from the general public.

Abuses of Machine Era

A cursory review of history is necessary to remind readers of why the discipline of public administration exists in the first place and how egregious ethical violations became commonplace. In urban areas with large immigrant populations such as New York City the idea of neutral competence in government was foreign. Perhaps the best-known example of political abuse of office revolves around the career of William Macy Tweed, also known as “Boss Tweed” of Tammany Hall. Born in 1823 to a middle-class Scottish Protestant family, Tweed at an early age became involved in the rough and tumble of New York City politics. He developed a reputation for street fighting and like ambitious youths in the area, he became attached to a politically active volunteer fire company. Leveraging his association with the fire company, in 1852, voters elected Tweed to the office of Alderman of a ward in lower Manhattan. Other powerful positions secured by Tweed included that of member of the U.S. House of Representatives (term beginning in 1853) and New York City’s Board of Supervisors (term beginning in 1857). At the age of 30, Tweed became the undisputed head (“Grand Sachem”) of the New York political machine (Tammany Hall).

The life of Tweed reflects that of a bygone era. In 1863, Tweed had himself proclaimed a lawyer although he had no legal training and began to extract huge payments for “legal advice.” Tweed and other members of Tammany Hall wielded power through patronage, granting of licenses, and awarding of franchises. Tweed used his power to plunder the New York City treasury, in the process enriching himself and his cronies. As a forerunner to Vladimir Putin and others, Tweed established that all money paid to contractors and merchants who worked for, or sold supplies to New York City must be, at a minimum evenly divided between creditors and the Tweed Ring. The share for Tweed and his associates could be as large as circumstances permitted (Lynch, 1927, pp. 338–339). Tweed benefited personally from his political power. He was penniless in

1861 yet by 1870 he openly stated that he was worth \$20 million (Koven, 2008, p. 68).

According to the New York City reformer Samuel Tilden, fraudulent billings in New York totaled millions by 1873. Tweed's extravagant lifestyle did not go unnoticed. Reformers began to question how a public servant earning a salary of \$7,500 a year could afford lavish homes and expensive jewelry. Prior to his fall from power, Tweed was the third largest landowner in New York City, occupied a mansion in an exclusive area, owned an expensive home in Connecticut, and possessed a yacht with a crew of 12. Reformers of the time claimed that Tweed's Americus Club was the finest summer accommodation in the country, equipped with billiard rooms, pool room, and a well-stocked bar (Callow, 1966, pp. 247–249; Hershkowitz, 1977, p. 158).

Other cities such as Philadelphia, Chicago, Boston, St. Louis, Cincinnati, San Francisco, and New Orleans developed their own versions of the New York political machine. Conditions of these cities were favorable to the rise of political machines. Favorable conditions included the acceptance of a spoils system, opportunities for illicit gain, presence of pliable voters, and insufficient participation in politics from the “best citizens” (Bryce, 1972, pp. 9–10.). Machines represented the antithesis of public sector competency. They represented the apotheosis of favoritism and use of power for pure plunder. Reformers claimed that machines presented a false image of being “Robin Hood” (taking from the rich and giving to the poor) but resemble money machines for the corrupt. Reformers claimed that machines wasted taxpayer money by giving jobs to unqualified people and skimming off public funds for personal enrichment. They branded machine politicians as parasites that confiscated funds from the productive in society, gave most of it themselves, and only siphoned off small amount to the unproductive poor. Reformers also contended that the ethos of machine politics would undermine the Protestant ethic of civic responsibility and set the entire nation on a downward path (Callow, 1966, p. 264; Koven, 2008, p. 77). Expertise, credentialization, and the ethos of neutral competence became a rallying cry for those who opposed the corrupt practices of political machines. Expertise rather than command of votes gained currency. It is an error, however, to believe that the empowerment of career professionals would end the abuse of power and introduce an era of ethical governance. Career officials as well as elected leaders could abuse their discretionary power.

Abuses of Discretion in Modern Era

Discretion is a slippery slope and the danger to democracy of nonelected officials exercising power is evident (Thompson, 1975). Nevertheless,

conventional wisdom holds that bureaucrats exercise discretion and some push for the use of greater discretion. Lipsky (1980) reminded readers that government officials do not dot every “i” and crossing every “t” of legislation. However, discretion has its limits. Employees must be accountable; they are not independent agents working to implement their own agendas. Discretion can lead people to run amok, and it can lead to ethical failure on the part of “broken” organizations. Infantry soldier in war zones might choose to line up and murder women and children, police may find it necessary to shoot persons fleeing from a scene or minor infractions (North Charleston, South Carolina, 2015), and the most powerful national law enforcement agency (FBI) might try to collect information for potential extortion to assure independence. Actors may implement these actions in the name of some greater good that government representatives hold near and dear. The obvious hazard of such behavior is that it breaks the line of authority from the people who elect representative, to elected officials who pass laws and appoint higher level officials, to lower-level representatives of the government who attempt to implement official policy. Discretion empowers the judgment of single individuals to reign supreme. Accountability is lost when people interpret broad mandates and function as autonomous agents.

Government workers do not have unlimited discretion. Bus drivers are not free to choose alternative routes because they believe the view is nicer, sanitation workers are not free choose to only pick up some trash, police are not free to only arrest some people, social workers are not free to provide aid to some but not others, parole officers should not ignore violations if they are paid a bribe, public-school teachers should not choose to punish only some students and not others for the same behavior. The list is endless, but the point is that discretion is bounded yet exists. Discretion can be judiciously used or abused. Abuses of discretion can be idiosyncratic or institutionalized within organizations and only exposed after whistleblowers come forward. One such whistleblower (Frank Serpico) was instrumental in exposing significant corruption in the New York City Police Department corruption in 1967. His actions were later popularized in a book and movie starring Al Pacino. The 1973 movie *Serpico* became a critical and commercial success while not surprisingly drawing criticism from police officers. In recent years, the advent of cell phones equipped with video cameras has exposed numerous instances of police abusing their discretionary power. Some of the highest profile cases of discretionary abuse are described below to illustrate the damage that can be caused to the reputations of institutions and the damage to others when individuals operating within those organizations behave improperly.

My Lai

On March 16, 1968, between 347 and 504 unarmed men, women, children, and infants were killed by U.S. Army soldiers in Vietnam. It was also reported that some of the women were gang-raped, and some were as young as 12 years of age (Brownmiller, 1975, pp. 103–105). The extent to which soldiers departed from general directives or used their discretion is unclear. The night before the assault on My Lai the company commander urged his troops to be “extremely aggressive.” Soldier in the company remember their captain telling them that there were no innocent civilians in the village. Intelligence reports had incorrectly asserted that there would be no civilians in the area at the time of the attack. One member of the company testified that the company commander ordered them to kill everyone in the village; another believed the company commander did not order the killing of woman and children but only to shoot the “enemy” (Hersh, 1970, p. 42).

The assault plan around the hamlet of My Lai called for attacks by two platoons with one platoon headed by Lieutenant William Calley. On the morning of March 16, Lieutenant Calley’s platoon began the task of pulling people from their homes, interrogating them, and searching for Vietcong enemies. Soldiers in his platoon, however, went far beyond typical practices. One Vietnamese man was stabbed in the back with a bayonet; another man was thrown down a well, and a grenade was then lobbed into the well. A group of 15–20 mostly older women had gathered around a temple, kneeling and praying. These people were all executed with shots to the back of their heads. According to an Army photographer who was at the scene, members of Lieutenant Calley’s platoon opened fire on about 10–15 South Vietnamese people including women and children who were walking on a dirt road. Calley later testified that he heard the shooting, arrived on the scene, observed his men firing into a ditch with Vietnamese people inside, then began to take part in the shooting himself. According to the photographer who was assigned to record an anticipated military engagement, he saw about 30 different U.S. infantrymen killing about 100 civilians. Lieutenant Calley was present at a drainage ditch where about 70–80 old men, women, and children were brought. Allegedly, Calley ordered members of his platoon to push the people into the ditch and shoot them. Twenty months later, army investigators discovered three mass graves containing the bodies of about 500 villagers.

My Lai was part of a U.S. Army operation that reported a body count of 128 and the capture of three enemy weapons. No killings were reported as occurring inside the village of My Lai. The Lieutenant Colonel who headed the operation was quoted as stating that “the combat assault went like clockwork with two entire companies put on the ground in less

than an hour” (Hersh, 1970, p. 79). Lieutenant Calley was singled out for carrying out the most egregious abuses during the massacre at My Lai. Soldiers at the scene reported that Calley was responsible for killing the most Vietnamese in the village. Calley did not deny that he killed Vietnamese villagers but claimed that he was following directives of his company commander who instructed him to “get rid” of Vietnamese who were slowing down the operation (Belknap, 2002, p. 71; Koven, 2008, p. 145). Calley was later convicted by a military court of murdering 22 villagers and given a life sentence. He only served three-and-a-half years under house arrest. Calley was the only one of the 26 officers and soldiers initially charged for their part in the My Lai massacre and subsequent cover-up who was convicted of any crime.

The slippery slope of discretion is illustrated in the egregious example of My Lai. It is significant for several reasons. First, it illustrates how ambiguous directives can be interpreted as a license to engage in unauthorized behavior. It also provides a real-life example about how more minor departures from legitimate standard operating practices can escalate quickly into significant infractions. One member of Lieutenant Calley’s infantry company stated that My Lai was the logical outcome of a breakdown of order that began months earlier when women and prisoners were abused. He recounted that order among members of the platoon broke down in a series of steps. First, they would stop people, question them, and let them go. Second, they would stop people, beat up an old man, and let them go. Third, they would stop people, beat up an old man, and then shoot him. Fourth, they would go in and wipe out a village (Hersh, 1970, p. 43). This escalation is emblematic of how smaller infractions, if unpunished, can lead to larger infractions later. This phenomenon was later described in what became popularly known as “broken windows theory” where visible signs of disorder encourage further disorder (Wilson & Kelling, 1982). Individual abuse of discretion, however, was not limited to war zones. The following example indicates how the premium national law enforcement agency in the United States violated constitutional rights to pursue the broad goal of protecting the nation from subversive influences.

Federal Bureau of Investigation

J. Edgar Hoover

There are quite a few examples of the FBI abusing its authority by acting outside the boundaries of the law. Directors such as J. Edgar Hoover and James Comey may have legitimately felt that they were using their discretionary power for the greater good; however, in retrospect their actions personify the ethical slippery slope of independent judgment. J. Edgar Hoover became a law enforcement during the time of the “Red

Scare” when people believed that Russian Bolsheviks were poised to topple democracies throughout the world. At the age of 24, in 1919, Hoover was appointed to head a government unit that was assigned to investigate radical activity. He and the workers assigned to him compiled dossiers on approximately 200,000 individuals. Based on the collected information, U.S. officials deported people they considered “undesirable” including popular figures of the American left such as Lithuanian-born anarchist Emma Goldman (Jeffrey-Jones, 2007, p. 73). It is likely to assignment of the label “undesirable” constituted discretion and judgment. Hoover gained a reputation as an enthusiastic advocate of mass deportation and instituted various raids on meetings of suspected subversives. Hoover took a personal interest in the arrest of Emma Goldman and wrote the briefs for her deportation. He directed FBI informants to convene meetings of groups such as the Communist Party and Communist Labor Party, and then directed roundups of attendees (Koven, 2019, p. 142). In early January 1920 alone, Hoover and his team rounded up between 4,000 and 6,000 alleged radicals and placed them in detention centers (Jeffrey-Jones, 2007, p. 117).

Beginning in 1940, the FBI informally authorized agents to break into premises to install listening devices. Subterfuge allowed the FBI to avoid accountability. The FBI did not file requests for approval of break-ins in the FBI’s central records system, instead, these records were routed directly to Hoover’s office. This enabled the FBI to respond to requests for information about break-ins by affirming that there was “no record” of such approvals in the FBI’s central records system (Theoharis, 2004, p. 144). In 1956, Hoover unilaterally instituted a secret program named COUNTELPRO-Communist Party, oriented toward disrupting the Communist movement in the United States Tactics included sending anonymous letter intended to provoke internal factionalism and leaking personal information about suspected Communists to sympathetic reporters and members of Congress. The perceived success of COUNTELPRO-Communist Party led to expanding these tactics to groups such as the Socialist Workers Party, the Ku Klux Klan, Black Nationalists, and the New Left.

Hoover was overly critical of organizations such as the National Association for the Advancement of Colored People (NAACP) and believed that they advanced racial hatred. Hoover unilaterally launched a secret program to evaluate the influence of Communists on the civil rights movement. He became particularly interested in the behavior of the Reverend Martin Luther King following his leadership role in the Montgomery, Alabama bus boycott of 1955. The FBI unilaterally authorized wiretaps of King’s residence, office, headquarters of the Southern Christian Leadership Conference (SCLC), and King’s hotel rooms during

his trips around the country. In 1964, the FBI mailed secret FBI tapes to King accusing him of having extramarital affairs. Friends of King speculated that the purpose of the mailing was to extort King, goad his wife into a divorce, or put the thought of suicide in his head (Powers, 2004, p. 246). Other U.S. civil rights figures were also subject to an FBI campaign of surveillance ordered by FBI Director Hoover.

Hoover also took it upon himself to protect the FBI from outside oversight. Beginning in the 1940s, FBI agents began to compile information about the sexual affairs of prominent Americans including members of Congress, First Lady Eleanor Roosevelt, White House aides, and Cabinet officers. Information included allegations of same-sex attraction, adultery, and consorting with prostitutes. The FBI collected information on all members of Congress regarding known instances of subversive behavior and immoral conduct. This information proved invaluable in pressuring Congress for funding. Hoover also maintained a folder on the sex life of President John F. Kennedy (Theoharis, 2004, p. 143). Hoover helped to set up the FBI as an autonomous agency that was not accountable for their behavior. He often made unilateral decisions that had profound consequences on the lives of others.

James Comey

The exercise of discretion and the long reach of the FBI are illustrated in the behavior of former FBI Director James Comey, an official characterized by Hillary Clinton ally Lanny Davis as a renegade narcissist (Koven, 2019, p. 151). Much of this perception of a renegade related to Comey's actions of July 5, 2016, when he chose to make a statement to the press that noted while the FBI "did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information." In the statement Director Comey alleged that Secretary Clinton as involved in sending and receiving classified e-mails at the Top Secret/Special Access Program level and that at any "reasonable person" in her position, should have known that an unclassified system was no place for that conversation. Comey went on to state that although there was evidence of potential violations of the statutes regarding the handling of classified information, the judgment of the FBI is that no reasonable prosecutor would bring such a case and that "we are expressing to Justice our view that no charges are appropriate in this case." Comey concluded with the view that the FBI "did the investigation the right way," the FBI operated in an "entirely apolitical and professional way," and he "couldn't be prouder to be part of this organization" (FBI National Press Office, 2016).

Despite Comey's self-congratulatory statement and professed pride in the FBI, supporters of Hillary Clinton severely criticized his actions. Clinton stated that far from being apolitical, Comey's investigation sapped her momentum and allowed Donald Trump to paint her as "Crooked Hillary." Clinton's former economic advisor Jared Bernstein stated that the damage Comey did to the country by his role in the 2016 election far surpassed any credit he gets for investigating Donald Trump. In a memo written by Rod Rosenstein, then Deputy Director of the Department of Justice, Rosenstein concluded that it was wrong to usurp the Attorney General's authority and wrong to publicly take a position on the case. Rosenstein noted that it is not the function of the FBI Director to make such an announcement and that Comey should have presented its findings to federal prosecutors. In the memo to Attorney General Jeffrey Sessions, Rosenstein maintained that Comey does not have the authority to supplant federal prosecutors and assume command of the Justice Department. Rosenstein further declared that personnel should not hold press conferences to release derogatory information about the subject of a declined investigation. Former Attorney Generals and Deputy Attorney Generals from different eras and from both political parties supported the conclusion that Comey's actions were wrong (Koven, 2019, p. 151).

On May 9, 2017, Trump terminated Comey as FBI Director in a letter stating that he was acting on the recommendation of Attorney General Jeff Sessions and Deputy Attorney General Rod Rosenstein. In testimony before Congress, Comey revealed that he leaked contents of a conversation with Donald Trump to a Columbia University Law Professor, and then directed the professor to leak the information to the *New York Times* with the object of triggering the appointment of a Special Prosecutor to investigate Trump. Far from the apolitical bureaucrat, Comey became the subject of criticism from all sides for his actions. Democratic leaders asserted that Comey abused his power by revealing the FBI opened the Clinton case days before an election. This violated Justice Department guidelines to avoid influencing elections. Conservative pundits argued that Comey misconstrued the law to absolve Hillary Clinton of illegal behavior and weaponized laws to destroy Donald Trump. Pundits claimed that Comey abused his power to exact punishment on a president that fired him (Koven, 2019, pp. 152–153).

The use and abuse of power are not new. Nineteenth-century British history Lord Acton (1834–1902) is best known for stating that "All power tends to corrupt; absolute power corrupts absolutely." Discretionary power not only resides in the hands of federal agents such as Hoover and Comey but also exists in the hands of local police officers who make arrests and at times must employ force in the course of their duties. As described below, in recent years, high-profile instances of questionable police actions have gained considerable attention.

Local Police Abuses

Local police officers wield enormous discretionary power. One case of highly questionable police behavior involved the shooting of Walter Scott in North Charleston, South Carolina in 2015. A video recording of the shooting revealed images of a police officer firing shots at a fleeing unarmed man. An official police report of the incident stated that two officers stopped Scott for a broken taillight. The police report stated that the officers participated in an altercation, the suspect grabbed one of the officer's stun gun, the officers felt threatened, and the officer fired eight shots killing Scott. In contrast to the police version of events, video evidence showed one officer on top of Scott with control and no fear for his safety. The video also showed the officer firing shots at Scott's back from 10 to 15 feet and the officer picking something up off the ground (perhaps a Taser) and dropping the object by Scott's body (Robertiello, 2017, p. 303). The Scott shooting led to a public outcry and claims that the police systematically used excessive force and racially biased tactics against African American men.

In addition to the Scott case, the altercation between police and Eric Garner in New York City attracted great attention. According to eye-witnesses, on July 17, 2014, police confronted Garner and accused him of illegally selling individual untaxed cigarettes. A video showed Garner arguing with the police, police trying to pull Garner's hands behind him, Garner pulling free, an officer wrapping his arm around Garner's neck, Garner going to the ground, and the officer continuing to hold him in what officials later acknowledged appeared to be an illegal choke hold. While on the ground Garner stated 11 times that he could not breathe. When his body stopped moving, the police handcuffed him. Two videos of Garner quickly went viral. Following Garner's death, the New York City medical examiner announced that he died from a chokehold and compression to his chest (Koven, 2019, p. 127).

Other instances of questionable police conduct went viral. In 2001, police in Cincinnati shot a 19-year-old African American man, Timothy Thomas, setting off five days of rioting. Thomas was leaving a local nightclub when police identified him as a person with outstanding traffic warrants from 21 traffic violations. The unarmed Thomas ran into an alley to avoid arrest where a police officer shot him in the chest. The pursuing officer reported that thought Thomas was reaching for a gun. A local newspaper noted that it appeared that police were targeting African Americans for minor offenses such as driving without a proper license and not wearing a seatbelt (Koven, 2019, p. 122).

In 2014, following a confrontation in Ferguson, Missouri, a suburb of St. Louis, police shot a young African American male, Michael Brown, seven times. Witnesses claimed that Brown had his hands raised when

the police opened fire. His body remained on the ground for hours in the summer heat before removal. In 2015, a judge ordered the release of a video showing a young African American male, Laquan McDonald, running and then walking past police officers in the middle of a street in Chicago. He then spun around when bullets struck him. As he was lying on the ground, it appeared from the video that police shot him more times. Video footage indicated that McDonald was stepping slightly away from an officer before police shot him 16 times. The suspect was carrying a three-inch folding knife but did not appear to be making any threatening moves toward the officers. In Baltimore, Maryland, police apprehended a suspect, Freddie Gray, who stepped into the police van under his own power. When the van arrived at the police station, severe injuries caused Gray to fall into a coma. The media speculated that the cause of the injuries was a “rough ride” in the van. The Baltimore police commissioner later acknowledged that officers did not follow the protocol that mandated securing arrestees in seatbelts (Koven, 2019, pp. 118–127).

Aggressive policing has been a fact in U.S. history and is not new. At times behavior appears to be endorsed by the bureaucracy (e.g. 1968 Chicago Democratic Convention, 1965 Selma, Alabama), and at times behavior appears to be more a product of street-level decisions (e.g. see examples above and other cases such as the beating of Rodney King in Los Angeles in 1991 and the choking of George Floyd in Minneapolis in 2020). Aggressive police actions have directly led to violent riots in places such as Detroit (1967, 43 dead) and Newark, New Jersey (1967, 26 dead). Whether the actions were implicitly approved by the hierarchy or the actions of renegade individuals remains an open question. When questionable action is exposed it is quickly condemned by the official hierarchy; however, the hierarchy also helps to set the unofficial tone and culture of organizations.

A fuzzy area exists between clearly approved and disapproved police behavior. Misconduct can take various forms and can range from slight to severe. It exists in the intentional commission of illegal acts (malfeasance), the improper or negligent performance of acts (misfeasance), and failure to perform an act (nonfeasance) (Koven, 2019, p. 105). Authors contend that supervisors cannot completely eliminate police discretion, but written policies and procedures can set expectations of behavior and standards for supervision (Carter & Barker, 1991, p. 17). Such policies can help to mitigate abuse.

Conclusions

A bedrock principle of democracies is accountability to the people. Accountability is diluted when unelected people within bureaucracies take it upon themselves to violate norms of acceptable behavior. This chapter describes the abuse of government agents to identify the dangers of

discretion. An important ethical question is how to balance individual beliefs with accountability to larger public desires. Discretion should not be viewed favorably or unfavorably according to one's policy preferences. Discretion will always represent a slippery slope. The operative ethical question is how far one must slide down the slope before danger is realized.

In theory, elected officials should be more accountable to the people than appointed officials in that elected officials stand for election and reelection. The public therefore has more direct power over their appointments. When bureaucrats act independently, they weaken the link between public preferences and government action. Unilateral action may seem "right" to certain government agents; however, such agents should not have the power to adjudicate based on their perception of "right." These questions are better resolved in legislation and judicial rulings. In the extreme discretion can produce organizations accountable only to themselves or organizations where street-level actors behave with impunity. Bureaucrats should remember that they are not judges and juries; institutional checks are necessary.

Questions for Discussion

1. What would you do if you were part of an organization that you believed was "broken?"
2. What would you do if you witnessed questionable behavior by a co-worker?
3. Who are you more accountable to in your job, your immediate supervisor or your belief in what is right or wrong?

References

- Appleby, P. H. (1949). *Policy and administration*. University of Alabama Press.
- Belknap, M. (2002). *The Vietnam War on trial: The My Lai massacre and the court martial of Lieutenant Caley*. University Press of Kansas.
- Brownmiller, S. (1975). *Against our will: Men, women and rape*. Simon & Schuster.
- Bryce, J. (1972). Setting the stereotype. In B. Stave (Ed.), *Urban bosses, machines, and progressive reformers* (pp. 3–10). D.C. Heath.
- Callow, A. (1966). *The Tweed Ring*. Oxford University Press.
- Carter, D. L., & Barker, T. (1991). Administrative guidance and control of police officer behavior: Policies, procedures and rules. In T. Barker and D. L. Carter (Eds.), *Police deviance* (2nd ed). Anderson Publishing Company.
- FBI National Press Office. (2016, July 5). Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System. *News*. <https://www.fbi.gov/news/press-releases/press-releases/statement-by-fbi-director-james-b-comey-on-the-investigation-of-secretary-hillary-clinton2019s-use-of-a-personal-e-mail-system>

- Hersh, S. (1970). *My Lai 4: A report on the massacre and its aftermath*. Random House.
- Hershkowitz, L. (1977). *Tweed's New York: Another look*. Anchor Press.
- Frederickson, H. G., & Smith, K. B. (2003). *The public administration theory primer*. Westview Press
- Jeffrey-Jones, R. (2007). *The FBI: A history*. Yale University Press.
- Kaufman, H. (1956). Emerging conflicts in the doctrines of public administration. *American Political Science Review*, 50(4), 1057–1073. DOI: <https://doi.org/10.2307/1951335>
- Koven, S. G. (2008). *Responsible governance*. M. E. Sharpe.
- Koven, S. G. (2019). *The case against bureaucratic discretion*. Palgrave Macmillan.
- Lipsky, M. (1980). *Street-level bureaucracy: Dilemmas of the individual in public services*. Russell Sage Foundation.
- Lynch, D. (1927). *Boss Tweed: The story of a grim generation*. Boni and Liveright.
- Maranto, R., & Skelley, B.D. (1992). Neutrality: An enduring principle. *American Review of Public Administration*, 22(3), 173–187.
- O'Leary, R. (2019). *The ethics of dissent: Managing guerrilla government*. CQ Press.
- Overeem, P. (2005). The value of the dichotomy: Politics, administration, and the political neutrality of administrators. *Administrative Theory & Praxis*, 27(2), 311–329.
- Overeem, P. (2006). In the defense of the dichotomy. A response to James H. Svara. *Administration and Praxis*, 28(1), 140–147.
- Pfiffner, J. P. (1987). Political appointees and career executives: The democracy-bureaucracy nexus in the third century. *Public Administration Review*, 47(1), 57–65.
- Powers, R. G. (2004). *Broken: The troubled past and uncertain future of the FBI*. Free Press.
- Rabin, J., & Bowman, J. (1984). Introduction. In J. Rabin & J. Bowman (Eds.), *Politics and administration: Woodrow Wilson and American public administration* (pp. 1–13). Marcel Dekker.
- Robertiello, G. (Ed.). (2017). *The use and abuse of police power in America*. ABC-CLIO.
- Svara, J. H. (1999). Complementarity of politics and administration as a legitimate alternative to the dichotomy model. *Administration & Society*, 30(6), 676–705.
- Svara, J. H. (2001). The myth of the dichotomy: Complementarity of politics and administration in the past and future of public administration. *Public Administration Review*, 61(2), 176–183.
- Theoharis, A. G. (2004). *The FBI and American democracy: A brief critical history*. University Press of Kansas.
- Thompson, V. A. (1975). *Without Sympathy or Enthusiasm: The problem of administrative compassion*. University of Alabama Press.
- Wilson, J. Q., & Kelling, G. K. (1982, March). Broken windows. *The Atlantic*. <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>
- Wilson, W. (1887). The study of administration. *Political Science Quarterly*, 2(2), 197–222. <https://doi.org/10.2307/2139277>

12

ETHICAL CODES, THE POLITICS— ADMINISTRATION DICHOTOMY, AND PUBLIC FINANCIAL MANAGERS

Vickie Edwards and Vincent Reitano

Introduction

Public administrators, including public financial managers, may consider adhering to a range of ethical codes (e.g., Bovens, 1996; Svava, 2014). Some professional codes of ethics are generalist and broadly apply to all appointed and elected officials, while others cater to specific functional roles according to their organizational environment and constituency (Grobman, 2007; Svava, 2014). For example, the American Society for Public Administration (ASPA) (2014b) Code of Ethics is generalist, while the Government Finance Officers Association (GFOA) (2020) has a Code of Ethics specifically intended for public finance officers. Some empirical studies have found that a majority of surveyed state and local governments have ethical codes and provide ethical training for employees (Feldheim and Wang, 2004; Hays and Cleissner, 1981; Menzel, 1992, 1995).

Ethical codes from ASPA and the GFOA reflect normative isomorphic pressures for members (DiMaggio and Powell, 1983), who (with few exceptions) voluntarily participate as members in these professional organizations and can continue or cease membership at any time. Governmental entities are not legally required to adopt ethical codes or use training materials from professional associations, since they are normative and not coercive (DiMaggio and Powell, 1983), although both the federal government and numerous states have adopted their own ethical codes in varying ways (Hays and Cleissner, 1981). The state of Georgia, for example, established OCGA § 45-10-1 a code of ethics that mirrors the language adopted by concurrent resolutions in the United States House

of Representatives and Senate in 1958 (21 CFR § 19.6). The adoption of such similar codes by governmental entities reflects a coercive isomorphic pressure for public officials (DiMaggio and Powell, 1983).

Collectively, the existence of multiple normative and coercive ethical codes may inadvertently contribute to “conflicting loyalties” for public financial managers in the context of ethical pluralism (Bovens, 1996, p. 2195). Similarly, Lewis (1997, p. 220) details “multiple, often competing values and duties” in the public financial management context. For example, there is no clear recommendation of whether a public financial manager in a local government with no ethical code should personally adhere to ethical codes from either ASPA or the GFOA. This hypothetical example is magnified when considering that the public financial manager may also happen to be a Certified Public Accountant (CPA) who follows the Code of Professional Conduct from the American Institute of Certified Public Accountants (AICPA, 2014).

As another hypothetical example, consider whether a public financial manager in Georgia who is a member of GFOA can simultaneously adhere to OCGA § 45-10-1 and the GFOA (2020) Code of Ethics. While the Georgia code of ethics prioritizes economy and efficiency, the national GFOA (2020) code promotes fairness, diversity, and inclusion. Collectively, these hypothetical cases reflect “ethical decision making in the public sector with its competing mandates, missions, customers, and stakeholders” (van Wart, 1996, p. 527).

In response to the aforementioned ethical context, some practitioners have called for “a national code to be adapted by individual states” in state budgeting (Menson, 1990, p. 95). Similarly, among academics, there are strong arguments that “collaborative efforts ... are essential to moving administrative ethics forward” (Cooper, 2004, p. 395). In the interdisciplinary public administration context, Svava (2014, p. 561) has considered if an earlier iteration of ASPA’s (2013) Code of Ethics “increases the prospects for ASPA to work with other professional associations to broaden awareness.” Implicit in the determination of ethical code compliance is ethics stress, defined by Menzel (1996, p. 72) as “a mismatch of ethical worldviews between the individual and others in the organization.”

The public financial management literature has empirically evaluated the fiscal determinants of reported ethics stress via carefully designed surveys of practitioners who were GFOA members (Hildreth et al., 2012; Miller et al., 2005). Econometric estimates provide evidence that both internal and external factors, such as fiscal stress, were associated with reported ethics stress (Miller et al., 2005). Subsequent empirical literature, while not focusing specifically on ethics, also provides evidence that internal and external factors influence the decisions of public financial

managers, reflecting that they operate in an open system organization (March and Simon, 1958; Cyert and March, 1963) with conflicting demands (e.g., Hendrick, 2006; Nelson and Balu, 2014).

The open systems context reflects in part that scarce public resources are subject to debate (Kavanagh and Reitano, 2020), as shown in empirical research from Goss (1996, p. 592): “the clash over the value of *economy* ... appears from this research to actually pit elected officials against the career bureaucracy.” These and other findings compel Goss (1996, p. 591) to argue that “the continuing relevancy of the politics–administration dichotomy appears rooted in the real-world valuation paradigm of career civil servants themselves.” Three hypothetical motivating public financial management examples of ethics stress in relation to the politics–administration dichotomy are presented below.

First, public financial managers may be influenced by appointed officials to systematically bias revenue forecasts to present a more optimistic fiscal picture to external stakeholders, such as members of the media and the public (Smith, 2008). Second, public financial managers involved in economic development may not equitably allocate community development and infrastructure funds and instead follow external demands from local developers and elected officials (Ghere, 1996). Third, public financial managers may retain a year or more of unassigned fiscal reserves potentially due to “agency problems, bureaucratic leviathan, or simple organizational inertia” (Marlowe, 2011, p. 94), calling into question the “ethical paradox” when such reserves are neither disclosed nor drained amidst fiscal stress, such as in Loudon County, Virginia (Stewart et al., 2013, p. 931).

These examples reflect the process of public financial management, which can be subject to ethics stress. As per Menson’s (1990, p. 99) keen observation, however, “budget officers are almost like referees ... make sure the game is played fairly and according to the rules but they take no accountability for the final score.” This implies that ethics not only apply to public budget and financial management processes but also outcomes, which is analogous to the focus on “producing results for my community” in the GFOA (2020, p. 2) Code of Ethics. It is also similar to concerns regarding the “residue of bias ... year-over-year incremental decisions continue to build and repeat” despite the possibility of a “needs-based budgetary model that best reflects public value” (Kenney and Keeney, 2020, p. 44).

A public financial manager attempting to differentiate between process and outcome to circumvent ethics stress reflects not only the influence of ethics stress but also administration and politics (e.g., Alexander, 1999). For example, a public financial manager may repeat standardized tasks

such as mandated financial reporting and consider that ethical behavior, following professionalized standards set forth by the GFOA (Lewis, 1997; Rivenbark and Allison, 2003; Sanders et al., 1994). The same public financial manager, however, may simultaneously deem negative long-term financial or programmatic outcomes as inherently political issues for elected officials or future generations to address (e.g., Alexander, 1999; Kavanagh and Reitano, 2020).

The former case of completing standardized tasks reflects “tactical” or “compliance accountability”, whereas the latter case indicates a failure of “anticipatory accountability” (Kearn, 1994, p. 188, 1995, p. 9). Steuerle and Quakenbush (2016, p. 22) characterize this phenomenon as “game-playing by ducking responsibility for shifting costs to future generations.” Such a notion evokes the debate between “budgeting as the prototypical management process and budgeting as a political instrument” and the resulting implications for ethics (Alexander, 1999, p. 543). Public financial managers not only face the challenge of determining whether to adhere to a particular ethical code, but ethics stress that is exacerbated by fiscal stress (Miller et al., 2005).

What follows in the second section is a more nuanced discussion of key stakeholders in public financial management and the potential for financial policies to mitigate the ethics stress observed in important survey research (e.g., Miller et al., 2005; Menson, 1990; Miller et al., 2005). With that foundation, a typology of ethical codes is presented in the third section, and applied to ethical codes from professional associations. In the fourth section, specific recommendations based in part on typology and in relation to the literature are detailed. Classroom applications and implications for future research conclude the chapter.

Public Financial Management: Stakeholders, Cutback Management, and Financial Policies

Internal and External Stakeholders

As an emerging field, public financial management is defined as “the fine art of budgeting, spending, and managing public monies” (Cangiano et al., 2013, p. vii). Based on this definition, the term public financial manager is intended to reflect a broad array of individuals who may be involved in the budget process and financial reporting (Cangiano et al., 2013). Public financial managers may work in a multitude of institutional contexts, such as national or subnational governments and even nonprofits, among others, as reflected in Finkler et al. (2016).

In public and nonprofit organizations, financial managers typically work within a dedicated budget or finance department (or agency),

are driven by the mission of the organization, and likely face conflicting stakeholder interests regarding resource allocation (e.g., Arapis and Bowling, 2020). Conversely, in the private sector, financial managers in a corporation will likely focus on profit maximization (Finkler et al., 2016). Irrespective of the organizational type and institutional context, financial managers conduct financial operations and reporting in accordance with mandated practices, consistent with the “tactical” or “compliance accountability” conceptualized by Kearns (1994, p. 188, 1995, p. 9). Scholarly research has examined compliance, for example, in relation to the statements promulgated by the Governmental Accounting Standards Board (e.g., Kravchuck and Voorhees, 2001; Patrick, 2010).

Public financial managers engage with a range of internal and external stakeholders (e.g., Kavanagh and Reitano, 2020). In a local government, for example, they will be expected to interface internally with other public administrators, such as public works or park and recreation department managers. In a school district context, they would be expected to interface internally with academic officers, to link budgeting and financial management to academic outcomes (GFOA, 2017). There are also opportunities for interactions with elected officials, the media, and members of the public, which may require shifts in the presentation of information for the purpose of “closing the information gap” (Jordan et al., 2016, p. 301).

There is a considerable literature on public participation mechanisms, some of which focuses on public budgeting, such as Ebdon and Franklin (2004; 2006). Within the public financial management context, there is interest in making data more accessible to external stakeholders to build trust in government (e.g., Beckett and King, 2002; Kavanagh and Reitano, 2020; Jordan et al., 2016; Yusuf and Jordan, 2012, 2015). This can ensure that external stakeholders are able to monitor public organizations through programmatic and financial performance indicators and potentially use that information for decision-making, such as in the case of local school district referendums (Davis and Tyson, 2003; Jacobsen et al., 2014; Jones et al., 2021; Tedin et al., 2001).

Cutback Management and Financial Policies

Public financial managers commonly use spreadsheet programs for complex calculations subject to assumptions that may not be immediately clear or known to others. Consider the widely adopted textbook from Finkler et al. (2016), for instance, that introduces students to transparently conducting common budgeting and financial reporting responsibilities in Microsoft Excel. The misuse of spreadsheet programs, however, can potentially allow for “strategic misrepresentation ... the planned, systematic distortion of misstatement of fact—lying—in response to

incentives in the budget process” (Jones and Euske, 1991, p. 437). It is not the spreadsheet program itself that creates the issue, but how it is used to inform decision-making.

For example, amidst cutback management (Levine, 1978, 1979), an elected official may advocate for a program they personally support even if there is a limited evidence base supporting it (Bogenschneider and Corbett, 2010). If the elected official were to pressure public managers or public financial managers to maintain or even increase funding for the program, despite consideration of expenditure cuts elsewhere, that pressure would reflect a form of ethics stress (Menzel, 1996).

It is plausible that a city manager could pressure a public financial manager to develop some type of evidence to support the program in the form of performance measures; selective use of budget data or program indicators could obviate programmatic concerns and be used to justify maintaining the program, even if there is evidence to the contrary (e.g., Van Dooren et al., 2015). This reflects that public financial managers have “power” and “substantial discretion” in contexts such as cutback management (Lewis, 1997, p. 215). Still, the decision would violate ethical codes by conforming to “biasing factors” in financial decision-making (GFOA, 2020, p. 1), and there are long-term budgetary and fiscal health consequences to consider. For example, short-term expenditure cuts are shown to have long-term effects on state and local government budgets (e.g., Berne and Stiefel, 1993; Buerger, 2022; Buerger et al., 2022). Despite the decision violating the GFOA (2020) Code of Ethics, the violation may not be immediately clear to internal or external stakeholders, if the data, assumption, and analytical methods used in a spreadsheet program are not transparently reported.

The phenomenon of “strategic misrepresentation” (Jones and Euske, 1991, p. 437) is considered in empirical research. This calls into question the ethics informing common responsibilities of a public financial manager, such as budget forecasting (e.g., Smith, 2008). For example, Vanyolos (2011) finds under-forecasting of revenues and over-forecasting of expenditures in New York school districts to comply with state-mandated reserve rules.

Articles on Kentucky school districts also show evidence of conservative revenue forecasts and optimistic expenditure forecasts to build fiscal slack during times of fiscal stress in operating and capital budgets (Barrett et al., 2019; Reitano et al., 2019). It appears, therefore, that cutback management and consequent fiscal stress are interrelated with ethical concerns, as observed in multiple policy domains (e.g., Levine, 1978, 1979; Scorsone and Plerhoples, 2010).

Financial policies, both formal and informal, may have the potential to mitigate the aforementioned ethics stress by standardizing budgetary and public financial management processes (Kavanagh, 2007, 2012; Kavanagh and Reitano, 2020). For example, a state or local government could adopt financial policies dictating the accumulation and usage of fiscal reserves (e.g., Hou, 2003; Buerger et al., 2022) to ensure they are not used for maintaining favored programs of elected officials during cutback management. In combination with ethical codes, financial policies could help to address the ethical challenges amidst the politics–administration dichotomy, by ensuring “reliability and consistency” in decision-making, as per GFOA (2020, p. 2).

Creating a Typology of Ethical Codes: Administrative Discretion in a Political Context

We examined the published (as of 2022) codes of ethics from three professional member associations: ASPA, GFOA, and the International City/County Management Association (ICMA). As considered earlier in the chapter, ethical codes from GFOA and ICMA are deemed specialist, with the former focusing on public financial management. Additionally, we examined state or local government codes for Michigan and Georgia, as well as those for corresponding GFOA state chapter organizations. Collectively, this approach reflects the range of generalist and specialist codes that public financial managers may encounter. This is related to the comparison of previous versions of GFOA and National Association of State Budget Officer (NASBO) ethical codes that led Lewis (1997, p. 217) to conclude that “not even an encyclopedic compilation could cover all possible permutations and nuances”; however, this chapter offers a specific typology and not only focuses on ethical codes in the public financial management context.

In addition to ethical codes, we also reviewed all available training materials, guidance, and information regarding enforcement or oversight mechanisms. We then characterized each professional organization’s code of ethics across a number of different dimensions, as presented in Table 12.1. These dimensions, our findings, and their implications for public financial managers are discussed below.

Aspirational vs Operational Codes

Bowman (1990, p. 349) described three distinct approaches to codes of ethics as aspirational, educational, or regulatory. Meine and Dunn (2013, p.152) point out that professional societies tend to adopt what they refer to as “aspirational” codes of ethics which encourage good behavior, as

TABLE 12.1 Characteristics of Codes of Ethics

<i>Organization</i>	<i>Scope</i>	<i>Approach</i>	<i>Values</i>	<i>Guidance/training materials</i>	<i>Enforcement</i>
ASPA	National Generalist	Aspirational	Public interest, democratic participation, social equity, personal integrity	Written guidance and training opportunities provided	Complaint resolution procedures include potential expulsion
GFOA	National Specialist	Aspirational	Integrity/honesty, fairness, diversity/inclusion, reliability/consistency	Written guidance, posters, and model policy templates provided	No apparent enforcement mechanism
ICMA	National Specialist	Operational	Professionalism and management, avoiding appearance of impropriety	Written guidance provided	Enforcement procedures include potential expulsion or decertification
U.S. Federal Government	National Generalist	Aspirational Statutorial	Efficiency/economy, avoidance of appearance of impropriety	Varies by agency; Office of Government Ethics (OGE) operates in a preventive and advisory capacity	OGE, Office of Special Counsel (OSC), federal agencies have inspectors general and other oversight mechanisms
State of Michigan	Statewide Generalist	Operational Statutorial	Avoidance of appearance of impropriety	Training webinar provided through MI Association of Counties Commissioner Academy; written material guidance provided through fact sheets, handbooks, and sample ordinances/policies from the Michigan Municipal League	State Board of Ethics is investigatory/advisory, violation of Act 317 (Contracting conflicts of interest) considered a criminal act; \$500 civil fine plus court costs for retaliation against those reporting complaints; home rule permits additional local codes of ethics

(Continued)

TABLE 12.1 (Continued)

<i>Organization</i>	<i>Scope</i>	<i>Approach</i>	<i>Values</i>	<i>Guidance/training materials</i>	<i>Enforcement</i>
State of Georgia	Statewide Generalist	Aspirational Statutorial	Efficiency/economy, avoidance of impropriety	None available	Georgia Government Transparency and Campaign Finance Commission only enabled to enforce public disclosure and campaign finance law
Association of County Commissioners of Georgia	Statewide Specialist	Aspirational	Transparency/honesty, professional management, economic development	Ethics is a core course in ACCG's certification program	No apparent enforcement mechanism
Georgia Municipal Association	Statewide Specialist	Aspirational	Service, efficiency, fairness, public good, honesty/integrity	GA Municipal Association provides handbook for mayors and council members	No apparent enforcement mechanism
Michigan GFOA	Statewide Specialist	Aspirational	Integrity, accountability, avoidance of appearance of impropriety	None available	No apparent enforcement mechanism
Georgia GFOA	Statewide Specialist	Aspirational	Integrity, accountability, avoidance of appearance of impropriety	None available	No apparent enforcement mechanism

Source: Compiled by the authors from information made publicly available on the organizations' respective websites.

contrasted with “operational” codes that seek to regulate behavior. We use the latter terminology, as it has become common in its application in studies of ethical codes (see, for example, McCandless & Ronquillo, 2020; Menzel, 2015; Svara, 2014).

In addition to the distinction between aspirational and operational codes, we also identified whether codes of ethics were encoded into statute, as is the case with both the federal government (21 CFR § 19.6, 1958) or Georgia (OCGA §45-10-1) for aspirational codes, as well as operational codes like conflict of interest laws, which are of particular importance for public financial managers.

Values Embodied in Codes

We also characterize the core values evident in each code of ethics, similar to prior research examining multiple values from Goss (1996). The operational codes focused on the value of professionalism and professional management of public resources, avoiding the appearance of impropriety, and promoting efficiency and economy in government. The ICMA code of ethics, for example, emphasizes the importance of professional management of local government and generally characterizes city managers as apolitical actors who implement decisions made by elected officials (International City/County Management Association, n.d.-b). Materials provided by the Michigan Municipal League (n.d.) for local governments which wish to set their own ethical standards focus primarily on avoiding the appearance of impropriety and compliance with state ethics laws, which themselves focus solely on financial conflicts of interest.

The aspirational codes we examined took one of two approaches which are similar to the two ethos (technocratic and democratic) considered by Alexander (1999): a focus on efficiency and economy, or a focus on promoting fairness and diversity. Codes adopted by the federal government and the state of Georgia encourage efficiency and economy in government as well as avoiding the appearance of impropriety. The ACCG code of ethics promotes transparency and honesty, as well as professional management of government.

In contrast, the aspirational codes provided by ASPA and GFOA promote a wider range of values which are related to the democratic ethos considered in Alexander (1999). The ASPA code explicitly mentions promoting the public interest, encouraging democratic public participation, and promoting social equity. It is interesting that, despite the history of financial ethics being largely based on compliance, professionalism, and avoiding the appearance of impropriety, as considered in the “compliance accountability” perspective from Kearn (1994, p. 188, 1995, p. 9), the GFOA (2020) code goes beyond those expectations. It implicitly promotes

the public interest as a core value, while also explicitly mentioning values such as diversity and inclusion, fairness, integrity, and “equity in service provision” (GFOA, 2020, p. 4).

These values are directly stated in some of the most recently updated ethical codes, reflecting that development in “administrative ethics has not been static as it evolved over the years” (Hijal-Moghrabi and Sabharwal, 2018). For example, the seminal work of Frederickson (1990, 2010) has analyzed social equity over multiple decades. More recently, Meyer et al. (2022b, p. 354) “propose that four ‘new’ pillars should guide our research and teaching: Empathy, Engagement, Equity, and Ethics” (also see Dolamore & Whitebread, 2021; Meyer et al., 2022a; Norman-Major, 2011, 2022). In fact, in 2021 ICMA engaged consultants to begin the process of reviewing their code of ethics to address these very values; with its Board stating, “addressing systemic racism is our ethical obligation” (ICMA, 2021).

In the public financial management context, the GFOA’s focus on fairness, diversity, equity, and inclusion is related to its recent Financial Foundations Framework (Kavanagh and Reitano, 2020). The framework offers leadership strategies and institutional design principles for public financial managers. In particular, there are four pillars in the framework that lead to a fifth and final pillar to “treat everyone fairly”; this could occur, for example, through conflict-resolution mechanisms embedded in the budget process and intended to address polarization amidst scarce resources (Kavanagh and Reitano, 2020).

The approach from Kavanagh and Reitano (2020) is consistent with the GFOA (2020, p. 1) Code of Ethics: “embracing diversity and fostering inclusiveness helps finance offices cultivate organizations and promote policies that reflect the communities they serve.” It also reflects that “many local governments are taking an interest in equity in budgeting” (Kavanagh and Kowalski, 2021, p. 39). As noted by Norman-Major (2011, p. 248), “the process of budgeting reflects the values of society ... thus, questions of equity are at the heart of the process.”

It should also be noted that there is evidence of coercive isomorphism (DiMaggio and Powell, 1983) in two distinct ways. First is the diffusion of ethical codes from the national level to the local level. As previously mentioned, the code of ethics for government service in Georgia duplicates the code of ethics for government service adopted at the federal level. Similarly, both the Michigan and Georgia chapters of GFOA list codes of ethics on their websites; however, these codes mirror the prior version of the GFOA code of ethics. Whether this is a matter of convenience or an implicit endorsement of the content of the ethical codes adopted at the national level, it certainly indicates that there is some form of pressure for these state-level organizations to follow the lead of the national organization.

Training and Guidance

What guidance and training materials are provided to support the codes? The national professional organizations we examined all provided written guidance materials, along with some additional supplementary items. ASPA (n.d.-a) offers a detailed workbook and self-assessment tool in addition to having a Section on Ethics and Integrity in Governance, which publishes the journal *Public Integrity*, as well as frequent panels on ethical issues at both national and regional conferences. GFOA (2020) provides printable reference posters, as well as model policy documents that public financial managers and other officials may utilize in developing policies for their own agencies. ICMA (n.d.-b) provides extensive written guidance through real-world examples of ethical conflicts, training and technical assistance for local governments and state associations, and an online training module for government employees below the department head level.

There is some variation in training and guidance available at the statewide level. Interestingly, different organizations in both states offer active training opportunities for county-level elected officials but only provide written guidance for municipal officials. In Michigan, written guidance is provided by the Michigan Municipal League (n.d.), while the Michigan Association of Counties offers a Commissioner Academy, which includes a webinar on ethics presented by the Michigan State University Extension. In Georgia, the Association of County Commissioners of Georgia (n.d.) includes a course on ethics as part of its core curriculum in its Certified County Commissioner program, and the Georgia Municipal Association (n.d.) provides a handbook for mayors and city council members and lays out a process by which a locality can become a “certified city of ethics.”

Enforcement

Finally, are there mechanisms in place to enforce the codes of ethics? In the case of operational codes, enforcement mechanisms do exist. ICMA’s process is clearly delineated on its website and can include penalties up to expulsion or decertification, and the organization further provides an annual report of all enforcement activities, along with a description of each violation (ICMA, n.d.-a). Of the organizations we examined that have aspirational codes, only ASPA has a complaint resolution process that includes the potential for expulsion in egregious cases. However, at the time of this writing, no investigations have resulted in such sanctions, and the organization’s website indicates that it encourages “voluntary corrective action” through a constructive process (ASPA, 2014b).

Discussion and Recommendations

Training and Guidance

We offer two specific recommendations for ethical training and guidance in the public financial management context. First, we argue that the use of supplementary ethical training materials from professional organizations such as the GFOA can be reinforced by ethical behavior from public leaders, such as a chief financial officer. Second, we argue that organizations and even individual budget and finance offices should consider creating their own professional code of ethics.

As indicated in the typology, supplementary ethical training materials are frequently available from professional associations. Public organizations typically offer ethics training as part of their broader efforts to encourage ethical behavior in the workplace, as found in early research such as Menzel (1992) and more recent articles. A study by Bowman and Knox (2008), for example, found that such training can employ a wide assortment of pedagogical approaches and vary greatly in their implementation. Studies by West and Berman (2004) and Wyatt-Nichol and Franks (2009) also identify various prospective purposes or outcomes of ethics training in public organizations, including reinforcing organizational culture, assisting public employees with decision-making, ensuring compliance with the law, and minimizing legal liability.

Professional associations, whether generalist or specialist, do not have the same legal restrictions or responsibilities as government agencies. Given the wide variation in those restrictions and responsibilities nationally, it is thus unsurprising that the training materials provided by the national professional associations reflect ethical pluralism and potentially competing values as considered by Bovens (1996) and Goss (1996), focusing on promoting a culture of ethical behavior among its membership rather than matters of compliance that vary by jurisdiction, while state-level organizations include training specific to compliance within their state or territory.

These training materials and resources should also be supplemented with academic research to ensure their efficacy at the individual, work group, and organizational levels (Menzel, 2015). An experimental study by van Montfort et al. (2013) found that while two integrity training programs did not have long-term effects on group behavior, organizations with poor ethical climates or individuals with low educational attainment did tend to realize short-term benefits. Troublingly, Feldheim and Wang (2004) found that less than one-third of organizations participating in their study routinely examined the ethical behavior of itself or its employees; Kaptein et al. (2005) suggest that administrators may prefer not to know whether their training is effective. If ethics training is only

offered as a matter of routine and not treated as important by leaders, it is unlikely that followers would treat such training seriously either.

Further, it is important to note that training alone is not sufficient to encourage ethical behavior and that training should also be reinforced by appropriate behavior modeling by an organization's top leaders (West and Berman, 2004). Modeling ethical behavior can also manifest through artifacts. For example if a state or local government CFO were to display the GFOA (2020b) "Code of Ethics Poster" in the workplace to promote the adoption of its tenets among practitioners, that same CFO might also distribute other training materials such as case studies to provide real-world examples along with jurisdiction-specific information related to legal compliance and liability that may be provided by a statewide organization.

In addition to professional association training materials, such as those from the GFOA, some of the articles cited in this chapter present compelling survey research which may allay concerns of public financial management practitioners that they are unique in the ethics stress they may encounter (e.g., Hildreth et al., 2012; Menson, 1990; Miller et al., 2005). Moreover, seminal books from Lewis and Hildreth (2015) and Rubin (2019) provide unique insight into budgetary and financial politics that may be of interest to a CFO or even City Manager intending to generate discussion about a current or prospective ethical code. These materials could be distributed as part of a book club or professional development event sponsored by the CFO or City Manager, among other public leaders.

Another recommendation is to consider adopting a distinct code of ethics for the individual organization. This recommendation is complicated by the differences between multiple ethical codes examined in the typology. For example, it is not immediately evident if a local government adopts a code of ethics informed by ASPA for all employees, considers a code informed by multiple professional associations, or allows individual departments to adopt their own code of ethics; this is akin to pluralism examined by Bovens (1996) and could even manifest in an ethical code for particular job responsibilities such as budget forecasting as considered in Smith (2008). Moreover, if there is a generalist code of ethics for the overall organization, it is unclear if the aforementioned hypothetical CFO should simultaneously post the GFOA "Code of Ethics" poster, particularly if it emphasizes different ethical values.

Even if a local government already has a code, it may be wise for an agency within that government to develop its own internal code. Ideally, such a code would maintain the spirit of the broader local government's code while incorporating the values of specialist codes as relevant to the agency's work. Guidance could be provided to aid practitioners in determining how to prioritize potentially conflicting values, as considered in

Goss (1996). Such codes should be developed in as much of a bottom-up manner as possible, taking careful account of input from across the organization and its environment through surveys, focus groups, and working groups that craft their content in order to maximize the likelihood of their widespread acceptance and adoption (ERC, 2003; Gilman, 2005). Professional organizations, especially at the national level, should also develop guidance on how managers should respond when faced with potential conflicting advice from multiple ethical codes.

Enforcement

Bowman and Knox found an increasing sentiment among ASPA members that “any code worth having is worth enforcing (2008, p. 633),” and that just over half of respondents in their study supported the idea of potential sanctions for noncompliance. This sentiment was echoed by the recommendations of the Ad Hoc Committee on Implementation of the ASPA Code of Ethics (Svara, 2014), and in 2014, the organization’s membership approved changes to its bylaws that permit it to “may terminate membership or impose other sanctions on members after investigation and recommendation by the Ethics and Standards Implementation Committee for a serious violation of the Society’s Code of Ethics as published from time to time” (ASPA, 2014a).

Whether a code exists in an aspirational or operational capacity does not necessarily determine whether the code itself might be enforceable. Rather, a determination should be made as to enforceability according to whether a particular element or tenet of a code of ethics may be objectively or subjectively measured. For example, how might one determine whether a public servant is sufficiently upholding the ASPA code of ethics’ fifth tenet, to fully inform and advise? What about the eighth tenet, to advance professional excellence—might this be somehow determined by a specific number of continuing education activity hours in a given time period, or something else?

Within the public financial management context, “tactical accountability” could be enforced through financial reporting. Quite simply, if there is some type of financial reporting error, whether intentional or unintentional, it may be caught by auditors. Longer-term issues and outcomes that the GFOA (2020) Code of Ethics considers, however, may be more difficult to monitor and potentially sanction individuals for given the many internal and external stakeholders involved in decision-making (Kavanagh and Reitano, 2020).

It is possible that some organizations might adopt a hybrid approach to promoting and enforcing ethical behavior. For example, a local government might adopt an aspirational code of ethics while also implementing

codes of conduct that would be treated as operational and enforceable. The aspirational code might be useful in providing the so-called “high-road” approach to encouraging a public service ethic and self-monitoring, promoting ethical behavior among public servants, while the code of conduct would also provide opportunities for the “low-road” approach to ensure the most severe issues, such as financial conflicts of interest or a lack of transparency, have some level of consequence.

Some ethical matters could be codified in public law, such as in the case of Georgia’s code of conduct and conflict of interest laws as well as the Michigan ethics laws, in addition to other conflict of interest laws and regulations. At a minimum, this may allow for legal sanctions in the event of an ethical violation. It may also be appropriate for some governments and agencies to adopt an operational code of conduct that might exist alongside an aspirational code of ethics. However, determining what behaviors are severe enough to warrant legal sanctions as opposed to professional sanction or censure is an inherently political determination.

When applying ethical standards, whether aspirationally or operationally, state-level approaches to oversight codes of ethics vary widely. As of 2022, six U.S. states and territories have no independent state- or territory-level ethics commissions, including Arizona, Idaho, New Hampshire, South Dakota, the U.S. Virgin Islands, and Wyoming (National Conference of State Legislatures, n.d.). While four of those states have some sort of ethics oversight commission at the state legislative level, the U.S. Virgin Islands and Wyoming have no state-level ethics agencies at all. To circumvent some of the challenges noted in the prior recommendations, it is critical that ethics not be relegated to a particular employee or department in an agency such as human resources, but that oversight be independent and as apolitical as practicable in interpreting (and potentially enforcing) those standards.

Questions for Discussion

In public budgeting, public financial management, public finance, and governmental accounting courses there is an opportunity to discuss ethical codes from GFOA (2020) and AICPA (2014), among others. The instructor can consider iteratively asking questions about normative and technical considerations to provide a foundation for the consideration of ethical codes from professional associations. For example, following Steuerle and Quakenbush (2016, p. 22), an instructor can pose questions about the consequences of a context wherein “voters and elected officials mistakenly see our time as one of austerity rather than of opportunity to engage new efforts.” This in part may reflect a focus on short-term decision-making (e.g., Alexander, 1999; Kavanagh and Reitano, 2020) and the prescience

of Levine's (1979, p. 179) prediction of "an era dominated by resource scarcity." Further, an instructor can ask questions regarding student's perceptions regarding "the technocratic ethos and the bargaining ethos" (Alexander, 1999, p. 545). Consider the following list of ordered questions that will help students probe ethical codes:

1. What happens if internal and external stakeholders of the budget process focus on the short term rather than the long term, as considered in Steuerle and Quakenbush (2022)?
2. Can public financial managers use their technical skillset in spreadsheet programs such as Excel (e.g., Finkler et al., 2016) to consider the long-term effects of myopic decision-making?
3. What are the implications of a public financial manager considering their work from neither, one, or both ethos detailed in Alexander (1999)?
4. Should ethical codes from professional associations focus on one, two, or both ethos detailed in Alexander (1999)?
5. As defined in Menzel (1996), what are the examples of ethics stress that public financial managers may face in the context of conflicting stakeholder interests?
6. Should public administrators, including public financial managers, follow one or multiple professional ethical codes?
7. Should public administrators, including public financial managers, face sanctions from professional associations and legal consequences from their employers for violations of ethical codes?

In addition to asking the aforementioned questions to cultivate classroom discussion, instructors can also provide in-class assignments regarding ethical codes. For example, instructors can ask students to identify common themes or words in generalist and specialist ethical codes from multiple professional associations. Using automated programs that allow for the creation of word clouds, for example, could visualize commonly occurring words and themes in the text of each respective ethical code.

Students could also be provided examples of ethical codes from local governments or nonprofits and asked to compare and contrast them with professional association codes. This thought-provoking exercise would allow for insight into diffusion of ethical codes from national professional associations to member organizations and individual members. For example, students could examine if different components of ethical codes from ASPA (2014b) and GFOA (2020) are included in local ethical codes.

Finally, students could be tasked with developing an ethical code on their own for a hypothetical local government or agency. This exercise would permit students to consider whether a code should be aspirational

or operational, which elements of generalist and specialist codes might be included, how the political context of the hypothetical entity might influence those choices, and whether (or what) elements should be enforceable.

References

- Alexander, J. (1999). A new ethics of the budgetary process. *Administration & Society*, 31(4), 542–565.
- American Institute of Certified Public Accountants. (2014). *Code of Professional Conduct*. Retrieved from <https://us.aicpa.org/research/standards/codeofconduct.html>
- American Society for Public Administration. (n.d.). *Implementing the Code: Workbook and Assessment Guide*. Retrieved October 2, 2022, from http://www.aspanet.org/Common/Uploaded%20files/ASPADocs/Resources/Ethics_Assessment_Guide.pdf
- ASPA (American Society for Public Administration), (2013). Code of Ethics. Retrieved September 25, 2022. <https://www.aspanet.org/ASPA/ASPA/Code-of-Ethics/Code-of-Ethics.aspx>
- American Society for Public Administration. (2014a). Bylaws change proposed for ASPA. *PA Times*.
- American Society for Public Administration. (2014b). *Code of Ethics*. Retrieved from <https://www.aspanet.org/ASPA/Code-of-Ethics/Code-of-Ethics.aspx>
- Arapis, T., & Bowling, C. (2020). From maximizing to minimizing: A national study of state bureaucrats and their budget preferences. *Journal of Public Administration Research and Theory*, 30(1), 144–160.
- Association of County Commissioners of Georgia. (n.d.). 2022 *Education Calendar*. Retrieved October 2, 2022, from <https://www.accg.org/story2.php?id=1132>
- Barrett, N., Fowles, J., Jones, P., & Reitano, V. (2019). Forecast bias and fiscal slack accumulation in school districts. *American Review of Public Administration*, 49(5), 601–613.
- Beckett, J., & King, C.S. (2002). The challenge to improving citizen participation in public budgeting: A discussion. *Journal of Public Budgeting, Accounting & Financial Management*, 14(3), 463–485.
- Berne, R., & Stiefel, L. (1993). Cutback budgeting: The long-term consequences. *Journal of Policy Analysis and Management*, 12(4), 664–684.
- Bogensneider, K., & Corbett, T. (2010). *Evidence-Based Policymaking: Insights from Policy-Minded Researchers and Research-Minded Policymakers*. New York: Taylor and Francis.
- Bovens, M. (1996). Conflicting loyalties: Ethical pluralism in administrative life. *International Journal of Public Administration*, 19(11 & 12), 2195–2211.
- Bowman, J.S. (1990). Ethics in government: A national survey of public administrators. *Source: Public Administration Review*, 50(3), 345–353.
- Bowman, J. S., & Knox, C.C. (2008). Ethics in government: No matter how long and dark the night. *Public Administration Review*, 68(4), 627–639.
- Buerger, C. (2022). The effect of economic downturns on state budgets: A counterfactual analysis of the great recession. *Applied Economic Letters*, 28(21), 1852–1859.

- Buerger, C., Reitano, V., & Sorrentino, C.R. (2022). State fiscal reserves: Supplementation and substitution over economic boom and bust years. *Public Budgeting & Finance*, 42(1), 98–118.
- Buerger, C., Sandel, R., Reitano, V., Jones, P., & Lofton, M. (2021). Extending difference-in-differences frameworks to granger equations: Evidence from cutback management during three recessions. *International Journal of Public Sector Management*, 34(6), 688–705.
- Cangiano, M., Curristine, T., & Lazare, M. (2013). *Public Financial Management and Its Emerging Architecture*. Washington, DC: International Monetary Fund.
- Code of Ethics for Government Service. (1958). 21 CFR § 19.6.
- Cooper, T.L. (2004). Big questions in administrative ethics: A need for focused, collaborative effort. *Public Administration Review*, 64(4), 395–407.
- Cyert, R., & March, J. (1963). *A Behavioral Theory of the Firm*. Englewood Cliffs, NJ: Prentice Hall.
- Davis, L., & Tyson, B. (2003). Strategic bonding. *American School Board Journal*, 190(7), 34–36.
- DiMaggio, P.J., & Powell, W.W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48(2), 147–160.
- Dolamore, S., & Whitebread, G. (2021). Recalibrating public service: Valuing engagement, empathy, social equity, and ethics in public administration. *Public Integrity*. <https://doi.org/10.1080/10999922.2021.2014223>
- Ebdon, C., & Franklin, A.L. (2004). Searching for a role for citizens in the budget process. *Public Budgeting & Finance*, 24(1), 32–49.
- Ebdon, C., & Franklin, A.L. (2006). Citizen participation in budgeting theory. *Public Administration Review*, 66(3), 437–447.
- Ethics Resource Center. (2003). *Creating a Workable Company Code of Ethics: A Practical Guide to Identifying and Developing Organizational Standards* (2nd ed.). Washington, DC: Ethics Resource Center.
- Feldheim, M. A., & Wang, X. (2004). Ethics and public trust: Results from a national survey. *Public Integrity*, 6(1), 63–75. <https://doi.org/10.1080/10999922.2004.11051242>
- Finkler, S.A., Smith, D.L., Calabrese, T.D., & Purtell, R.M. (2016). *Financial Management for Public, Health, and Not-for-Profit Organizations* (5th ed.). Thousand Oaks, CA: Sage/CQ Press
- Frederickson, G. (1990). Public administration and social equity. *Public Administration Review*, 50(2), 228–237.
- Frederickson, G. (2010). *Social Equity and Public Administration: Origins, Developments, and Applications*. Armonk, NY: Routledge.
- Georgia Municipal Association. (n.d.). *Handbook for Georgia Mayors and Councilmembers*. Retrieved October 2, 2022, from <https://www.gacities.com/Resources/GMA-Handbooks-Publications/Handbook-for-Georgia-Mayors-and-Councilmembers.aspx>
- Ghere, R.K. (1996). Aligning the ethics of public-private partnership: The issue of local economic development. *Journal of Public Administration Research and Theory*, 6(4), 599–621.
- Gilman, S.C. (2005). *Ethics Codes and Codes of Conduct as Tools for Promoting an Ethical and Professional Public Service: Comparative Successes and Lessons*. Prepared for the PREM, the World Bank, Washington, DC.

- Goss, R.P. (1996). A distinct public administration ethics? *Journal of Public Administration Research and Theory*, 6(4), 573–597.
- Government Finance Officers Association. (2017). *Best Practices in School Budgeting*. Chicago, IL: Government Finance Officers Association.
- Government Finance Officers Association. (2020). *Code of Ethics*. Government Finance Officers Association. <https://www.gfoa.org/code-of-ethics>
- Government Finance Officers Association [GFOA]. (2020b). Code of ethics poster. <https://www.gfoa.org/code-of-ethics-poster>
- Grobman, G.M. (2007). An analysis of codes of ethics of nonprofit, tax-exempt membership associations: Does principal constituency make a difference? *Public Integrity*, 9(3), 245–263.
- Hays, S.W., & Cleissner, R.R. (1981). Codes of ethics in state government: A nationwide survey. *Public Personnel Management*, 10(1), 48–58.
- Hendrick, R. (2006). Role of slack in managing local government fiscal conditions. *Public Budgeting & Finance*, 26, 14–46.
- Hildreth, W.B., Yeager, S.J., Miller, G.J., & Rabin, J. (2012). Finance managers' propensity to save. *Journal of Public Budgeting, Accounting & Financial Management*, 24(2), 313–349.
- Hijal-Moghrabi, I., & Sabharwal, M. (2018). Ethics in American public administration: A response to a changing reality. *Public Integrity*, 20(5), 459–477. <https://doi.org/10.1080/10999922.2017.1419053>
- Hou, Y. (2003). What stabilizes state general fund expenditures in downturn years: Budget stabilization fund or general fund unreserved undesignated balance? *Public Budgeting & Finance*, 23(2), 64–85.
- International City/County Management Association (2021). Retrieved September 25, 2022. ICMA Code of Ethics. <https://icma.org/page/icma-code-ethics>
- International City/County Management Association. (n.d.a). *Enforcing the ICMA Code of Ethics*. Retrieved October 2, 2022, from <https://icma.org/enforcing-icma-code-ethics>
- International City/County Management Association. (n.d.b). *ICMA Code of Ethics*. Retrieved October 2, 2022, from <https://icma.org/icma-code-ethics>
- Jacobsen, R., Snyder, J., & Saultz, A. (2014). Informing or shaping public opinion? The influence of school accountability data format on public perceptions of school quality. *American Journal of Education*, 121(1), 1–27.
- Jones, L.R., & Euske, K.J. (1991). Strategic misrepresentation in budgeting. *Journal of Public Administration Research and Theory*, 1(4), 437–460.
- Jones, P., Greer, R., & Reitano, V. (2021). Anchoring votes: School district performance ratings and bond referenda. *Public Finance & Management*, 20(2), 182–213.
- Jordan, M., Yusuf, J., Mayer, M., & Mahar, K. (2016). What citizens want to know about their governments finances: Closing the information gap. *The Social Science Journal*, 53, 301–308.
- Kaptein, M., Huberts, L., Avelino, S., & Lasthuizen, K. (2005). Demonstrating ethical leadership by measuring ethics: A survey of U.S. Public servants. *Public Integrity*, 7(4), 299–311. <https://doi.org/10.1080/10999922.2005.11051286>
- Kavanagh, S.C. (2007). *Financing the future: Long-term financial planning for local government*. Chicago, IL: Government Finance Officers Association.
- Kavanagh, S.C. (2012). *Financial policies*. Chicago, IL: Government Finance Officers Association.

- Kavanagh, S., & Kowalski, J. (2021). The basics of equity in budgeting. *National Civic Review*, 110(1), 39–49.
- Kavanagh, S., & Reitano, V. (2020). *Financial Foundations for Thriving Communities*. Chicago, IL: Government Finance Officers Association.
- Kearns, K.P. (1994). The strategic management of accountability in nonprofit organizations: An analytical framework. *Public Administration Review*, 54(2), 185–192.
- Kearns, K.P. (1995). Accountability and entrepreneurial public management: The case of the Orange County investment fund. *Public Budgeting & Finance*, 15(3), 3–21.
- Keeny, K.P., & Keeney, M.S. (2020). Advancing administrative ethics through needs-based budgeting practice. In N.M. Elias & A.M. Olejarski (Eds.), *Ethics for Contemporary Bureaucrats: Navigating Constitutional Crossroads* (pp. 43–57). New York, NY: Routledge.
- Kravchuck, R., & Voorhees, W.R. (2001). The new governmental financial reporting model under GASB Statement No. 34: An emphasis on accountability. *Public Budgeting & Finance*, 21(3), 1–30.
- Levine, C.H. (1978). Organizational decline and cutback management. *Public Administration Review*, 38(4), 316–325.
- Levine, C.H. (1979). More on cutback management: Hard questions for hard times. *Public Administration Review*, 39(2), 179–183.
- Lewis, C.W. (1997). Power without privilege: Ethics in public budgeting and financial management. In R.T. Golembiewski & J. Rabin (Eds.), *Public Budgeting and Finance* (4th ed., pp. 211–225). New York, NY: Marcel Dekker.
- Lewis, C.W., & Hildreth, W.B. (2015). *Budgeting: Politics and power*, 2nd edition. Oxford: Oxford University Press.
- March, J. G., & Simon, H.A. (1958). *Organizations*. Oxford: Wiley.
- Marlowe, J. (2011). Beyond 5 percent: Optimal municipal slack resources and credit ratings. *Public Budgeting & Finance*, 34(1), 93–108.
- McCandless, S., & Ronquillo, J.C. (2020). Social equity in professional codes of ethics. *Public Integrity*, 22(5), 470–484. <https://doi.org/10.1080/10999922.2019.1619442>
- Meine, M. F., & Dunn, T.P. (2013). The search for ethical competency: Do ethics codes matter? *Public Integrity*, 15(2), 149–166. <https://doi.org/10.2753/PIN1099-9922150203>
- Menson, T.P. (1990). Ethics and state budgeting. *Public Budgeting & Finance*, 10(1), 95–108.
- Menzel, D.C. (1992). Ethics attitudes and behaviors in local governments: An empirical analysis. *State and Local Government Review*, 24(3), 94–102.
- Menzel, D.C. (1995). The ethical environment of local government managers. *American Review of Public Administration*, 25(3), 247–261.
- Menzel, D.C. (1996). Ethics stress in public organizations. *Public Productivity & Management Review*, 20(1), 70–83.
- Menzel, D.C. (2015). Research on ethics and integrity in public administration: Moving forward, looking back. *Public Integrity*, 17(4), 343–370. <https://doi.org/10.1080/10999922.2015.1060824>
- Meyer, S. J., Johnson, R. G., & McCandless, S. (2022a). Moving the field forward with empathy, engagement, equity, and ethics. *Public Integrity*, 24(4–5), 422–431. <https://doi.org/10.1080/10999922.2022.2089476>

- Meyer, S. J., Johnson, R. G., & McCandless, S. (2022b). Meet the new Es: Empathy, engagement, equity, and ethics in public administration. *Public Integrity*, 24(4–5), 353–363. <https://doi.org/10.1080/10999922.2022.2074764>
- Michigan Municipal League. (n.d.). *Resources: Ethics*. Retrieved October 2, 2022, from <https://www.mml.org/resources/information/ethics.htm>
- Miller, G.J., Yeager, S.J., Hildreth, W.B., & Rabin, J. (2005). How financial managers deal with ethical stress. *Public Administration Review*, 65(3), 301–312.
- National Conference of State Legislatures. (n.d.). *State Ethics Oversight Agencies*. Retrieved October 2, 2022, from <https://www.ncsl.org/research/ethics/state-ethics-oversight-agencies.aspx>
- Nelson, A., & Balu, R. (2014). Local government responses to fiscal stress: Evidence from the public education sector. *Public Administration Review*, 74, 601–614.
- Norman-Major, K. (2011). Balancing the four Es; or can we achieve equity for social equity in public administration? *Journal of Public Affairs Education*, 17(2), 233–252. <https://doi.org/10.1080/15236803.2011.12001640>
- Norman-Major, K. (2022). How many Es? What must public administrators consider in providing for the public good? *Public Integrity*, 24(3), 342–352. <https://doi.org/10.1080/10999922.2021.1967010>
- Patrick, P.A. (2010). The adoption of GASB 34 in small, rural, local governments. *Journal of Public Budgeting, Accounting & Financial Management*, 22(2), 227–249.
- Reitano, V., Jones, P., Barrett, N., & Fowles, J. (2019). Forecast bias and capital reserves accumulation. In D. Williams & T. Calabrese (Eds.), *The Palgrave Handbook of Government Budget Forecasting*. London: Palgrave Macmillan.
- Rivenbark, W.C., & Allison, G.S. (2003). The GFOA and professionalism in local government. *Journal of Public Budgeting, Accounting & Financial Management*, 15(2), 228–238.
- Rubin, I.S. *The politics of public budgeting: Getting and spending, borrowing and balancing*, 9th edition. Washington, DC: CQ Press.
- Sanders, G., Berman, E.M., & West, J.P. (1994). Municipal government financial reporting: Administrative and ethical climate. *Public Budgeting & Finance*, 14(2), 65–78.
- Scorsone, E., & Plerhoples, C. (2010). Fiscal stress and cutback management amongst state and local governments: What have we learned and what remains to be learned? *State and Local Government Review*, 42(2), 176–187.
- Smith, R.W. (2008). Forecasting revenues and expenditures in the public sector: Guidance from a code of ethics. In J. Sun & T.D. Lynch (Eds.), *Government Budget Forecasting: Theory and Practice*. CRC Press.
- Steurlé, C.E., & Quakenbush, C. (2016). How budget offices should reframe our long-term budget problems. In *Fixing Fiscal Myopia: Why and How We Should Emphasize the Long-term in Federal Budgeting*. Washington, DC: Bipartisan Policy Center.
- Stewart, L., Hildreth, R., & Antwi-Boasiako, W. (2013). The fund balance conundrum: An ethical perspective. *Administration & Society*, 47, 915–942.
- Svara, J. (2014). Who are the keepers of the code? Articulating and upholding ethical standards in the field of public administration. *Public Administration Review*, 74(5), 561–569.

- Tedin, K., Matland, R., & Weiher, G. (2001). Age, race, self-interest, and financing public schools through referenda. *Journal of Politics*, 63(1), 270–294.
- Van Dooren, W., Bouckaert, G., & Halligan, J. (2015). *Performance Management in the Public Sector* (2nd ed.). London: Routledge.
- van Montfort, A., Beck, L., & Twijnstra, A. (2013). Can Integrity Be Taught in Public Organizations?: The effectiveness of integrity-training programs for municipal officials. *Public Integrity*, 15(2), 117–132. <https://doi.org/10.2753/PIN1099-9922150201>
- van Wart, M. (1996). The sources of ethical decision making for individuals in the public sector. *Public Administration Review*, 56(6), 525–533.
- Vanyolos, I. (2011). The impact of state-imposed fund balance limits on school districts: Evidence from New York state. *Journal of Public Budgeting, Accounting & Financial Management*, 23, 166–187.
- West, J. P., & Berman, E.M. (2004). Ethics training in U.S. Cities : Content, pedagogy, and impact. *Public Integrity*, 6(3), 189–206. <https://doi.org/10.1080/10999922.2004.11051253>
- Wyatt-Nichol, H., & Franks, G. (2009). Ethics training in law enforcement agencies. *Public Integrity*, 12(1), 39–50. <https://doi.org/10.2753/PIN1099-9922120103>
- Yusuf, J.-E., & Jordan, M.M. (2012). Effective popular financial reports: The citizen perspective. *Journal of Government Financial, Management*, 61(4), 44–49.
- Yusuf, J., & Jordan, M.M. (2015). Popular financial reports: Tools for transparency, accountability, and citizen engagement. *Journal of Government Financial Management*, 64(1), 12–17.

13

DISCRETIONARY ETHICS AND GOVERNING PUBLIC AFFAIRS IN JAILS AND PRISONS

Upholding Constitutional Rights to Health and Safety

Cynthia Golembeski, Gabriel Eber, Carolyn Sufrin, Jacqueline Lantsman, and Homer Venters

Introduction

Consciously responsible commitments to administrative ethics rest on a constitutional foundation, which as a basis for governance enhances discretionary authority as part of policymaking processes (Heath, 2020; Rohr, 1985, Rosenbloom et al., 2000, 2015).¹ The state primarily governs public safety through the formulation and practice of both civil and criminal law as an “exercise in interpretation” (Dworkin, 1982, p. 179; Karakatsanis, 2018; Welsh Carroll et al., 2022). Specifically, Rosenbloom et al. (2010a, p. S315) implore, “public administration has historically infringed on individual rights in ways that the larger society eventually has found unacceptable.” Consequently, modern bureaucrats wield discretionary powers throughout the criminal legal system, from arrest to incarceration and health care provision to probation and parole, with the capacity to mitigate or exacerbate harm (Hinton & Cook, 2021; Lipsky, 1980; Smart, 2020).^{2,3}

Bureaucrats governing public affairs in jails and prisons exercise *administrative discretion* as “the power to interpret, understand, and implement vague laws and policies” in service of the public interest, inclusive of people in government custody (Hinton & Cook, 2021; Olejarski, 2013, p. 4).⁴ Risks to rights and protections; judicialization of the administrative state; and constitutionalization of administration in jails and prisons warrant discretionary decision-making and action grounded in the Constitution that uphold procedural due process and substantive rights

(Murakawa, 2014; Rosenbloom, 2013; Stuntz, 2001). As a *public service value*, politics in relation to administration through a constitutionalist line of argument coheres with *the legal approach to public administration* and *decision-making*, which centers constitutional and statutory rights in enforcing rules, laws, and policies (Overeem, 2012, 2015; Rohr, 1990, 1998; Rosenbloom, 1983, 2013; Rosenbloom et al., 2015).

This legal framework for administrative discretion through a constitutional lens enables interpretation of vague policies to increase compliance and fairness in providing access to privileges, services, and benefits, and fulfilling governmental regulatory functions (Lipsky, 1980; Moynihan et al., 2015; Maynard-Moody & Musheno, 2022; Zacka, 2017). Prisons and jails may have unique features, yet this chapter aids in understanding the value of “considering administrative behavior in constitutional terms” within political economic contexts shaping administrative decision-making, which is relevant to many institutions and systems that perpetuate structural racism and related inequities (Lopez-Littleton et al., 2023; Rohr, 1986, pp. 182–183; Watkins-Hayes, 2009; Zacka, 2022).

Fortunately, rights have been established for people in jails and prisons, who have limitedly benefited from enhanced public administrative liability, court access, and select rights as part of broader civil rights and social change movements (Chase, 2019; Jacobs, 1980; Rosenbloom, 1980). From the 1970s through the 1990s, litigation related to confinement conditions expanded, along with the Supreme Court’s Eighth Amendment jurisprudence delineating rights, subject to qualification, to protection from harm, and some degree of health care (Dolovich, 2009; Rosenbloom, 1992; Schlanger, 2006, 2015). Despite advancing the public interest, enforcing governmental functions, and improving jail and prison conditions, judicial decisions and court opinions reflect a wide spectrum of discretion (Armstrong, 2019; Eber, 2009; Schlanger, 2015).

Subsequently, public employees grapple with variably applied minimal standards lacking clear administrative guidance, alongside third-party interests and undue political influence (ABA, 2011; Dolovich, 2009). The “power of an administrator to make significant decisions that have the force of law” necessitates some knowledge of constitutional and judicial values and principles and legal discourse and doctrine (Cooper, 1987, 1988, p. 224; Denhardt, 1997; Rosenbloom et al., 2000, 2010a). This chapter centers the legal approach to administrative decision-making, which rests on a constitutionalist foundation, in examining key stakeholders and policy concerns shaping administering health and safety to people in U.S. jails and prisons.

We outline the relation of administration to politics as a constitutional principle; conceptualize the legal approach to administrative decision-making as a public service value resting on democratic constitutionalism; assess discretionary ethics in association with the judiciary, courts,

administrators working within jails and prisons, and incarcerated people's rights to health and safety; and demonstrate the critical role of leveraging soft power as part of duty-based ethics to uphold the Constitution. We conclude with recommendations and discussion questions.

Balancing Politics and Administration as a Constitutional Principle

Upholding the barrier and hierarchy between public administration and politics is thus an exercise in the constitutional art of separation (Overeem, 2021, p. 15).

Overeem's (2012, 2021) framing of *politics in relation to administration* as an institution and, namely, a constitutional principle provides ethical guidance to bureaucrats exercising discretionary action as part of governing public affairs in political contexts, including jails and prisons.⁵ Contemporary politics-administration dichotomy paradigms are prefigured by the work of Hegel along with Weber, which subordinates administration to politics; and both Wilson (1887) and Goodnow (2000), which subordinates politics to administration (Overeem, 2012, 2021; Rohr, 1985). Importantly, Rosenbloom (1984, 2008) and Overeem (2021, p. 10) clarify the dichotomy's guiding influence differentiates administration from "partisan and corrupt political intervention (the infamous spoils system), not from sound democratic politics, let alone from policymaking."

Current consensus on the dichotomy's significance and value to public administration remains limited (Georgiou, 2014; Overeem, 2005; Rohr, 1984; Rosenbloom, 2008). However, during public administration's earlier stages, the dichotomy notably advanced a "definition of administration such that it would warrant further study" and rhetorical appeal for philanthropic preferences for non-politicization (McCandless & Guy, 2013, p. 359; Roberts, 1994). In addition to positing the dichotomy as an aberration or myth, some scholars view the relation between politics and administration as one of: complementarity, complexity, continuity, duality, emphasis, hierarchy, interrelatedness, separation, or subordination (Box, 2018; Denhardt, 1997; Overeem, 2021; Rabin & Bowman, 1984; Rohr, 1976; Rosenbloom, 1993a, 1993b; Svava, 1985, 1998, 1999, 2001; Waldo, 1987).

Wilson's seminal 1887 essay concedes to politics as a determinant of administrator duties yet argues against politics interfering in administrative decision-making. To prioritize efficient and cost-effective execution of government functions, Wilson (1887) identifies enhanced powers, discretion, and policy entrepreneurship as reform tools for administrators. "Hazards of weakened accountability and integrity that attend such freedom" are also noted (Doig, 1983, p. 292). Subsequently, Wilson (1887), who was inspired by German and French competence, technocracy, and

efficiency, sought to minimize partisan patronage and electoral politics through administrative expertise, neutrality, hierarchy, and authority (Doig, 1983; Kettl, 2000; Rosser, 2010).

Wilson (1887, pp. 211–212) develops a “second dichotomy” “between constitutional and administrative questions,” whereby “administrative questions as essentially political ones” are “by nature, a subject in Public Law” executed by public administration (Hoffman, 2002; Martin, 1988; Mulder 2015, p. 118). Praise exists for Wilson’s “second dichotomy” as a potential “normative principle of governance legitimizing public administration in our constitutional democracy,” along with his contributions to Progressivism and public administration advocacy and scholarship (Christensen, 2009, p. 605; Cook, 2007; Hoffman, 2002; Walker, 1989). Furthermore, Wilson (1887, 1889) is widely credited with laying the groundwork for the managerial approach to administration, prioritizing efficiency, efficacy, and economy (Rosenbloom, 1983).

Currently, criticism and debate encircle Wilson’s legacy and namesake, largely in relation to the “subtext of racism in the text of [his] liberalism” (Anbrosius, 2007, p. 689) and institutionalization of Jim Crow discrimination (Gooden & Starke, 2021; Yellin, 2013).⁶ Recent preliminary analysis seeks to assess Wilson’s (1908, 1910, 1921) invocation of Darwin in reference to social progress, an organic government, a living Constitution, and arguments against the separation of powers doctrine (Slomski, 2022). Regardless, the Wilsonian dichotomy, and related democratic conservatism and parliamentarism, are poorly suited for contemporary public administration (Rohr, 1984, 1986; Rosenbloom, 2008).

Increasingly, advancing public administration and its legitimacy requires a public service ethos cognizant of politics, power, and law (Lynn, 2009; Peters et al., 2022; Rosenbloom, 2013; Rohr, 1986; Stivers, 2000; Wildavsky, 1979). To this end, framing politics in relation to administration as a constitutional principle affords meaningful consideration of “individual contractarian constitutional rights and other legal interests against public administrative and policy utilitarianism and the exercise of government authority” (Overeem, 2012; Rosenbloom, 1983, 2013, p. 387). Overeem’s (2012, 2021) constitutionalist approach to administrative discretion, which presupposes a separated and hierarchical relation between politics and administration, coheres with Rosenbloom’s (1983, 2013) legal approach to public administrative decision-making (Rosenbloom et al., 2015).

Considering Administrative Behavior in Constitutional Terms

Management, politics, and law, as part of the three perspectives framework, conceptualize public administration’s core tenets, values, organizational

structures, decisions, behavior, and operations (Rosenbloom, 1983, 2002, 2013; Wilson, 1887, 1889). The legal perspective, anchored in the government function of adjudication and subordinated to the rule of law, is conducive to client or person-centered rights-based governance (Fredrickson, 1980; Rosenbloom, 1992, 2013). As part of Rosenbloom's (1983, 2013) three perspectives framework, the legal approach's expanded roles of constitutional law, the judiciary, and individual rights protections often conflict with the management approach, yet overlap with the politics approach's values of representation, responsiveness, and political accountability (Appleby, 1949; Rosenbloom, 1983, 2013).

"Consider[ing] administrative behavior in constitutional terms," with attention to judicial and legal interventions and mandates, aids in advancing procedural due process and substantive rights (Rohr, 1986, pp. 182–183; Rosenbloom, 1980, 1987). Administrative law, constitutional law, and judicialization form the basis of the legal approach's adjudicatory and legal attributes (Rosenbloom, 1983, 2013; Rosenbloom et al., 2015). Furthermore, administration as a legal framework and value set anchors constitutional obligations that strengthen individual and agency-level capacity for ethical discretionary action (Barber, 2018; Moynihan, 2009; Rosenbloom et al., 2015).

Lynn (2009, p. 804) underscores the centrality of law to administrative decision-making: "administrators are not, however, merely agents governed by law. They are also principals who create and enforce law." The legal approach to adjudication affords room to constitutionalism's prioritization of a "richer account of the state, one that recognizes its role in advancing the well-being of its people," and to its secondary limiting functions to constrain state power and threats to well-being (Barber, 2018, p. 19). As such, the prospective and retrospective legal approach to public administrative decision-making (Rosenbloom et al., 2015, p. 339):

relies on adjudicatory procedure in an effort to assure (1) that individuals, groups, corporations, or other parties are not denied their rights or otherwise treated contrary to law and (2) that decision making is reasoned and based on sound information.

Adjudication structures the legal approach in generating knowledge and deliberate, inductive incremental, and precedential decision-making (Rosenbloom, 1983, 2013; Rosenbloom et al., 2015). Moreover, law and evolving interpretations of statutory and constitutional rights and policy considerations shape discretionary action, whereby realizing constitutional values is contingent upon politics, power, and the quality of administration and related guidance (Overeem, 2008; Peters et al., 2022; Rohr, 2002; Waldo, 1990). In this regard, the legal perspective's values of

constitutional integrity, equal protection, and equity are especially useful for increasing accuracy, fairness, and accountability within political contexts with power asymmetries (Rosenbloom et al., 2015; Ray et al., 2023; Soss et al., 2011).

Institutions of incarceration are widely understood for their punitive, depriving, and at times even violent characteristics. Yet prisons and jails also provide medical care and other services that people marginalized by poverty, addiction, racism, and other forces of structural inequality might not otherwise have.

(*Sufrin, 2014, p. iv*).

The judiciary, Courts and Administration in Jails and Prisons

Administration has been especially *constitutionalized* for people under government care in correctional and behavioral health contexts, who are often vulnerable and hidden from public view (Rosenbloom, 2013; Schlanger, 2008). The prominence and force of the judiciary and the courts with respect to prison and jail administration clarify the important role of empowered, trained bureaucrats exercising soft power to “interpret what an ordinance or statute means in practice, based on expertise, training, reflection, and moral reasoning” (Olejarski, 2018, p. 635; Rohr, 1986; Rosenbloom et al., 2010a). Cognizance of constitutional, judicial, and legal principles and concepts is imperative in jails and prisons often rife with variably applied standards, imprecise administrative guidelines, undue political influence, and third-party interests (ABA, 2011; Deitch, 2020; Rosenbloom, 2013).

Currently, people in government custody are protected, in part, from discrimination and unequal treatment based on race, sex, religion, age, and national origin, under the Fourteenth Amendment’s Equal Protection Clause (O’Shea, 2020; Rosenbloom, 2005). Rights to care, protective liberties, and procedural fairness in administrative processes are primarily protected by the Fifth Amendment and the Fourteenth Due Process Clauses and the Eighth Amendment Cruel and Unusual Punishments Clause (Dolovich, 2009; Sullivan & Massaro, 2013). Ultimately, restrictions against administrator wrongdoing and access to rights granting courts have resulted in some improvements to health, safety, and confinement conditions for incarcerated people (Dolovich, 2009; Schlanger, 2006, 2015).

1930s–1970s

Enacted in the 1930s, “constitutionalizing the criminal process” proliferated during the 1960s in courts establishing constitutional standards

for criminal procedure for courts and police, and extended to corrections through the 1970s (Dolovich, 2022; Feeley & Swearingen, 2003, p. 21). Per Rosenbloom et al. (2015, p. 30), “since the 1950s, the federal judiciary has virtually redefined the procedural, equal protection, privacy, and substantive rights and liberties of the citizenry in relation to public administrators.” Despite some conservative constitutional rulings during the Warren Court (1953–1969) and Burger Court (1969–1986) years, “a network of rights” expanded “against arbitrary, capricious, invidious, illegal, or unconstitutional administrative action” (Graetz & Greenhouse, 2017; Rosenbloom, 1992; Rosenbloom et al., 2015, p. 479).

Yet prior to the Civil Rights era, with few exceptions, courts abided by the “hands-off” doctrine and largely refrained from interfering in the administration of prisons or jails (Nasheri, 1997). Specifically, the Warren Court increased public administrative liability; enshrined court access as a right; and extended equal protection, due process, and some civil rights protections to people accused of crimes (Chemerinsky, 2021; Stuntz, 2013). The National Association for the Advancement of Colored People (NAACP), among other civil rights organizations, helped advance such rights and viewed resultant “legal victories ... [as] tools that could be leveraged inside broader and longer fights for justice ... to diminish the power of the violent state” (Francis and Wright-Rigueur (2021, p. 447)).

1970s–1990s

Judicialization, falling within purview of Goodnow’s (2000) administrative law definition, typically prioritizes “the tendency for administrative processes increasingly to resemble courtroom procedures designed to safeguard individual rights” (Lynn, 2009; Rosenbloom et al., 2015, p. 30). Correspondingly, judicialization has strengthened implementation of adjudicatory decision-making; the role of legal values in agency decision-making and conflict resolution; and judicial review of public administrators and institutions (Rosenbloom et al., 2015, 2010a; Simon, 2016). In general, courts initiate remedial law to preside over public management and resource allocation to advance the public interest and enforce governmental functions (Chanin, 2014; Rosenbloom, 1980, 1987, 2005; Schlanger, 2006).

Litigation, primarily in the south during the 1960s and 1970s, spurred federal support for the promulgation of standards related to jails and prisons, involving the American Correctional Association, American Bar Association, National Institute of Corrections, and Department of Justice (Feeley & Swearingen, 2003). Through the 1980s, a sizable increase in jail and prison court order litigation addressed concerns, inclusive of but not limited to overcrowding, administrative segregation, medical care, food

and sanitation, recreation and exercise, and disability accommodation (Schlanger, 2006, 2013, 2015). Correspondingly, from the 1970s through the 1990s the Supreme Court's Eighth Amendment jurisprudence delineated rights to protection from harm, and some degree of health care with qualification (Dolovich, 2009; Larsen, 2007; Schlanger, 2006).⁷

Dolovich (2009, p. 154, 2022) respectively conceptualizes the "state's carceral burden" as one that "regulates carceral conditions and enforces constitutional guarantees" and "keeps the incarcerated safe from physical harm and provides for their basic needs." Specifically, *Estelle v. Gamble* (1976) and *Farmer v. Brennan* (1994) are the Court challenges to conditions of confinement brought under the Eighth Amendment's Cruel and Unusual Punishments Clause, establishing two separate rights for people who are incarcerated (Dolovich, 2009; Larsen, 2007; Schlanger, 2006):

1. protection from serious physical and psychological harm; and
2. provision of some adequate medical care.

In *Estelle v. Gamble* (1976), J. W. Gamble claimed the Texas Department of Corrections violated the Eighth Amendment by inflicting cruel and unusual punishment by ignoring his pleas for care and providing inadequate treatment of injuries. While working in a textile mill, Gamble sustained injuries after a 600-pound cotton bale fell on him. Afterwards, Gamble was placed in solitary confinement for inability to take part in prison work assignments. Although the Court ruled against Gamble, Justice Thurgood Marshall recognized, "deliberate indifference to serious medical needs of prisoners" constitutes the "unnecessary and wanton infliction of pain" (Dolovich, 2009, p. 899).

Importantly, *Estelle* involved a challenge "not to a general lack of access to medical care at the prison, but to the allegedly inadequate delivery of that treatment to" Gamble specifically (Schlanger, 2018). Thus, a legal mandate for some degree of health care for incarcerated people was recognized as the "state's carceral burden," albeit restrictively (Dolovich, 2009; Schlanger, 2018). This deliberate indifference standard was extended to subsequent cases involving claims related to unsafe living conditions, overcrowding, and interpersonal violence (Larsen, 2007).⁸ After *Estelle*, however, harsh policing, incarceration, and sentencing policies coalesced with the judiciary's retreat from reform through the 1990s (Dolovich, 2022; Phelps, 2011; Stuntz, 2001).

1990s to Present

Eighteen years after *Estelle*, the Court provided additional guidance in *Farmer v. Brennan* (1994). In 1989, Dee Farmer, a Black transgender

woman, experienced sexual and physical assault after being placed in the general population of a maximum-security federal men's prison (Dolovich, 2009). Farmer sued prison officials for "mental anguish, psychological damage, humil[i]ation, swollen face, cuts and bruises to her mouth and lips and a cut on her back, and some bleeding" (Rifkin, 1994, pp. 273–274). Resultantly, Justice William J. Brennan attested to the state's "affirmative duty to protect," and "some responsibility for safety and well-being" of incarcerated people (Dolovich, 2009; Rifkin, 1994).

Farmer's claim of an Eighth Amendment violation was remanded back to the lower courts to allow her case to proceed as she had successfully demonstrated she suffered a "deprivation [that] was sufficiently serious," due to "specific administrators' knowledge of conditions and the threats to inmate health and safety they posed," and disregarding a substantial risk of serious harm (Schlanger, 2006, p. 617).⁹ Yet, Dolovich (2009, p. 281) cautions this "underinclusive" recklessness standard may incentivize administrators to be less honest or attentive to avoid "actual awareness of the risk" or anticipation of a sufficiently serious deprivation. At this time, incremental expansion of constitutional constraints and oversight accompanied reduced administrative liability protections, subjecting most administrators who violate people's rights to only *qualified* rather than *absolute* immunity from personal liability for civil suits for monetary damages (Rohr, 1988; Rosenbloom et al., 2015, 2020).

This shift from "presumption of *absolute* immunity" to "presumption of *potential* liability," for Rosenbloom (1980, p. 170, 1992), marks "a sound balance between the needs of the individual and those of the administrative state by requiring public administrators to be cognizant of the constitutional and legal rights of private individuals before acting upon them." Qualified immunity may deter individual or group rights violations, yet money damages are nevertheless prohibited if a court finds the constitutional right violation was not clearly established (Dolovich, 2022; Rosenbloom, 1980). Furthermore, Armstrong (2022, p. 79) emphasizes unique features of jail and prison healthcare delivery, whereby *qualified* immunity from claims for constitutionally inadequate incarcerated people's medical care "compounds existing barriers and limits accountability and incentives for healthcare delivery improvement."

The 1996 Prison Litigation Reform Act (PLRA), another legal doctrine limiting accountability, reduces incarcerated people's court access and long-term court oversight ensuring reform order compliance (Schlanger, 2015; Schlanger & Shay, 2008). Related barriers include resource-intensive, precise, and rigorous litigation; increased deference to administrators; judicial minimalism; and individual culpability as liability prerequisites (Dolovich, 2009, 2022; Schlanger, 2015, 2018).¹⁰ Although incarcerated individuals, administrators, and corrections

departments may benefit from judicial intervention and improved efficacy, efficiency, and legitimacy, such bureaucratization may inadvertently strengthen systems of control (Feeley & Swearingen, 2003; Karakatsanis, 2018; Schoenfeld, 2010).

With cautious optimism, Simon (2016, 2021, p. 47) cites evidence of judicialization of administrative governance within prisons and jails; “modest improvements to prisoners’ legal posture”; and decarceration as the Court’s protection of incarcerated people’s constitutional rights. Sixteen years after *Farmer* in *Brown v. Plata* (2011), involving California prison overcrowding and associated unsafe and unhealthy confinement conditions, Justice Anthony M. Kennedy opined that denying adequate health care in prison is “incompatible with the concept of human dignity and has no place in a civilized society” (Simon, 2021, p. 34). The Court upheld the remedy issued by the lower court ordering California to reduce its prison population by more than 30% and declared health care in California’s prison system constitutionally inadequate under the Eighth Amendment (Reiter & Pifer, 2012; Schlanger, 2013).

The judiciary’s prioritization of equity as a flexible yet restrictive concept is captured in the *Estelle*, *Brennan*, and *Plata* case opinions which focus on constitutional rights to health and safety in consideration of confinement conditions. On behalf of incarcerated people, the Court supported a *legal mandate to some degree of health care* in *Estelle*; state obligations to *protect safety and well-being* in *Farmer*; and the “rhetorical invigoration of ‘dignity’” as a constitutional value in *Plata* (Rosenbloom et al., 2015; Simon, 2021, p. 34). Judicial discretion, case outcomes, and political factors clearly influence administration in jails and prisons, where ethical discretionary action derives from understanding constitutional and judiciary values and legal principles (Barkow, 2014; O’Leary & Wise, 1991; Rosenbloom, 1983; Schlanger, 2013).¹¹

Ethical Discretionary Action within Political Systems

Both judges making law in interpreting the Constitution and administrators implementing policy via quasi-judicial roles may fail to protect and enforce constitutional guarantees on behalf of people in government custody (Cordelli, 2020; Galligan, 1990; Kohler-Hausmann, 2018). Although the Court established constitutional guarantees of protection from harm, and some degree of health care, minimal standards supply less clear administrative guidance for what constitutes adequate harm or health care in jails and prisons (Schlanger, 2006). Broadly considered an unavoidable form of rulemaking inordinately falling on public servants, Heath (2020, p. 265) categorizes administrative discretion as cases in which (Lipsky, 1980; Maynard-Moody & Musheno, 2022):

1. the law, or set of regulations, rules, or procedures, is reasonably specific, and discretion arises primarily in the application of these rules; or
2. the civil service is charged with providing a specification or interpretation of the law, or with developing rules to achieve objectives set out in the law.

Less clear administrative guidance often coincides with imprecise legislation, adjudication, and implementation boundaries (Benatar & Upshur, 2008; Cordelli, 2020). Likewise, insufficient assessment or comprehension of routine procedures, decrees, laws, rulings, or policies further exacerbates ethical dilemmas (Dubler, 2014). Not to mention that in jails and prisons, professional associations and facility policy and procedure manuals often provide limited ethical guidance (Armstrong, 2022; Schlanger, 2015).

To illustrate, inappropriate use of seclusion and isolation; cell, body, and cavity searches; and shackles and restraints heighten vulnerability to harm especially given incarcerated people's disproportionate trauma and mental and physical health histories (Appelbaum, 2007; Kramer et al., 2023; Meyer et al., 2014). Meanwhile, the scope of constitutional protections from unreasonable search and seizure and cruel and unusual punishments afforded to personal dignity and bodily privacy and integrity varies widely (Chemerinsky, 2021; Rosenbloom et al., 2010a). As such, many lower courts have dismissed women's claims of humiliation and degradation resulting from strip searches while in jail for minor offenses, including parking tickets, whereas other courts have ruled in favor of women in nearly identical contexts (Chemerinsky, 2021; Schlanger, 2008).

As constitutional and judicial values guide ethical discretion, so should guidelines, policies, and practices that restore dignity with sensitivity to race, gender, disability, and trauma (Ocen, 2013; Rosenbloom et al., 2010a; Simon, 2021). Respectively, a person-centered, rights-based approach, prioritizing an ethics of care, mitigates iatrogenic harms, including punishing women due to mistaking trauma-related symptoms for acts of aggression, defiance, or malingering (Fedock & Covington, 2017; Ocen, 2013; Price, 2012; Stensöta, 2015). The needs for rights-based discretionary ethics are further reflected in statutory and constitutional rights violations involving shackling pregnant women during pregnancy, despite local or state laws and policies prohibiting such practices (Kramer et al., 2023; Ocen, 2012).

De Jure Delegation of Discretionary Authority

Toward that end, de jure delegation of discretionary authority enables interpretation of vague policies so as to increase flexibility, compliance,

and fairness in fulfilling governmental regulatory and service delivery functions (Lipsky, 1980; Lynn et al., 2001; Moynihan et al., 2015; Zacka, 2017). To further demonstrate, jail health administrators, who had learned that youth in solitary confinement experience 6.9 times greater self-harm rates, modified practices to direct youth with mental illness to clinical settings (Kaba et al., 2014). Improved clinical outcomes and reduced infractions have resulted from systems-level training and reform, including clearing vulnerable people from prolonged isolation and implementing alternative solutions (Glowa-Kollisch et al., 2014, 2016; Kelly, 2015).

Collaborative reform includes applying the Eighth Amendment to challenge solitary confinement along with the American Disabilities Act (ADA) to prevent confinement of persons with mental illness (Deitch, 2010, 2020; Greifinger, 2007).¹² Discretionary power not only determines benefits, sanctions, rights, and ultimately policy, but also confers status and influences how people relate to the government (Herd & Moynihan, 2019; Lipsky, 1984; Stivers, 2008; Watkins-Hayes, 2009; Zacka, 2017). Medical doctor and anthropologist Carolyn Sufrin (2017) illustrates how political recognition from the state informs self-understanding of both patients and bureaucrats caregiving in the ways that someone comes to matter (Friedman et al., 2021; Mettler & Soss, 2004; Stensöta, 2010, 2015).

Some people have called the challenges of being a caregiver in a space of punishment the “dual loyalty” problem, where the health care professional feels a tension between her responsibility to the patient and prioritizing the rules of the carceral facility. What a lot of this boils down to is being forced to triage your medical decision-making for patients according to the constraints of the jail or prison and what they have determined these patients deserve (PRH, 2017).

Above all, administrative expertise and ethics influence individual and systems-level decision-making across governance sectors and levels (Bechelli et al., 2014; Galligan, 1990; Zacka, 2017). For this reason, administrative proficiency in constitutional and judicial values and legal procedures guides equitable interpretation of laws, rules, codes, policies, and concepts, which protects against rights violations, liability, and judicial intervention (Moynihan, 2009; Rosenbloom et al., 2015). Moreover, discretionary authority “deeply rooted in the tradition of constitutional thought” steers public employees toward fair administration of security, health, education services, benefits, and privileges in prisons and jails (Heath, 2020; Overeem, 2012, p. 47).

Potential Challenges Associated with Administrative Discretion

Discretionary powers can be drawn upon to better protect the health and safety of the public interest, inclusive of criminalized people and

communities, or else advance other priorities (Clair, 2021; Maynard-Moody & Musheno, 2022; Zacka, 2017). Overall potential risks of unchecked administrative discretion include compromising the rule of law, democratic legitimacy, impartiality, predictability, accountability, and integrity (Doig, 1983; Galligan, 1990; Heath, 2020; Lipsky, 1980; Zacka, 2022). To this end, Hinton and Cook (2021, p. 275) synthesize evidence of public employees leveraging “discretionary powers ... to repress, intimidate, and incarcerate, and exacerbate ... institutional racism, violence, and inequity” across the continuum of criminal law, policing, and imprisonment.

As an example, correctional staff placing incarcerated people in administrative segregation, based on sexual orientation, gender identity, or mental health conditions, are using segregation for purposes for which it was not designed (Cloud et al., 2015; Kaba et al., 2014; Kupers, 2017). These choices raise concern given the limited efficacy of solitary confinement in decreasing violence and its disproportionate correlation with self-injury and suicide (Haney, 2003; Western, 2021). Concerns over solitary confinement, as evident in claims brought under the Eighth Amendment’s Cruel and Unusual Punishments Clause or the American Disability Act, are not new. In fact, as early as 1890 the Supreme Court opined that solitary confinement was: “a further terror ... and additional punishment of the most ... painful character.”¹³

Third-Party Interests and Administrative Discretion in Jails and Prisons

Reiter and Pifer (2012) further illustrate how litigation and judicial policymaking yield both negative and positive gains regarding:

1. Prison officials and administrators exercising discretionary powers that influence confinement conditions and incarcerated people’s health and safety; and
2. Political stakeholders and officials exercising discretionary powers that influence increases or decreases in incarceration.

Threats to rights protections, transparency, and oversight include concomitant implicit or explicit responsibilities and duties to third parties, which may involve elected officials, labor unions, or else private contractors incentivized by profit (Armstrong, 2014; Eisen, 2017; Page & Soss, 2021; Rosenbloom, 2007). Correspondingly, in protecting incarcerated people’s rights, courts invoke and interpret the Constitution to impose limits on government and counteract third parties performing functions traditionally assumed by the state (Rosenbloom & Piotrowski, 2005). Nevertheless, Cordelli (2020) cautions against dependence on the will of

private correctional vendors and a lack of contractual specificity of the function of incarceration, which may limit court access to challenging administrative conduct.

Illustratively, contravention of clinical standards and public values may involve obliging local, state, or federal-level third-party requests related to fiscal, punitive, or workflow priorities, such as in restricting access to hearing, mobility, and cognition assistive devices or effective substance use treatment (Benatar & Upshur, 2008; Sue, 2019). Moreover, less ethical discretionary action may result from third-party interests or security staff hindering incarcerated people's capacity to access care (Glowa Kollisch et al., 2014). Such examples may include poorly handling sick calls or remaining nearby during a health clinic visit to compromise privacy or influence outcomes, such as disputing patient accounts of staff assault injuries (Friedman et al., 2021; MacDonald et al., 2013).

Health administrators, prioritizing safe, ethical care delivery within both criminal legal and security contexts face pressure to prioritize security interests in cooperating in or determining physical or mental fitness or "clearance" for administrative segregation, torture, or interrogations (Hill & Lynn, 2015; Pont et al., 2018; Rubenstein, 2021; Shaivitz, 2004). Likewise, security-related requests of health administrators for body searches, urine or blood collection, and information withholding or disclosure without consent may be at odds with constitutional and statutory protections (Atkinson, 2019; Pont et al., 2012). Other ethical dilemmas involve requests to alter or conceal abuse or injury information in assessments, incident reports, and public records to portray preferred third-party accounts rather than "what actually happened" (Glowa-Kollisch et al., 2014, p. 126; Miles, 2009).

Meanwhile, related ethical concerns may go unaddressed, and records left incomplete or missing, such as in the case of death certificates in Iraq and Afghanistan (London et al., 2006; Miles, 2009). Rosenbloom (2007) cautions against outsourcing, administrative entrepreneurship, and third-party contracting when constitutional integrity and the rule of law are at risk (Nabatchi, 2011; Stivers, 2008). The Supreme Court chastised President Bush for unconstitutional levels of executive overreach, yet Dayan (2007) finds similar language in Court interpretations of the Eighth Amendment's prohibition on cruel and unusual punishments applied to both Abu Ghraib and U.S. domestic prison contexts as means to justify rights violations (Alkadry & Witt, 2009; Clark, 2006; Rosenbloom, 2005, 2007).

The Legal Approach to Administrative Decision-Making

The salience of law in influencing public administrative practice and relations among citizens, the administrative state, administrators, and the

judiciary has been well documented (Lynn, 2009; Rosenbloom, 1980, 1983, 1987, 2013). The legal approach to administrative decision-making, valuing due process, fairness or neutrality, and reasonableness relies on adjudication for generating knowledge and more deliberate, inductive incremental, and precedential decision-making (Barber, 2015; Overeem, 2012; Rosenbloom et al., 2015). This prospective and retrospective adjudicatory decision-making framework accommodates other perspectives and values, while prioritizing constitutional integrity, individual rights, equal protection, procedural fairness, and equity (Rosenbloom, 1983, 2013; Rosenbloom et al., 2015).

Whereas the politics-centered model's values of representativeness, distributional demands, and equity align with the legal approach's rights-based model of governance, the same may not hold true for the managerial perspective's prioritization of efficiency and cost-benefit analysis (Appleby, 1949; Rosenbloom, 1983; Science, 1889; Wilson, 1887). Moreover, the legal approach to decision-making is sensitive to dominant-subordinate relations within challenging administrative contexts (Hargrove & Glidewell, 1990; Page & Soss, 2021; Ray, 2023; Rosenbloom et al., 2015). Prioritizing individual and group rights with sensitivity to historical, political, and economic factors results in fairer benefit and service allocation rather than relying on biased assessments of a client's deservingness or worthiness alone (Banks & Whatley, 2022; Maynard-Moody & Musheno, 2022; Schneider & Ingram, 1997; Wildavsky, 1979).

Ultimately, discretionary authority determines who is punished and for what offenses, what conduct is criminalized, the severity of punishment, and how and when to target this conduct (Bridges, 2019b; Clair, 2021; Karakatsanis, 2018). Administrative ethics guided by constitutional values and principles supports fair rulemaking and policy implementation. Relatedly, regime values, derived from public law as an evolving "normative conceptualization," flexibly guide decision-making to protect the rights of people who are less favored, protected, and influential rather than capitulate to powerful and popular elite interests (Barkow, 2014; Bridges, 2022; Overeem, 2015, p. 55; Rohr, 1989).

Respectively, the legal approach to decision-making is especially helpful in political contexts where rulemaking and enforcement involve various priorities and stakeholders, some of which may conflict with one another (Rosenbloom et al., 2015). Although imperfect, increased administrative liability for constitutional torts may deter rights violations, enforce accountability, and compensate victims (Rosenbloom et al., 2015, 2020). Potential challenges to the legal approach to administrative decision-making involve negative adversarial relations among stakeholders and colleagues, which may put some people on the defensive or compromise public values (Rosenbloom et al., 2015).

For instance, bureaucrats administering health care in prisons and jails and incarcerated people as patients both rely on the security authority staff for their safety and protection (MacDonald et al., 2013; McLeod et al., 2020). Respectively, people detained in an urban jail reported they perceive behavioral health staff as part of the security apparatus rather than providing client or person-centered care (Frederickson, 1980; Glowa-Kollisch et al., 2014). Resource intensity and wider dispersal of authority are other concerns regarding Rosenbloom's (1983, 2013) legal perspective, which may be mitigated through enhanced individual and systems-level training and guidelines (Rosenbloom et al., 2015).

This prospective and retrospective adjudicatory structure enables deliberate value-neutrality or principled soft power, including organizational dissent challenging impaired political mandates, to mitigate costly risks (Alexander & Richmond, 2007; Heath, 2020; LePine & Van Dyne, 1998). Altogether, capacity to exercise indirect authority through administrative discretion in relation to health care, security, or education influences confinement conditions and experiences (Heath, 2020; Pont et al., 2018; Rohr, 1986; Saloner, 2022). In sum, discretionary powers have the capacity to incur but also alleviate harm (Maynard-Moody & Musheno, 2022; Zacka, 2017).

Broad Recommendations

Seeing Like a Citizen in Constitutional Terms

The bureaucratization of neglect as part of professionalized, routinized processes commonly involves opaque, discretionary decision-making (Nabatchi et al., 2011; Stivers, 2008). Yet, adjudication as the legal perspective of administration's structure and function forms the basis for more deliberate knowledge generation and inductive incremental and precedential decision-making (Rosenbloom et al., 2015). "Bringing intellectual rigor to legal discourse and doctrine" (Karakatsanis, 2014, p. 267) as part of governing "a more reflexive and deliberate public affairs" is requisite due to the significance, force, and evolution of law in the administration of jails and prisons (Rosenbloom, 2005; Scott et al., 2022, p. 448). Accordingly, administrative competence in judicial and constitutional values and legal discourse and doctrine is central to ethical discretionary action as part of good governance.

Likewise, consideration of political economy, ethics, epistemology, and ontology aid in assessing how "political power influences what we decide to criminalize," (Karakatsanis, 2018, p. 861), and policy implementation "involve[s] the distribution of penalties and sanctions to some, but not to others" (Gooden, 2015a, p. 21; Gooden & Myers, 2018; Pandey et al., 2022; Riccucci, 2010; Rohr, 1976). Similarly, critical thinking and moral

knowledge, as put forth by Fanon (1963) and Arendt (1994), mitigate the detrimental effects of bureaucratized violence on both citizens and civil servants. As one such example, occupational health hazards correlate with overreliance on solitary confinement, while decreased reliance correlates with improved health outcomes for both incarcerated people and bureaucrats (Cloud et al., 2015).

A constitutionalist approach to administrative discretion as a basis for ethics requires community experiential knowledge, self-determination, and accountability to further unmask and transform exclusionary distributive choices and political, race-related, and economic goals that reflect, promote, and protect power asymmetries (Bell, 2019; Crenshaw, 2019; Lopez-Littleton et al., 2023; Nabatchi, 2012). Increasingly, civil society and government actors center the voices and expertise of people who have experienced incarceration.¹⁴ Pursuant to a 2014 New York American Civil Liberties Union federal lawsuit, a broad coalition passed a New York solitary confinement law, limiting segregated confinement housing placements to 15 or 20 days over two months, which remains in place despite challenges from the state's correctional union (Law, 2022).

Social Equity and Regime Values as Values of the People

Social equity, an established value for the judiciary, “denot[es] the spirit and the habit of fairness, justness, and right” (Black, 1910; Rosenbloom et al., 2015). Whereas social equity as “a major normative touchstone for administrative ethics” (Cooper, 2004, p. 397) is “the fair or just distribution of services or policies” in outcome, quality, access, and procedural fairness (Frederickson, 2005; Gooden, 2015b, p. 373). Rosenbloom’s (2005) scholarly treatment of administration within behavioral health and carceral contexts integrates social equity concepts with procedural due process; equal protection; fairness and fair adjudication; remedial law; and democratic constitutionalism (Rosenbloom et al., 2015).¹⁵ For these reasons, social equity is increasingly considered one of the “values of the people,” or regime values, derived from the Constitution (Elias & Olejarski, 2020; Gooden, 2015c, 2017; Rawls, 1971).¹⁶

Regime values, such as freedom, equity, and property, reflected in Supreme Court cases and decisions establish guidance and legitimacy for fair allocation of “values, who gets what, [and] promot[ion] of the common good” (Gooden & Faulkner, 2020; Rawls, 1971; Rohr, 1976, p. 399). On behalf of people in government custody, the cases of 1. *Estelle* supported a legal mandate to “some degree of health care”; 2. *Farmer* supported “state obligations to protect safety and well-being”; and 3. *Plata* supported the “rhetorical invigoration of ‘dignity’” as constitutional values (Rosenbloom et al., 2015; Simon, 2021, p. 34). Bureaucrats guided

by social equity as “the inclination to search for and uphold what is fair or just” strengthen capacity to exert soft power to influence positive outcomes (Berry-James, 2021; Cooper, 1987, p. 325).

Systems-Level Support for Operationalizing a Constitutional Rights Agenda

Administrators benefit from “internal controls and thought processes” guiding discretionary action, alongside “external controls and accountability systems” derived from constitutional integrity, rights, and due process (Denhardt, 1997, p. 1103; Rosenbloom, 2007). Such enhanced administrative decision-making processes and structures support fair, just, and equitable policy implementation, management, and service provision (Blessett & Gaynor, 2017; Smart, 2020). As an example, meaningful electronic health record use promotes health service efficiency, quality, and continuity, and with some modification, concomitantly improves surveillance, reporting, and analysis of bias, abuse, and neglect (Glowa-Kollisch et al., 2014; Martelle et al., 2015).

Improved training and education; workflow and physical planning; feedback mechanisms; and care delivery, similarly, operationalize a constitutional rights agenda (Giftos et al., 2017; MacDonald et al., 2013; Thompson, 2005; Vanjani et al., 2022). Illustratively, jails that implemented standardized staff support and training improved administrative decision-making having a bearing on whether a person is punished in harmful ways (Glowa-Kollisch et al., 2014). Prioritizing necessary mission-driven employee recruitment, retention, and empowerment ideally occurs within contexts that promote discussion, conflict resolution, cooperation, empowerment, and equity (Jacobs & Olitsky, 2003; O’Leary, 2005; Mamo & Fishman, 2013; Rosenbloom, 2014; Stensöta, 2015; Venters, 2016).¹⁷

Moral Imagination and Restorative and Rehabilitative Justice

Zacka (2017, 2022, p. 35) suggests “foster[ing] a moral ecology” supportive of exercising moral agency within bureaucratic encounters to minimize daily pressures, ethical dilemmas, and “moral distress” (Dubler, 2014; Morley, 2019, p. 646). Capacity for situatedness, reflexivity, and responsiveness is similarly beneficial (Barkow, 2014; Costello, 2014; Stivers, 1994). Hinton (2021) implores a criminal legal system “based on the principle of repair instead of retribution” reflecting such responsible, knowledgeable governance, and moral imagination, inspired by restorative and rehabilitative justice (Box, 2021; Cooper, 2012; Hayes, 2015; Nussbaum, 1998).

Norway's prisons prioritize the "principle of normality," where public service and visiting access are comparable to community standards, and "dynamic security," where "guards circulate around the prison interacting and developing relationships with inmates rather than surveying from a fixed location" (Høidal & Hanssen, 2022, pp. 15–17). Furthermore, contact officers collectively support positive education, career, and rehabilitation outcomes for incarcerated people (Høidal & Hanssen, 2022; Stensöta, 2015). Notably, a Nordic culture change intervention and exchange with the United States targeting "dehumanizing practices and conditions of confinement" resulted in improved health and safety for incarcerated people and staff (Ahalt et al., 2020, p. S29).

Moral Agency and Advancing Positive Change

Increasingly, health bureaucrats offer first-hand, intersubjective accounts of mitigating "the disturbing entanglement of carcerality and care" and improving governance standards (Kupers, 2017; Sue, 2019; Sufrin, 2017, p. 6; Venters, 2019). Exemplifying moral agency within and across bureaucratic contexts, Sufrin (2017) worked in a county jail women's health clinic and created a reproductive health advocacy and research program. Such efforts include novel systematic research on pregnancies within jails and prisons nationwide in collaboration with local, state, and federal correctional facilities and agencies (Bronson & Sufrin, 2019; Rohr, 1988; Sufrin et al., 2019).¹⁸ According to Venters (2019, p. 2), former New York City jail system chief medical officer:

finding and telling the truth about the health risks of jail requires the tools of human rights, medicine, and epidemiology, and this can place the correctional health service at odds with the security service, other government officials, and even more traditional public health and medical institutions.

At times, jails may have formed an "integral part of our society's social and medical safety net," within the context of the poverty, addiction, violence, structural racism, and marginalization characterizing some people's lives (Sufrin, 2017, p. 1). That said, overwhelming evidence exists for incarceration's harmful effects as part of the "continuation of racialized imprisonment" as well as benefits of alternatives, including "place-based, multisector, equity focused initiatives" (Bailey et al., 2017, pp. 1458–1459; Hayes et al., 2020; Johnson & Ali-Smith, 2022; Meyer, 2019; Venters, 2016; Wildeman & Wang, 2017). Responsible administration is conducive to "high-performing public policies and public service delivery mechanisms [and] widely valued social outcomes" (Douglas et al., 2021, p. 441).

To demonstrate, researchers, health care providers, and people recently released from jail co-designed a more holistic jail health and reentry system reflecting shared, democratic public values (Robert et al., 2021). A community-based clinic network similarly provides health care and peer support to people exiting jail or prison, avoids replicating the criminal legal system within its clinics, and ensures people with incarceration histories are involved in ongoing policymaking (Shavit et al., 2017; Wang et al., 2010). Moreover, California's recent statewide sentencing reform measure has preliminarily proven effective in prioritizing diversion, community connections, and sensitivity to trauma and violence on behalf of people released from jail (Bartos & Kubrin, 2018).

Conclusion

Privileging incarceration over community needs, such as strengthening continuous care and support, has historically created perverse incentives within contexts of racial and class division without decreasing crime, recidivism, and costs (Hinton, 2021; Murakawa, 2014; Soss & Weaver, 2017). Interpreting politics in relation to administration as a constitutional issue prioritizes duty-based ethics serving a public interest inclusive of criminalized people and communities (Clair, 2021; Overeem, 2012; Rosenbloom, 1983, 1992). This legal framework for administrative decision-making through a democratic constitutionalist lens increases capacity to protect constitutional and statutory rights, prevent liability, and strengthen health and safety for people who are working or incarcerated in prisons or jails. Constitutionally competent and judicially responsive bureaucrats, exercising indirect authority in administrative decision-making as part of policymaking processes, have the capacity to advance meaningful rehabilitation, healing, and reform (Rohr, 1986; Rosenbloom et al., 2000, 2015; Stensöta, 2015; Svava, 2021).

Questions for Discussion

1. How do you understand the politics–administration dichotomy? Is it possible to separate politics or policy from administration?
2. Do you think it is helpful for administrators to be knowledgeable of constitutional and judicial values and basic legal education? If yes, how so?
3. Franz Fanon and Hannah Arendt suggest critical thinking and moral knowledge are important to both citizens and civil servants who may be affected by bureaucratized violence. Do you think it is helpful to consider the health and well-being of administrators and clients together?

4. Barkow (2014) details Justice Sotomayor's life experience, criminal law administration expertise, and familiarity with people before her, as contributing to her judicial disposition and opinions regarding criminal justice. What do you think are ideal criteria for Supreme Court justices?
5. Do you think the judiciary should become involved in the management of prison, jail, or behavioral health facilities? If yes, what should their role be? What are some of the benefits and challenges associated with judicial intervention?
6. What role do you think communities and civil society as part of the public interest should have in shaping administration, policy, and management for institutions and systems where there are great inequities? In what areas of public administration have you observed civil rights and social change organizations and movements active and effective in supporting positive social change?
7. W. E. Du Bois penned an open letter in 1913 requesting President Woodrow Wilson to remedy racial inequities. What do you think of recent concerns regarding Wilson's less progressive or equitable pedagogy, scholarship, public rhetoric, and domestic and foreign affairs? Do you agree with Princeton University's recent decision to remove his name from their School of Public and International Affairs?
8. How do you view social equity in relation to the Constitution and public administration? Do you agree that social equity may be a useful regime value? What are other possible regime values helpful to providing ethical guidance for administrative decision-making?

Notes

- 1 Lynn, Heinrich, and Hill (2001, p. 7) define governance as: "regimes, laws, rules, judicial decisions, and administrative practices that constrain, prescribe, and enable the provision of publicly supported goals and services."
- 2 Administrative decision-making influences arrest, arraignment, processing, bail setting, hearing scheduling, detainment, sentencing, jail housing assignment, health-care access, and other processes (Hinton & Cook, 2021; Karakatsanis, 2014, 2018; Smart, 2020).
- 3 Inclusive of but not limited to police, sheriffs, prosecutors, public defenders, judges, correctional officers, health-care providers, parole board members, and probation and parole officers (Hinton & Cook, 2021; Karakatsanis, 2018).
- 4 People in government custody may be awaiting trial or sentencing while detained in jail under local jurisdiction, serving sentences in jail or prisons, or under community supervision. People who are newly arrested are typically detained in jails, whereas state or federal prisons hold people who are convicted and serving longer sentences.
- 5 Overeem (2012) provides a robust account of the dichotomy's conceptual origins, classical formulations, heterodox criticisms, and reconceptualization as a constitutional principle.
- 6 Gooden and Starke (2021, p. 43) cite Du Bois' 1913 open letter to Wilson requesting remedies to racial inequities. Slomski (2022) assesses evidence of

- Darwin in Wilson's pedagogy, scholarship, popular rhetoric, and domestic and foreign affairs. Debate also involves the ethics and values associated with Wilson's namesake (Eisgruber, 2020; Hochschild, 2016; Hochschild, 2022; Pietsch, 2020; Pinderhughes, 2016; Sandweiss, 2015; Skowronek, 2006; Strolovitch & Crowder, 2016; Wilson, 2016).
- 7 Challenges to prison conditions are brought under the Eighth Amendment, which prohibits cruel and unusual punishments. Dolovich (2009, p. 886) explains, the "Eighth Amendment does not formally apply to pretrial detainees, so their claims for unconstitutional conditions must be brought under the Fourteenth Amendment Due Process Clause." Courts view Fourteenth Amendment due process rights of people detained pretrial in jails as equivalent to Eighth Amendment rights afforded to sentenced people who are incarcerated in prisons.
 - 8 Rhodes v. Chapman; Wilson v. Seiter; and Farmer v. Brennan.
 - 9 Dolovich (2009) emphasizes that prison bureaucrats most likely understood the high risks of violence for Farmer and their capacity to place her in protective custody.
 - 10 Overall, the efficacy of constitutional individual rights and Equal Protection's narrowly tailored policies with individualized consideration remain limited (Dolovich, 2009; Rosenbloom, 2005; Schlanger, 2018).
 - 11 Notably, Barkow (2014) details Justice Sotomayor's life experience, criminal law administration expertise, and familiarity with people before her, as contributing to her judicial disposition and opinions regarding criminal justice.
 - 12 *Yeskey*, 524 U.S. 206 (1998).
 - 13 Following decline, the proliferation of supermaximum prisons in the 1980s resurrected solitary confinement use nationwide (Reiter, 2016; Rhodes, 2005).
 - 14 People who are currently or previously incarcerated have often provided first-hand perspectives of incarceration and related experiences (Betts, 2015, 2019; Davis, 2011; Peterson, 2021; Woodfox, 2019).
 - 15 Rosenbloom (2005) equates his concepts of social equity with Svava and Brunet's (2004) framework.
 - 16 For Rohr (1989, p. 285), "freedom, equality, and property are prominent examples of regime values, but they do not exhaust the concept." Rohr excludes fraternity and equity as regime values (Overeem, 2015).
 - 17 Internal regulation, grievance procedure, and anonymous reporting mechanisms provide feedback helpful to addressing conflicting aims (Vanjani et al., 2022).
 - 18 Sufrin founded the Advocacy and Research on Reproductive Wellness in Incarcerated Women program. Pregnancy in Prison Statistics (PIPS) project data inform national care standard; policies and legislation ensuring adequate and safe pregnancy and childbirth care; prioritization of alternatives to incarceration; and promotion of reproductive justice and meeting the health needs of marginalized women and their families (Sufrin et al., 2019).

Additional Reading

- Sotomayor, S. (2002). Latina judge's voice. *Berkeley La Raza Law Journal*, 13(1), 87–94.
- Sotomayor, S., & Greenhouse, L. (2013). A conversation with Justice Sotomayor. *Yale Law Journal Forum*, 123, 375–392.

References

- Ahalt, C., Haney, C., Ekhaugen, K., & Williams, B. (2020). Role of a US-Norway exchange in placing health and well-being at the center of US prison reform. *American Journal of Public Health*, 110(S1), S27–S29.

- Alexander, J., & Richmond, S. A. (2007). Administrative discretion: Can we move beyond cider house rules? *The American Review of Public Administration*, 37(1), 51–64.
- Alkadry, M. G., & Witt, M. T. (2009). Abu Ghraib and the normalization of torture and hate. *Public Integrity*, 11(2), 135–154.
- Ambrosius, L. E. (2007). Woodrow Wilson and the birth of a nation: American democracy and international relations. *Diplomacy and Statecraft*, 18(4), 689–718.
- American Bar Association (ABA). (2011). *ABA standards for criminal justice: Treatment of prisoners*. 3rd ed. American Bar Association.
- Appelbaum, K. L. (2007). Commentary: The use of restraint and seclusion in correctional mental health. *Journal of the American Academy of Psychiatry and the Law Online*, 35(4), 431–435.
- Appleby, P. H. (1949). *Policy and administration*. University of Alabama Press.
- Arendt, H. (1994). Some questions on moral philosophy [lecture series from 1965], *Social Research*, 61(4), 739–64.
- Armstrong, A. C. (2014). No prisoner left behind: Enhancing public transparency of penal institutions. *Stanford Law and Policy Review*, 25, 435–476.
- Armstrong, A. C. (2019). The missing link: Jail and prison conditions in criminal justice reform. *Louisiana Law Review*, 80(1), 1–36.
- Armstrong, A. C. (2022). Prison medical deaths and qualified immunity. *The Journal of Criminal Law and Criminology*, 112(1), 79–104.
- Atkinson, H. G. (2019). Preparing physicians to contend with the problem of dual loyalty. *Journal of Human Rights*, 18(3), 339–355.
- Banks, N., & Whatley, W. C. (2022). A nation of laws, and race laws. *Journal of Economic Literature*, 60(2), 427–453.
- Barber, N. W. (2015). Constitutionalism: Negative and positive. *Dublin University Law Journal*, 38, 249–264.
- Barber, N. W. (2018). *The principles of constitutionalism*. Oxford University Press.
- Barkow, R. E. (2014). Justice Sotomayor and criminal justice in the real world. *Yale Law Journal Forum*, 123, 409–426.
- Bartos, B. J., & Kubrin, C. E. (2018). Can we downsize our prisons and jails without compromising public safety? Findings from California's Prop 47. *Criminology & Public Policy*, 17(3), 693–715.
- Bechelli, M. J., Caudy, M., Gardner, T. M., Huber, A., Mancuso, D., Samuels, P., ... Venters, H. D. (2014). Case studies from three states: Breaking down silos between health care and criminal justice. *Health Affairs*, 33(3), 474–481.
- Bell, M. C. (2019). The community in criminal justice: Subordination, consumption, resistance, and transformation. *Du Bois Review: Social Science Research on Race*, 16(1), 197–220.
- Benatar, S. R., & Upshur, R. E. (2008). Dual loyalty of physicians in the military and in civilian life. *American Journal of Public Health*, 98(12), 2161–2167.
- Berry-James, R. M., Blessett, B., Emas, R., McCandless, S., Nickels, A. E., Norman-Major, K., & Vinzant, P. (2021). Stepping up to the plate: Making social equity a priority in public administration's troubled times. *Journal of Public Affairs Education*, 27(1), 5–15.
- Betts, R. D. (2015). Only once I thought about suicide. *Yale Law Journal Forum*, 125, 222.

- Betts, R. D. (2019). *Felon: Poems*. W. W. Norton & Company.
- Black, H. C. (1910). *Black's Law Dictionary*. 2th edition. West Publishing Company.
- Blessett, B., & Gaynor, T. S. (2017). Choice points as a framework for decision-making. In: J. D. Ward (Ed.), *Leadership and change in public sector organizations* (pp. 273–285). Routledge.
- Box, R. C. (2018). Administrative politics: Context, roles, and process. In: A. Farazmand (Ed.), *Global encyclopedia of public administration, public policy, and governance* (pp. 1–9). Springer.
- Box, R. C. (2021). C. Wright Mills in public administration: The political and economic context of imagination. In: J. Frawley (Ed.), *The Routledge international handbook of C. Wright Mills studies* (pp. 196–208). Routledge.
- Bridges, K. M. (2019b). Race, pregnancy, and the opioid epidemic: White privilege and the criminalization of opioid use during pregnancy. *Harvard Law Review*, 133, 770–851.
- Bridges, K. M. (2022). Race in the Roberts Court. *Harvard Law Review*, 136, 23–169.
- Bronson, J., & Sufrin, C. (2019). Pregnant women in prison and jail don't count: Data gaps on maternal health and incarceration. *Public Health Reports*, 134(1_suppl), 57S–62S.
- Brown v. Plata*, 563 U.S. 493 (2011).
- Chanin, J. M. (2014). The underexplored world of remedial law in public administration scholarship: An examination and proposed research agenda. *Administration & Society*, 46(3), 276–300.
- Chase, R. T. (2019). *We are not slaves: State violence, coerced labor, and prisoners' rights in postwar America*. UNC Press Books.
- Chemerinsky, E. (2021). *Presumed guilty: How the supreme court empowered the police and subverted civil rights*. Liveright Publication Corporation.
- Christensen, R. K. (2009). Running the constitution: Framing public administration. *Public Performance & Management Review*, 32(4), 604–609.
- Clair, M. (2021). Criminalized subjectivity: Du Boisian sociology and visions for legal change. *Du Bois Review: Social Science Research on Race*, 18(2), 289–319.
- Clark, P. A. (2006). Medical ethics at Guantanamo Bay and Abu Ghraib: The problem of dual loyalty. *The Journal of Law, Medicine & Ethics*, 34(3), 570–580.
- Cloud, D. H., Drucker, E., Browne, A., & Parsons, J. (2015). Public health and solitary confinement in the United States. *American Journal of Public Health*, 105(1), 18–26.
- Commissioner of Corrections vs. Myers*, 379 Mass. 255 (1979).
- Cook, B. J. (2007). Woodrow Wilson's Ideas about local government reform: A regime perspective on the new push for citizen engagement in public administration. *Administration & Society*, 39(2), 294–314.
- Cooper, P. J. (1988). *Public law and public administration*. 2nd ed. Prentice Hall.
- Cooper, T. L. (1987). Hierarchy, virtue, and the practice of public administration: A perspective for normative ethics. *Public Administration Review*, 47(4), 320–328.
- Cooper, T. L. (2004). Big questions in administrative ethics: A need for focused, collaborative effort. *Public Administration Review*, 64(4), 395–407.

- Cooper, T. L. (2012). *The responsible administrator: An approach to ethics for the administrative role*. John Wiley & Sons.
- Cordelli, C. (2020). *The privatized state*. Princeton University Press.
- Costello, M. (2014). Situatedness. In: T. Teo (Ed.), *Encyclopedia of critical psychology*. Springer.
- Crenshaw, K. W. (2019). Unmasking colorblindness in the law: Lessons from the formation of Critical race theory. In: K. W. Crenshaw, L.C. Harris, D. M. HoSang, & G. Lipsitz (Eds.), *Seeing race again: Countering colorblindness across the disciplines* (pp. 52–84). University of California Press.
- Davis, A. Y. (2011). *Are prisons obsolete?* Seven Stories Press.
- Dayan, C. (2007). *The story of cruel and unusual*. MIT Press.
- Deitch, M. (2010). Distinguishing the various functions of effective prison oversight. *Pace Law Review*, 30(5), 1438–1445.
- Deitch, M. (2020). But who oversees the overseers?: The status of prison and jail oversight in the United States. *American Journal of Criminal Law*, 74(2), 207–273.
- Denhardt, K. G. (1997). The management of ideals: A political perspective on ethics. *International Journal of Public Administration*, 20(4–5), 1091–1115.
- Doig, J. W. (1983). “If I see a murderous fellow sharpening a knife cleverly..”: The Wilsonian dichotomy and the public authority tradition. *Public Administration Review*, 43(4), 292–304.
- Dolovich, S. (2009). Cruelty, prison conditions, and the Eighth amendment. *New York University Law Review*, 84(4), 881–979.
- Dolovich, S. (2022). The failed regulation and oversight of American prisons. *Annual Review of Criminology*, 5(1), 153–177.
- Douglas, S., Schillemans, T., ‘t Hart, P., Ansell, C., Bøgh Andersen, L., Flinders, M., ... Torfing, J. (2021). Rising to Ostrom’s challenge: An invitation to walk on the bright side of public governance and public service. *Policy Design and Practice*, 4(4), 441–451.
- Dubler, N. (2014). Ethical dilemmas in prison and jail health care. *Health Affairs Blog*. doi:10.1377/hblog20140310.037605
- Dworkin, R. (1982). Law as interpretation. *Critical Inquiry*, 9(1), 179–200.
- Eber, G. B. (2009). Using the Constitution to improve prisoner health. *American Journal of Public Health*, 99(9), 1541–1542.
- Eisen, L. B. (2017). *Inside private prisons: An American dilemma in the age of mass incarceration*. Columbia University Press.
- Elias, N. M., & Olejarski, A. M. (Eds.). (2020). *Ethics for contemporary bureaucrats: Navigating constitutional crossroads*. Routledge.
- Estelle v. Gamble*, 429 U.S. 97 (1976).
- Fanon, F. (1963). *The wretched of the earth*. Grove Press.
- Farmer v. Brennan*, 511 U.S. 825 (1994).
- Fedock, G., & Covington, S. S. (2017). Correctional programming and gender. In: *Oxford research encyclopedia of criminology and criminal justice*. Oxford University Press. <https://doi.org/10.1093/acrefore/9780190264079.013.89>
- Feeley, M. M., & Swearingen, V. (2003). The prison conditions cases and the bureaucratization of American corrections: Influences, impacts and implications. *Pace Law Review*, 24(2), 433–475.
- Francis, M. M., & Wright-Rigueur, L. (2021). Black lives matter in historical perspective. *Annual Review of Law and Social Science*, 17, 441–458.

- Frederickson, H. G. (1980). *New public administration*. University Alabama Press.
- Frederickson, H. G. (2005). The state of social equity in American public administration. *National Civic Review*, 94(4), 31–38.
- Friedman, E., Burr, E., & Sufrin, C. (2021). Seeking recognition through carceral health care bureaucracy: Analysis of medical care request forms in a county jail. *Social Science & Medicine*, 291, 1–23.
- Galligan, D. J. (1990). *Discretionary powers: A legal study of official discretion*. Oxford University Press.
- Georgiou, I. (2014). Seeing the forest for the trees: An atlas of the politics–administration dichotomy. *Public Admin Review*, 74, 156–175.
- Giftos, J., Mitchell, A., & MacDonald, R. (2017). Medicine and mass incarceration: Education and advocacy in the New York City jail system. *American Medical Association Journal of Ethics*, 19(9), 913–921.
- Glowa-Kollisch, S., Andrade, K., Stazesky, R., Kaba, F., Macdonald, R., Rosner, Z., ... Teixeira, P. (2014). Data-driven human rights: Using the electronic health record to promote human rights in jail. *Health & Human Rights Journal*, 16(1), 1–10.
- Glowa-Kollisch, S., Kaba, F., Waters, A., Leung, Y. J., Ford, E., & Venters, H. (2016). From punishment to treatment: the “Clinical Alternative to Punitive Segregation” (CAPS) program in New York City jails. *International Journal of Environmental Research and Public Health*, 13(2), 125–135.
- Greifinger, R. (Ed.). (2007). *Public health behind bars: From prisons to communities*. Springer.
- Gooden, S. T. (2015a). *Race and social equity: A nervous area of government*. Routledge.
- Gooden, S. T. (2015b). PAR’s social equity footprint. *Public Administration Review*, 75(3), 372–381.
- Gooden, S. T. (2015c). From equality to social equity. In: M. E. Guy & M. M. Rubin (Eds.), *Public administration evolving: From foundations to the future* (pp. 211–231). Routledge.
- Gooden, S. T. (2017). Frances Harriet Williams: Unsung social equity pioneer. *Public Administration Review*, 77(5), 777–783.
- Gooden, S. T., & Faulkner, B. S. (2020). Social equity and voting rights: A shrinking regime. In: N. M. Elias & A. M. Olejarski (Eds.), *Ethics for contemporary bureaucrats: Navigating constitutional crossroads* (pp. 148–164). Routledge.
- Gooden, S. T., & Myers, S. L. (2018). The Kerner commission report fifty years later: Revisiting the American dream. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 4(6), 1–17.
- Gooden, S. T., & Starke, A. (2021). Chapter 4: Social equity and public administration. In: T. Breyer (Ed.), *Handbook of theories of public administration and management*. (pp. 43–53). Edward Elgar Publishing.
- Goodnow, F. J. (2000). *Politics and administration: A study in government*. Palgrave Macmillan.
- Graetz, M. J., & Greenhouse, L. (2017). *The Burger court and the rise of the judicial right*. Simon and Schuster.
- Haney, C. (2003). Mental health issues in long-term solitary and “supermax” confinement. *Crime & Delinquency*, 49(1), 124–156.

- Hargrove, E. C., & Glidewell, J. C. (Eds.). (1990). *Impossible jobs in public management*. University Press of Kansas.
- Hayes, C. M., Sufrin, C., & Perritt, J. B. (2020). Reproductive justice disrupted: Mass incarceration as a driver of reproductive oppression. *American Journal of Public Health*, 110(S1), S21–S24.
- Hayes, S. (2015). *Criminal justice ethics: Cultivating the moral imagination*. Routledge.
- Heath, J. (2020). *The machinery of government: Public administration and the liberal state*. Oxford University Press.
- Herd, P., & Moynihan, D. P. (2019). *Administrative burden: Policymaking by other means*. Russell Sage Foundation.
- Hill, C. J., & Lynn, L. E. (2015). *Public management: Thinking and acting in three dimensions*. CQ Press.
- Hinton, E. (2021). *America on fire: The untold history of police violence and Black rebellion since the 1960s*. Liveright Publishing.
- Hinton, E., & Cook, D. (2021). The mass criminalization of Black Americans: A historical overview. *Annual Review of Criminology*, 4, 261–286.
- Hochschild, A. (2022). *American midnight: The great war, a violent peace, and democracy's forgotten crisis*. HarperCollins.
- Hochschild, J. (2016). Should APSA's most prominent award continue to be named after a racist? *Perspectives on Politics*, 14(3), 760–761.
- Hoffman, M. C. (2002). Paradigm lost: Public administration at Johns Hopkins University, 1884–96. *Public Administration Review*, 62(1), 12–23.
- Høidal, A., & Hanssen, N. (2022). *The Norwegian prison system: Halden Prison and beyond*. Taylor & Francis.
- Kettl, D. F. (2000). Public administration at the millennium: The state of the field. *Journal of Public Administration Research and Theory*, 10(1), 7–34.
- Jacobs, J. B. (1980). The prisoners' rights movement and its impacts, 1960–80. *Crime and Justice*, 2, 429–470.
- Jacobs, J. B., & Olitsky, E. (2003). Leadership & (and) correctional reform. *Pace Law Review*, 24, 477–496.
- Johnson, A., & M. Ali-Smith. (2022). Diversion programs, explained. Vera Institution of Justice. <https://www.vera.org/diversion-programs-explained>
- Kaba, F., Lewis, A., Glowa-Kollisch, S., Hadler, J., Lee, D., Alper, H., ... Venters, H. (2014). Solitary confinement and risk of self-harm among jail inmates. *American Journal of Public Health*, 104(3), 442–447.
- Karakatsanis, A. (2014). Policing, mass imprisonment, and the failure of American lawyers. *Harvard Law Review Forum*, 128, 253–267.
- Karakatsanis, A. (2018). The punishment bureaucracy: How to think about “criminal justice reform”. *Yale Law Journal*, 128, 848–935.
- Kelly, W. R. (2015). *Criminal justice at the crossroads: Transforming crime and punishment*. Columbia University Press.
- Kohler-Hausmann, I. (2018). *Misdemeanorland: Criminal courts and social control in an era of broken windows policing*. Princeton University Press.
- Kramer, C., Thomas, K., Patil, A., Hayes, C. M., & Sufrin, C. B. (2023). Shackling and pregnancy care policies in US prisons and jails. *Maternal and Child Health Journal*, 27(1), 186–196.
- Kupers, T. A. (2017). *Solitary: The inside story of supermax isolation and how we can abolish it*. University of California Press.

- Larsen, K. (2007). Deliberately indifferent: Government response to HIV in US prisons. *Journal of Contemporary Health Law & Policy*, 24, 251.
- LePine, J. A., & Van Dyne, L. (1998). Predicting voice behavior in work groups. *Journal of Applied Psychology*, 83(6), 853–868.
- Lipsky, M. (1984). Bureaucratic disentanglement in social welfare programs. *Social Service Review*, 58(1), 3–27.
- Lipsky, S. (1980). *Street-level bureaucracy: Dilemmas of the individual in public services*. Russell Sage.
- London, L., Rubenstein, L. S., Baldwin-Ragaven, L., & Van Es, A. (2006). Dual loyalty among military health professionals: Human rights and ethics in times of armed conflict. *Cambridge Quarterly of Healthcare Ethics*, 15(4), 381–391.
- Lopez-Littleton, V., Sampson, C. J., & Corpening, B. (2023). ADORE: A framework for community building to dismantle anti-black racism in academia. *Public Integrity*, 25(3), 273–284.
- Lynn Jr, L. E. (2009). Restoring the rule of law to public administration: What Frank Goodnow got right and Leonard White didn't. *Public Administration Review*, 69(5), 803–813.
- Lynn Jr, L. E., Heinrich, C. J., & Hill, C. J. (2001). *Improving governance: A new logic for empirical research*. Georgetown University Press.
- MacDonald, R., Parsons, A., & Venters, H. D. (2013). The triple aims of correctional health: Patient safety, population health, and human rights. *Journal of Health Care for the Poor and Underserved*, 24(3), 1226–1234.
- MacDonald, R., Rosner, Z., & Venters, H. D. (2015). Operationalizing a human rights agenda in correctional health. *SGIM Forum*, 38(1), 1–3.
- Mamo, L., & Fishman (2013). Why justice? Introduction to the special issue on entanglements of science, ethics, and justice. *Science, Technology, & Human Values*, 38(2), 159–75.
- Martelle, M., Farber, B., Stazesky, R., Dickey, N., Parsons, A., & Venters, H. (2015). Meaningful use of an electronic health record in the New York City jail system. *American Journal of Public Health*, 105(9), 1752–1754.
- Martin, D. W. (1988). The fading legacy of Woodrow Wilson. *Public Administration Review*, 48(2), 631–636.
- Maynard-Moody, S. W., & Musheno, M. C. (2022). *Cops, teachers, counselors: Stories from the front lines of public service*. 2nd ed. University of Michigan Press.
- McCandless, S. A., & Guy, M. E. (2013). One more time: What did Woodrow Wilson really mean about politics and administration? *Administrative Theory & Praxis*, 35(3), 356–377.
- McKinney, 509 U.S. 25 (1993).
- McLeod, K. E., Butler, A., Young, J. T., Southalan, L., Borschmann, R., Sturup-Toft, S., ... Kinner, S. A. (2020). Global prison health care governance and health equity: A critical lack of evidence. *American Journal of Public Health*, 110(3), 303–308.
- Mettler, S., & Soss, J. (2004). The consequences of public policy for democratic citizenship: Bridging policy studies and mass politics. *Perspectives on Politics*, 2(1), 55–73.
- Meyer, J. P. (2019). The sustained harmful health effects of incarceration for women living with HIV. *Journal of Women's Health*, 28(8), 1017–1018.

- Meyer, J. P., Springer, S. A., & Altice, F. L. (2011). Substance abuse, violence, and HIV in women: A literature review of the syndemic. *Journal of Women's Health, 20*(7), 991–1006.
- Meyer, J. P., Zelenev, A., Wickersham, J. A., Williams, C. T., Teixeira, P. A., & Altice, F. L. (2014). Gender disparities in HIV treatment outcomes following release from jail: Results from a multicenter study. *American Journal of Public Health, 104*(3), 434–441.
- Miles, S. H. (2009). *Oath betrayed: America's torture doctors*. University of California Press.
- Miller, I. A (2016). *History of force feeding: Hunger strikes, prisons and medical ethics, 1909–1974*. Palgrave Macmillan.
- Montano, N. (2023). Trans death at Rikers Island: sites of (in) visibility and reframing mass incarceration. *Mortality, 28*(2), 284–298.
- Morley, G., Ives, J., Bradbury-Jones, C., & Irvine, F. (2019). What is 'moral distress'? A narrative synthesis of the literature. *Nursing ethics, 26*(3), 646–662.
- Moynihan, D. P. (2009). “Our usable past”: A historical contextual approach to administrative values. *Public Administration Review, 69*(5), 813–822.
- Moynihan, D. P., Herd, P., & Harvey, H. (2015). Administrative burden: Learning, psychological, and compliance costs in citizen-state interactions. *Journal of Public Administration Research and Theory, 25*(1), 43–69.
- Mulder, J. M. (2015). *Woodrow Wilson: The years of preparation. Wilson supplemental volumes*. Princeton University Press.
- Murakawa, N. (2014). *The first civil right: How liberals built prison America*. Oxford University Press.
- Nabatchi, T. (2012). Putting the “public” back in public values research: Designing participation to identify and respond to values. *Public Administration Review, 72*(5), 699–708.
- Nabatchi, T., T. Goerdel, H., & Pfeffer, S. (2011). Public administration in dark times: Some questions for the future of the field. *Journal of Public Administration Research and Theory, 21*(suppl_1), i29–i43.
- Nasheri, H. (1997). A spirit of meanness: Courts, prisons, and prisoners. *Cumberland Law Review, 27*, 1173–1201.
- Nussbaum, M. C. (1998). *Cultivating humanity*. Harvard University Press.
- Ocen, P. (2012). Punishing pregnancy: Race, incarceration, and the shackling of pregnant prisoners. *California Law Review, 100*, 1239–1312.
- Ocen, P. (2013). Unshackling intersectionality. *Du Bois Review: Social Science Research on Race, 10*(2), 471–483.
- O'Leary, R. (2005). *The ethics of dissent: Managing guerrilla government*. CQ Press.
- O'Leary, R., & Wise, C. R. (1991). Public Managers, Judges, and Legislators: Redefining the “New Partnership”. *Public Administration Review, 51*(4), 316–327.
- Olejarski, A. M. (2013). *Administrative discretion in action: A narrative of eminent domain*. Lexington Books.
- Olejarski, A. M. (2018). Irrelevance of “public use” in state eminent domain reforms. *The American Review of Public Administration, 48*(7), 631–643.
- O'Shea, C. M. (2020). Cycles of punishment: The constitutionality of restricting access to menstrual health products in prisons. *Boston College Law Review, 61*(7), 2541–2594.

- O'Toole, L. J. (1987). Doctrines and developments: Separation of powers, the politics-administration dichotomy, and the rise of the administrative state. *Public Administration Review*, 47, 17–25.
- Overeem, P. (2005). The value of the dichotomy: Politics, administration, and the political neutrality of administrators, *Administrative Theory & Praxis*, 27(2), 311–329.
- Overeem, P. (2008). Beyond heterodoxy: Dwight Waldo and the politics-administration dichotomy. *Public Administration Review*, 68(1), 36–45.
- Overeem, P. (2012). *The politics-administration dichotomy: Toward a constitutional perspective*. 2nd ed. Routledge.
- Overeem, P. (2015). The concept of regime values: Are revitalization and regime change possible? *American Review of Public Administration*, 45(1), 46–60.
- Overeem, P. (2021). Chapter 1: Public administration and politics: The art of separation. In: T. Breyer (Ed.), *Handbook of theories of public administration and management*. (pp. 7–18). Edward Elgar Publishing.
- Page, J., & Soss, J. (2017). Criminal justice predation and neoliberal governance. In: S. Schram & M. Pavlovskaya (Eds.), *Rethinking neoliberalism* (pp. 138–159). Routledge.
- Page, J., & Soss, J. (2021). The predatory dimensions of criminal justice. *Science*, 374(6565), 291–294.
- Pandey, S. K., Cheng, Y., & L. Hall, J. (2022). Epistemic decolonization of public policy pedagogy and scholarship. *Public Administration Review*, 82, 977–985.
- Pestritto, R. J. (2005). *Woodrow Wilson: The Essential Political Writings*. Lexington Books.
- Pestritto, R. J. (2007). The Progressive origins of the administrative state: Wilson, Goodnow, and Landis. *Social Philosophy and Policy*, 24(1), 16–54.
- Peters, B. G., Pierre, J., Sørensen, E., & Torfing, J. (2022). Bringing political science back into public administration research. *Governance*, 35(4), 962–982.
- Peterson, M. (2021). *Bird uncaged. An abolitionist's freedom song*. Bold Type Books.
- Pfiffner, J. P. (2005). Torture and public policy. *Public Integrity*, 7(4), 313–329.
- Phelps, M. S. (2011). “Rehabilitation in the Punitive Era: The Gap between rhetoric and reality in U.S. Prison programs”. *Law & Society Review*, 45(1), 33–68.
- Physician for Reproductive Health (PRH). (2017, June 15). *Q and A with Carolyn Sufrin, author of Jailcare*. <https://prh.org/updates/qa-dr-carolyn-sufrin/>
- Pietsch, B. (2020, June 27). Princeton will remove Woodrow Wilson's Name from school. *The New York Times*. <https://www.nytimes.com/2020/06/27/nyregion/princeton-university-woodrow-wilson.html>
- Pinderhughes, D. (2016). Education and transparency: Changes in campus iconography. *Perspectives on Politics*, 14(3), 766–767.
- Pont, J., Enggist, S., Stöver, H., Williams, B., Greifinger, R., & Wolff, H. (2018). Prison health care governance: Guaranteeing clinical independence. *American Journal of Public Health*, 108(4), 472–476.
- Pont, J., Stöver, H., & Wolff, H. (2012). Dual loyalty in prison health care. *American Journal of Public Health*, 102(3), 475–480.
- Price, J. M. (2012). *Structural violence: Hidden brutality in the lives of women*. SUNY Press.

- Prison Litigation Reform Act. 18 U.S.C. § 3626, 42 U.S.C. § 1997e.
- Rabin, J., & Bowman, J. S. (Eds.) (1984). *Politics and administration: Woodrow Wilson and American public administration*. Marcel Dekker.
- Ransom, J., & Bromwich, J. E. (2023, February). Tracking the deaths in New York City's jail system. *The New York Times*. <https://www.nytimes.com/article/rikers-deaths-jail.html>
- Rawls, J. (1971). *A Theory of justice*. Harvard University Press.
- Ray, V., Herd, P., & Moynihan, D. (2023). Racialized burdens: Applying racialized organization theory to the administrative state. *Journal of Public Administration Research and Theory*, 33(1), 139–152.
- Reinke, S. J. (2006). Abu Ghraib a case of moral and administrative failure. *Public Integrity*, 8(2), 135–147.
- Reiter, K. (2016). *23/7: Pelican Bay prison and the rise of long-term solitary confinement*. Yale University Press.
- Reiter, K., & Pifer, N. (2012). Brown v. Plata. In: Oxford Handbooks Editorial Board. (Ed.), *Oxford handbook topics in criminology and criminal justice*. Oxford Academic. <https://doi.org/10.1093/oxfordhb/9780199935383.013.113>
- Rhodes, L. A. (2005). Pathological effects of the supermaximum prison. *American Journal of Public Health*, 95(10), 1692–1695.
- Riccucci, N. M. (2010). *Public administration: Traditions of inquiry and philosophies of knowledge*. Georgetown University Press.
- Rich, J. D., Allen, S. A., & Williams, B. A. (2015). The need for higher standards in correctional healthcare to improve public health. *Journal of General Internal Medicine*, 30(4), 503–550.
- Rifkin, M. (1994). Farmer v. Brennan: Spotlight on a obvious risk of rape in a hidden world. *Columbia Human Rights Law Review*, 26, 273–307.
- Robert, G., Williams, O., Lindenfalk, B., Mendel, P., Davis, L. M., Turner, S., ... Branch, C. (2021). Applying Elinor Ostrom's design principles to guide co-design in health (care) improvement: A case study with citizens returning to the community from jail in Los Angeles County. *International Journal of Integrated Care*, 21(1), 7, 1–15.
- Roberts, A. (1994). Demonstrating neutrality: The Rockefeller philanthropies and the evolution of public administration, 1927–1936. *Public Administration Review*, 54(3), 221–228.
- Rogers, E. M., Krajewski, A. T., & Shuster, S. M. (2022). The disproportionate mental health burden among incarcerated transgender and gender diverse people. *Journal of Correctional Health Care*, 29(1), 39–46.
- Rohr, J. A. (1976). The study of ethics in a P. A. curriculum. *Public Administration Review*, 36, 398–406.
- Rohr, J. A. (1984). The constitutional world of Woodrow Wilson. In: J. Rabin & J. S. Bowman (Eds.), *Politics and Administration: Woodrow Wilson and American public administration* (pp. 31–49). Marcel Dekker.
- Rohr, J. A. (1985). Professionalism, legitimacy, and the constitution. *Public Administration Quarterly*, 8(4), 401–418.
- Rohr, J. A. (1986). *To run a constitution: The legitimacy of the administrative state*. University of Kansas Press.
- Rohr, J. A. (1988). Bureaucratic morality in the United States. *International Political Science Review*, 9(3), 167–178.

- Rohr, J. A. (1989). *Ethics for bureaucrats: An essay on law and values*. 2nd ed. Marcel Dekker.
- Rohr, J. A. (1990). The constitutional case for public administration. In G. L. Wamsley, et al. (Eds.), *Refounding public administration* (pp. 52-95). Sage.
- Rohr, J. A. (1998). *Public service, ethics and constitutional practice*. University Press of Kansas.
- Rohr, J. A. (2002). *Civil servants and their constitutions*. University Press of Kansas.
- Rosenbloom, D. H. (1980). Public administrators' official immunity and the Supreme Court: Developments during the 1970s. *Public Administration Review*, 40(2), 166–173.
- Rosenbloom, D. H. (1981). The sources of continuing conflict between the constitution and public personnel management. *Review of Public Personnel Administration*, 2(1), 3–18.
- Rosenbloom, D. H. (1983). Public administrative theory and the separation of powers. *Public Administration Review*, 43, 219–227.
- Rosenbloom, D. H. (1984). Reconsidering the politics–administration dichotomy: The Supreme Court and public personnel management. In: J. Rabin & J. S. Bowman (Eds.), *Politics and Administration: Woodrow Wilson and American public administration* (pp. 103–118). Marcel Dekker.
- Rosenbloom, D. H. (1987). Public Administrators and the judiciary: The “New Partnership”. *Public Administration Review*, 47(1), 75–83.
- Rosenbloom, D. H. (1992). Public administrative liability for constitutional torts, the Rehnquist Court, and public administration. *Administration & Society*, 24(2), 115–131.
- Rosenbloom, D. H. (1993a). Have an Administrative Rx? Don't Forget the Politics!. *Public Administration Review*, 53(6), 503–507.
- Rosenbloom, D. H. (1993b). Prescriptive public administrative theory as a product of political dominance. *Administrative Theory & Praxis*, 52(2), 1–10.
- Rosenbloom, D. H. (2002). *Building a legislative-centered public administration: Congress and the administrative state, 1946–1999*. University of Alabama Press.
- Rosenbloom, D. H. (2005). Taking social equity seriously in MPA education. *Journal of Public Affairs Education*, 11(3), 247–252.
- Rosenbloom, D. H. (2007). Reinventing administrative prescriptions: The case for democratic-constitutional impact statements and scorecards. *Public Administration Review*, 67(1), 28–39.
- Rosenbloom, D. H. (2008). The politics–administration dichotomy in US historical context. *Public Administration Review*, 68(1), 57–60.
- Rosenbloom, D. H. (2013). Reflections on “public administrative theory and the separation of powers”. *The American Review of Public Administration*, 43(4), 381–396.
- Rosenbloom, D. H. (2014). Attending to mission-extrinsic public values in performance-oriented administrative management: A view from the United States. In B. Eberhard, J.D. Graham, J. C. N. Raadschelders, & J. P. Lehrke. (Eds.) *Public administration and the modern state: Assessing trends and impact*, 17–30.
- Rosenbloom, D. H., Carroll, J. D., & Carroll, J. D. (2000). *Constitutional competence for public managers: Cases and commentary*. Cengage Learning.

- Rosenbloom, D. H., Kravchuk, R. S., & Clerkin, R. M. (2015). *Public administration: Understanding management, politics, and law in the public sector*. 4th ed. Routledge.
- Rosenbloom, D. H., O'Leary, R., & Chanin, J. (2010a). The future of public administration and law in 2020. *Public Administration Review*, 70, S314–S316.
- Rosenbloom, D. H., O'Leary, R., & Chanin, J. (2010b). *Public Administration and Law*. 3rd ed. CRC Press.
- Rosenbloom, D. H., & Piotrowski, S. J. (2005). Outsourcing the constitution and administrative law norms. *The American Review of Public Administration*, 35(2), 103–121.
- Rosenbloom, D. H., & Rene, H. K. (2012). "How can a 'Real American' Love OSHA?" John A. Rohr's audacious project to legitimate the US Administrative State. *Administrative Theory & Praxis*, 34(4), 635–641.
- Rosser, C. (2010). Woodrow Wilson's administrative thought and German political theory. *Public Administration Review*, 70, 547–556.
- Rubenstein, L. S. (2003). Dual loyalty and human rights. *The Journal of Ambulatory Care Management*, 26(3), 270–272.
- Rubenstein, L. S. (2021). *Perilous Medicine: The struggle to protect health care from the violence of war*. Columbia University Press.
- Rubenstein, R. L. (1982). The bureaucratization of torture. *Journal of Social Philosophy*, 13(3), 31–51.
- Saloner, B., Eber, G. B., Sufrin, C. B., Beyrer, C., & Rubenstein, L. S. (2022). A human rights framework for advancing the standard of medical care for incarcerated people in the United States in the time of COVID-19. *Health and Human Rights*, 24(1), 59–75.
- Sandweiss, M. A. (2015, December 1). Woodrow Wilson, Princeton, and the complex landscape of race. *The Nation*.
- Schlanger, M. (2006). Civil rights injunctions over time: A case study of jail and prison court orders. *New York University Law Review*, 81(2), 550–630.
- Schlanger, M. (2008). Jail strip-search cases: Patterns and participants. *Law and Contemporary Problems*, 71(2), 65–88.
- Schlanger, M. (2013). *Plata v. Brown* and realignment: Jails, prisons, courts, and politics. *Harvard Civil Rights-Liberties Law Review*, 48, 166–215.
- Schlanger, M. (2015). Trends in prisoner litigation, as the PLRA enters adulthood. *University of California Irvine Law Review*, 5, 153–179.
- Schlanger, M. (2018). The constitutional law of incarceration, reconfigured. *Cornell Law Review*, 103, 357–436.
- Schlanger, M., & Shay, G. (2008). Preserving the rule of law in America's jails and prisons: The case for amending the Prison Litigation Reform Act. *University of Pennsylvania Constitutional Journal of Law*, 11, 139–154.
- Schneider, A. L., & Ingram, H. M. (1997). *Policy design for democracy*. University Press of Kansas.
- Schoenfeld, H. (2010). Mass incarceration and the paradox of prison conditions litigation. *Law & Society Review*, 44(3 & 4), 731–768.
- Science. (1889). [Review of the book *The state: elements of historical and practical politics, A sketch of institutional history and administration*, by W. Wilson]. *Science*, 14(354), 338.
- Scott, C. P., Glickman, A. R., & DiTommaso, A. (2022). Toward a more reflexive and deliberative public affairs: A critical reimagining of doctoral training. *Public Integrity*, 24(4–5), 448–467.

- Shaivitz, D. S. (2004). Medicate-to-execute: Current trends in death penalty jurisprudence and the perils of dual loyalty. *Journal of Health Care Law & Policy*, 7, 149–174.
- Shavit, S., Aminawung, J. A., Birnbaum, N., Greenberg, S., Berthold, T., Fishman, A., ... Wang, E. A. (2017). Transitions clinic network: Challenges and lessons in primary care for people released from prison. *Health Affairs*, 36(6), 1006–1015.
- Simon, J. (2016). *Mass incarceration on trial: A remarkable court decision and the future of prisons in America*. The New Press.
- Simon, J. (2021). Dignity and its discontents: Towards an abolitionist rethinking of dignity. *European Journal of Criminology*, 18(1), 33–51.
- Skowronek, S. (2006). The reassociation of ideas and purposes: Racism, liberalism, and the American political tradition. *American Political Science Review*, 100(3), 385–401.
- Slomski, B. (2022). Darwin and American public administration: Woodrow Wilson's Darwinian argument for administration. *Politics and the Life Sciences*, 41(1), 105–113.
- Smart III, H. (2020). A proposal for strategic controls to ensure social equity in the criminal justice system. In: N. Elias & A. Olejarski. (Eds.), *Ethics for contemporary bureaucrats: Navigating constitutional crossroads* (pp. 165–178). Routledge.
- Soss, J., Fording, R. C., & Schram, S. F. (2011). *Disciplining the poor: Neoliberal paternalism and the persistent power of race*. University of Chicago Press.
- Soss, J., & Weaver, V. (2017). Police are our government: Politics, political science, and the policing of race–class subjugated communities. *Annual Review of Political Science*, 20(1), 565–591.
- Sotomayor, S. (2002). Latina judge's voice. *Berkeley La Raza Law Journal*, 13(1), 87–94.
- Sotomayor, S., & Greenhouse, L. (2013). A conversation with Justice Sotomayor. *Yale Law Journal Forum*, 123, 375–392.
- Stensöta, H. O. (2010). The conditions of care: Reframing the debate about public sector ethics. *Public Administration Review*, 70, 295–303.
- Stensöta, H. O. (2015). Public ethics of care—A general public ethics. *Ethics and Social Welfare*, 9(2), 183–200.
- Stivers, C. (1994). The listening bureaucrat: Responsiveness in public administration. *Public Administration Review*, 54(4), 364–369.
- Stivers, C. (2000). *Bureau men, settlement women: Constructing public administration in the progressive era*. Johns Hopkins University Press.
- Stivers, C. (2008). *Governance in dark times: Practical philosophy for public service*. Georgetown University Press.
- Strolovitch, D., & Crowder, C. (2016). Naming rites for naming wrongs: What we talk about when we talk about Woodrow Wilson. *Perspectives on Politics*, 14(3), 770–775.
- Stuntz, W. J. (2001). The pathological politics of criminal law. *Michigan Law Review*, 100(3), 505–600.
- Stuntz, W. J. (2013). *The collapse of American criminal justice*. Harvard University Press.
- Sue, K. (2019). *Getting wrecked: Women, incarceration, and the American opioid crisis*. University of California Press.

- Sufrin, C. (2014). *Jailcare: The safety net of a U.S. women's jail*. University of California at San Francisco. ProQuest ID: Sufrin_ucsf_0034D_10925. Redacted. Merritt ID: ark:/13030/m573852k. Retrieved from <https://escholarship.org/uc/item/88w6d295>
- Sufrin, C. (2017). *Jailcare: Finding The safety net for women behind bars*. University of California Press.
- Sufrin, C., Beal, L., Clarke, J., Jones, R., & Mosher, W. D. (2019). Pregnancy outcomes in US prisons, 2016–2017. *American Journal of Public Health*, 109(5), 799–805.
- Sullivan, E. T., & Massaro, T. M. (2013). *The arc of due process in American Constitutional Law*. Oxford University Press.
- Svara, J. H. (1985). Dichotomy and duality: Reconceptualizing the relationship between policy and administration in council-manager cities. *Public Administration Review*, 45, 221–232.
- Svara, J. H. (1998). The politics-administration dichotomy model as aberration. *Public Administration Review*, 58, 51–58.
- Svara, J. H. (1999). Complementarity of politics and administration as a legitimate alternative to the dichotomy model. *Administration and Society*, 30(6), 676–705.
- Svara, J. H. (2001). The myth of the dichotomy: Complementarity of politics and administration in the past and future of public administration. *Public Administration Review*, 61(2), 176–83.
- Svara, J. H. (2021). *The ethics primer for public administrators in government and nonprofit organizations*. Jones & Bartlett Publishers.
- Svara, J. H., & Brunet, J. R. (2004). Filling in the skeletal pillar: Addressing social equity in introductory courses in public administration. *Journal of Public Affairs Education*, 10(2), 99–109.
- Thompson, D. F. (2005). *Restoring responsibility: Ethics in government, business, and healthcare*. Cambridge University Press.
- Vanjani, R., Pitts, A., & Aurora, P. (2022). Dismantling structural racism in the academic residency clinic. *New England Journal of Medicine*, 386(21), 2054–2058.
- Venters, H. (2016). A three-dimensional action plan to raise the quality of care of US correctional health and promote alternatives to incarceration. *American Journal of Public Health*, 106(4), 613–614.
- Venters, H. (2019). *Life and death in Rikers*. Johns Hopkins University Press.
- Waldo, D. 1987. Politics and administration: On thinking about a complex relationship. In: R. C. Chandler (Ed.), *A centennial history of the American administrative state* (pp. 89–112). Free Press.
- Waldo, D. 1990. A theory of public administration means in our time a theory of politics also. In: N. B. Lynn & A. Wildavsky (Eds.), *Public administration: The state of the discipline* (pp. 73–83). Chatham House.
- Walker, L. (1989). Woodrow Wilson, progressive reform, and public administration. *Political Science Quarterly*, 104(3), 509–525.
- Wang, E. A., Hong, C. S., Samuels, L., Shavit, S., Sanders, R., & Kushel, M. (2010). Transitions clinic: Creating a community-based model of health care for recently released California prisoners. *Public Health Reports*, 125(2), 171–177
- Watkins-Hayes, C. (2009). *The new welfare bureaucrats: Entanglements of race, class, and policy reform*. University of Chicago Press.

- Welsh Carroll, M., Flanigan, S. T., & Gutierrez III, N. (2022). Black lives experiencing homelessness matter: A critical conceptual framework for understanding how policing drives system avoidance among vulnerable populations. *Public Integrity*, 25(3), 285–300.
- Western, B. (2021). Inside the box: Safety, health, and isolation in prison. *Journal of Economic Perspectives*, 35(4), 97–122.
- Wildavsky, A. B. (1979). *Speaking truth to power: The art and craft of policy analysis*. Transaction Publishers.
- Wildeman, C., & Wang, E. A. (2017). Mass incarceration, public health, and widening inequality in the USA. *The Lancet*, 389(10077), 1464–1474.
- Wilson, D. (2016). Righting some of Wilson's wrongs. *Perspectives on Politics*, 14(3), 776–776.
- Wilson, W. (1887). The study of administration. *Political Science Quarterly*, 2(1), 197–222.
- Wilson, W. (1889). *The state: Elements of historical and practical politics, A sketch of institutional history and administration*. D. C. Heath.
- Wilson, W. (1908). *Constitutional government in the United States*. Columbia University Press.
- Wilson, W. (1910). The lawyer and the community. *The North American Review*, 192(660), 604–622.
- Wilson, W. (1921). *The new freedom*. 2nd ed. Doubleday, Page & Company.
- Woodfox, A. (2019). *Solitary: Unbroken by four decades in solitary confinement. My story of transformation and hope*. Text Publishing.
- Yellin, E. S. (2013). *Racism in the nation's service: Government workers and the color line in Woodrow Wilson's America*. University of North Carolina Press Books.
- Yeskey, 524 U.S. 206 (1998).
- Zacka, B. (2017). *When the state meets the street: Public service and moral agency*. Harvard University Press.
- Zacka, B. (2022). Political theory rediscovers public administration. *Annual Review of Political Science*, 25, 21–42.

PART 5

The Hollowing of Government

The hollowing of government can situate public administrators in the middle of competing political and administrative aims. Interests such as efficiency, effectiveness, transparency, privacy, and control can pull in different directions. These challenges were in stark relief during COVID-19 pandemic when controversy erupted around the health emergency response in Britain. Despite being known for their centralized, government run National Health Service, the pandemic shed light on the complex network of privatized services and supplies. The fragmentation and trend toward outsourcing was a significant factor in limiting their ability to respond during health emergencies.

When the public relies most on the government to provide services, such as during the times of crisis, the magnifying lens becomes focused. These are prime opportunities to examine the failures and improve future readiness. This section examines some of the ways to identify problems and repair damage around the hollowing of government.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

14

MENDING THE FRAGILE CREDIBILITY OF A HOLLOW STATE WITH STORYTELLING

Jourdan A. Davis

Introduction

Many organizations are under pressure today to adopt data science in order to keep up with their competitors who are innovating with big data and algorithms. These organizations must weigh the benefits and risks of data science. However, public organizations are vulnerable to damage to their credibility because of their reliance on public trust to remain effective. This is especially true in a “hollow state,” where ethical concerns in data science may lead to perceptions of an untrustworthy data storyteller.

The term “unreliable narrator” and how it relates to establishing or degrading credibility in data storytelling will be explored in this chapter. We’ll look at the components of participation, data, narrative, and visuals, as well as how they affect credibility and trust in evidence-based policy implementation, using a framework for data storytelling. Governance networks can work to establish credibility in their data storytelling practices by understanding the importance of these elements.

Policymakers in a hollow state should aim to understand the impact of elements of data storytelling on credibility and trust. To support this, the chapter will provide guidelines for ethical data storytelling practice, as well as advice for creating ethical data stories that are trustworthy. The chapter will also discuss the necessity of increasing data literacy within governance networks in order to communicate data stories and maintain public trust effectively.

The chapter will also outline guidelines for practice in ethical data storytelling and future directions for research. This may include examining

the impact of ethical data storytelling on policy implementation or investigating the role of technology in participatory data storytelling. Policy actors in a hollow state can work to improve the credibility and trustworthiness of their data narratives. This improvement can support successful outcomes by continuing to study and evaluate best practices in this area.

Data Literacy in the Hollow State

Data science and machine learning are important tools for public service, but these practices must be ethically sound in order to maintain trust, credibility, and legitimacy. According to Greiling (2014) government trust can be found at the highest macro-level of government or bureaucracy in general. However, it can also be found at the meso-level and micro-level. This trust could be found in a particular organization or agency, or a specific type of civil servant such as police or journalist (Greiling, 2014). This reality is further complicated in “hollow states,” which may cause governments or organizations to lack power, influence, and trust in some areas rather than others.

Milward and Provan (2000) demonstrate that hollow states often rely on contracting out government services to networks of mostly non-profit (with some private firms included). They highlight that the decrease in separation between government and service delivery has resulted in increased bureaucracy and a loss of trust in government as a result of this dependence. Administrative legitimacy is associated with public trust and citizen satisfaction (Döring, 2021), indicating that the same would be true in a hollowing state built on a governance network. Therefore, hollow governments need to foster trust in their relationships with the public to maintain legitimacy.

Public trust in the government and other institutions is often unstable and susceptible to fluctuations, which makes accountability even more important (Greiling, 2014). Because of the perceived political nature of many governance networks, hollow states must develop and maintain public trust. If the reliance on community networks lead to empowering citizens, then legitimacy may be increased (Milward & Provan, 2000). However, the performance of these networks is often self-reported, making trust even more important. Addressing ethical issues in information dissemination may be one way that hollow states can maintain or gain public trust.

Data Storytelling as Tool

Data storytelling, for example, is one way to provide more impactful and useful information that is crafted with the motivations, goals, and tasks of the target audience in mind (Drucker et al., 2018). These data stories can

be described as combining insights with narratives and visuals to adapt the reality that most decisions are not made using logic but with emotion (Dykes, 2019). Data stories bridge the two. According to Dykes (2019) data stories have data, a main point, explanatory focus, linear sequences, dramatic elements, and visual anchors. These elements make data stories closer to a narrative than to indiscriminate information dumping. This difference makes it easier to share insights with a broader audience that may not hold the same technical expertise as those who produced the insights. Ethical data storytelling can help decision-makers communicate data in a way that is credible, trustworthy, and fair.

While many scholars note that public accountability is important for improving trust in the public sector, there are multiple kinds of trust to keep in mind (Greiling, 2014). Trust can be calculus-based and rely on the predictability of behavior based on past behavior and expectations of future behavior, knowledge-based and reliant on the level of information that the trust giver has, or identification-based which is based on shared values and goals (Van de Walle, 2010). Each aspect of trust can be influenced by a data story and impact perceptions of credibility.

The governance networks found in a hollow state should improve their data literacy to create data stories that improve perceptions of credibility. Data literacy is the ability to effectively understand and use data (Frank et al., 2016). Without this ability, public administrators cannot ethically craft data stories to build public trust. Despite difficulties in creating stories quickly and without specialized skills, data-driven storytelling is gaining popularity (Stolper et al., 2018). However, these time and financial constraints do not decrease demand. Therefore, without proper training and data literacy skills, storytellers may be unable to complete these stories properly. Improper data storytelling may have ethical and legal implications (Chevalier et al., 2018). By examining best practices in ethical data storytelling, this chapter will highlight the field's need to address these concerns within the context of a hollowing state.

Hollow states should adopt best practices for ethical data storytelling to address concerns about data storytelling's credibility and trustworthiness. This could range from being open about data sources, using accurate and current data, including stakeholders in the story creation process, and using narrative and visuals to support the data story. Hollow states can work to establish and maintain credibility and trust with the public by following these practices.

The Unreliable Narrator in Data Storytelling

For hollow states that rely on trust to maintain legitimacy, understanding the impact of data storytelling on credibility and trust is critical. We

can learn how credibility and trust in data storytelling can be established or damaged by looking at the concept of the “unreliable narrator” from literature and film. An unreliable narrator is one who has compromised their credibility, leaving the audience to wonder how much they should trust the narrator and how they should interpret the story (Hogan, 2013). Policymakers in a hollow state can work to avoid creating perceptions of an unreliable data story by understanding the concept of the unreliable narrator and instead establish and maintain credibility and trust with the public.

The presence of an unreliable narrator can have a significant impact on the audience’s perception of the data story. Dykes (2019) highlights how data stories can inform a target audience about facts that would otherwise be hidden in the data. When used right, data storytelling can be a useful tool for conveying insights gained from complex data. However, the audience may question the truth of the events being described and whether they can trust the narrator when their credibility is challenged. Narrators of a data story identify key insights, curate information, and assemble the story. And while knowing the audience and catering to their data literacy and topic familiarity is crucial, this responsibility puts power in the hands of the narrator rather than the audience (Dykes, 2019). This power makes trust even more crucial.

Any sense of uncertainty and confusion about the fact of the story can lead to perceptions of an unreliable narrator. This confusion leaves the audience to wonder how much they should trust the narrator about the story world facts and how they should interpret the narrative (Jacke, 2018).

As seen in traditional fictional stories, data storytelling must be tailored to the intended audience (Lund, 2022). Narrators must carefully curate to avoid overwhelming or confusing the audience. To avoid overwhelming, these narrators must know the information literacy levels of the audience and cater to that audience (Dykes, 2019). Because credibility is critical for ensuring that a data story is taken seriously, the audience must understand what the storyteller is sharing in the first place. This clarity ensures conclusions are not undermined by untrustworthy or biased storytellers.

An unreliable narrator can also distort the truth or manipulate the audience’s understanding of the events being described, besides influencing the audience’s interpretation of the story. Jacke (2018) notes several ways a narrator can be unreliable from knowing misleading the audience to unknowingly demonstrating a mismatch between their values and the values of the audience. For example, Ehrlich (2015) notes that even defense lawyers in assault cases may exploit ideologies about what constitutes a “genuine” or “legitimate” victim to undermine the credibility of complainants that do not fit that perception. The accuracy of a story alone

isn't always what shapes perceptions of its reliability. Jacke (2018) demonstrates that while narrators may make a claim that is false, they may also simply not provide sufficient information. Conversely, narrators may implicitly communicate conflicting beliefs about the facts of the story, or a mismatch between their values and those of their audience (Jacke, 2018). These intentional or unintentional cues negatively impact the trust worthiness of the story, which as the author notes may not be fixed by simply removing themselves from the story.

Policymakers in hollow states may rely on data to communicate information to the public. And given the human proclivity for stories, storytelling has the potential to influence behavior more strongly than statistics alone (Dykes, 2019). However, if their credibility is questioned, it can lead to a loss of trust, and have serious implications for policy implementation and the hollow state's effectiveness. This emphasizes the necessity of considering the concept of the unreliable narrator in data storytelling, as well as its potential impact on credibility and trust. Policymakers in a hollow state must know the possibility that unreliable narrators could compromise their credibility and work to establish and maintain trust with the public through ethical data storytelling in order to nurture trust in their relationships.

Guidelines for Practice in Ethical Data Storytelling

Policymakers in a hollow state who want to establish and maintain credibility and trust with the public must put ethical data storytelling into practice. Policymakers can work to create interesting and credible data stories that are viewed as fair by the public by following ethical data storytelling guidelines. We'll look at some guidelines for ethical data storytelling in this section, which can help policymakers establish and maintain credibility and trust with the public.

These guidelines include being open about data sources and methods, using accurate and current data, including stakeholders in the story creation process, and considering the role of narrative and visuals in data storytelling.

Policymakers in a hollow state can work to establish and maintain credibility and trust with the public by understanding the importance of these guidelines and putting them into practice.

Avoid Manipulating Data

For effectively communicating data stories and maintaining public trust, increasing data literacy within governance networks is critical. Data literacy is the ability to comprehend, interpret, and use data to inform

decision-making. Policy actors in a hollow state can improve their ability to create and communicate ethical data stories that are trustworthy by increasing data literacy within governance networks. This could include training on best practices for data storytelling, as well as raising awareness of the importance of ethical data storytelling in policy decision-making. Policy actors can work to establish and maintain credibility and trust with the public by increasing data literacy within governance networks, which can help policy implementation succeed. Policy actors in a hollow state can work to improve the public's trust in their governance networks by understanding the importance of data literacy in ethical data storytelling.

Dykes (2019) provides an excellent starting point for avoiding data manipulation. A major aim, according to the authors, is to not only identify the insights but also remove or minimize personal bias when gathering data. Although this might be more obvious in some stories or situations, in others this may involve reestablishing beliefs and preferences, priorities, and expectations of the audience and ensure the story does not conflict with the value systems of that audience, as highlighted by Jacke (2018). How the narrator cuts the data or sneaks in information may also negatively impact the experience of the audience (see Dykes, 2019 for further explanation). And more subtle biases such as confirmation bias, survivorship bias, correlation fallacy, and Hasty generalizations may be harder to catch, making a second pair of eyes crucial.

Storytellers should be open about data sources is a useful technique for creating ethical data stories that are credible. Policy actors in a hollow state can show their commitment to transparency and accountability by being transparent about the sources of data used in a data story, which can help to build public trust. This could include supplying information about the data sources, such as the source of the data collection, any relevant limitations or biases, and all other pertinent contextual information. Being open about data sources can help to ensure that the stories being told are based on accurate and current information, as well as build credibility and trust with the public. Policymakers in a hollow state can work to create ethical data stories that are perceived as fair and credible by the public by considering the importance of transparency in data storytelling.

Another useful tip for creating ethical data stories that are trustworthy is to use current and accurate data. In a hollow state, policymakers can help to ensure that the stories being told are based on accurate and current data by using reliable and current data. Because it shows a commitment to using high-quality data that is relevant and accurate to the story being told, this can help establish credibility and trust with the public. Using current and accurate data can help to ensure that the stories being told apply to the public's needs and concerns. Policymakers in a hollow state can work to create ethical data stories that are perceived as fair and

credible by the public by considering the importance of using accurate and current data in data storytelling.

Get Stakeholders Involved

Ethical data storytelling may use participation as a useful component to ensure that biases are removed or acknowledged, by involving stakeholders in the story creation process. Stakeholder involvement in the story creation process and consideration of their viewpoints can help to achieve procedural fairness and build trust (Greiling, 2014). Perceptions of fairness depend on high-quality data that are relevant and accurate to the story being told, which can be addressed with community co-production.

Stakeholder involvement in the story creation process is a useful technique for creating ethical data stories that are trustworthy. Policy actors in a hollow state can achieve procedural fairness by engaging stakeholders in the story creation process and helping to ensure that the stories being told respond to the public's needs and concerns. This could include involving stakeholders in the data gathering and analysis process, as well as the storytelling process itself. Policymakers can work to create ethical data stories that are viewed as fair and credible by the public by considering the perspectives and needs of stakeholders in the story creation process. Decision-makers in a hollow state can work to build trust and credibility with the public by engaging stakeholders in the story creation process.

Craft a Meaningful Narrative with Appropriate Visuals

The data story's narrative also has a significant impact on how it is perceived by the audience. Narratives are powerful in communicating information and informing individuals. They are more influential than scientific evidence or statistical evidence in communicating with a non-expert audience (Lybecker et al., 2016; McBeth & Lybecker, 2018). Additionally, narratives connect to an individual's identity, which makes them more persuasive (Clemons et al., 2012). To effectively communicate information to the public, policymakers in a hollow state must carefully craft the narrative of their data stories and demonstrate them with appropriate visuals.

Visuals can help to support and enhance the data narrative, as well as encourage fairness in data storytelling. Data visualization is a powerful way to present data, and it can be used to explore data, explain data, and support flexibility in a story (Thudt et al., 2018). Policymakers in a hollow state can help to make data more relatable and accessible to the public by using compelling visuals to illustrate data and trends (Dykes, 2019). The choice of visuals and how we use them can have a significant

impact on how the audience perceives and comprehends the data story (Bach et al., 2018). Policymakers can work to create ethical data stories that are viewed as fair and credible by the public by being aware of the role of visuals in data storytelling. This may entail using clear and concise visuals that accurately represent the data, as well as considering the audience's needs and concerns in the visual design process (Amini et al., 2018). Policymakers can work to establish and maintain credibility and trust with the public by understanding the importance of visuals in ethical data storytelling.

Future Directions

Many potential areas for expansion or validation of the framework for ethical data storytelling exist as the field of data science continues to develop and grow. This could include examining new data storytelling techniques that respond to the needs and concerns of the public, as well as considering the impact of various technologies and platforms on how data stories are communicated and understood. Through research and evaluation studies, there may be opportunities to validate the effectiveness of various approaches to ethical data storytelling. Policy actors in a hollow state can work to improve the credibility and trustworthiness of their data narratives while also ensuring successful policy implementation by considering these future directions.

The impact of ethical data storytelling on policy implementation is one area where the framework for ethical data storytelling could be expanded or validated. This could include evaluating the effectiveness of various ethical data storytelling approaches in supporting successful policy implementation, as well as investigating the factors that contribute to the success or failure of ethical data storytelling in policy decision-making. Exploring the role of technology in participative data storytelling is another area for expansion or validation. It's critical to consider the impact of various technologies on how data stories are communicated and understood as we increasingly use technology in data collection and analysis. This could include examining the use of new platforms and technologies for participatory data storytelling, as well as the potential difficulties and opportunities for using technology in data storytelling. Policy actors in a hollow state can work to improve the credibility and trustworthiness of their data narratives while also supporting successful policy implementation by considering these potential areas for expansion or validation.

In order to better understand best practices for ethical data storytelling, ongoing research and evaluation will be critical. This could include conducting research studies to validate the effectiveness of various approaches to ethical data storytelling, as well as assessing the impact of ethical data

storytelling on policy implementation. Policymakers in a hollow state can stay informed about the most recent best practices for ethical data storytelling by conducting ongoing research and evaluation and make evidence-based decisions about how to craft and communicate data stories. Continuous research and evaluation can help to identify areas for improvement in ethical data storytelling, as well as inform novel approaches and technologies for data storytelling development. Policy actors in a hollow state can work to improve the credibility and trustworthiness of their data narratives while also supporting successful policy implementation by prioritizing ongoing research and evaluation in this area.

The framework for ethical data storytelling described in this chapter has the potential to be applied in other contexts or organizations beyond hollow states. Many organizations, both public and private, are increasingly relying on data to inform decision-making and drive innovation. These organizations must consider how to convey data stories in a trustworthy manner. Applying the framework for ethical data storytelling described in this chapter can help these organizations establish and maintain credibility and trust with their stakeholders. When considering the role of participation, data, narrative, and visuals in data storytelling, organizations can create data stories that are fair and just, as well as those that support successful policy implementation or decision-making. Policy actors can work to improve the credibility and trustworthiness of their data stories and support successful outcomes by utilizing the framework for ethical data storytelling in other contexts and organizations.

Discussion Questions

1. How does addressing credibility concerns in data storytelling contribute to maintaining legitimacy and trust in governance networks and government institutions?
2. What are the key elements of ethical data storytelling, and how do they influence the credibility and effectiveness of information shared with citizens and policy actors?
3. In what ways can an evidence-based policy implementation process benefit from incorporating ethical data storytelling? How does the framework outlined in the chapter support this integration?
4. What are some potential challenges or pitfalls in establishing and maintaining credibility in data storytelling, and how can the presented guidelines for practice help overcome them?
5. Looking toward the future, what are the possible directions for expanding and validating the framework of participatory data storytelling? What areas or aspects could be further explored to enhance credibility and trust in data-driven narratives?

References

- Amini, F., Brehmer, M., Bolduan, G., Elmer, C., & Wiederkehr, B. (2018). Evaluating Data-Driven Stories and Storytelling Tools*. In N. H. Riche, C. Hurter, N. Diakopoulos, and S. Carpendale. (Eds.), *Data-Driven Storytelling*. A K Peters/CRC Press.
- Bach, B., Stefaner, M., Boy, J., Drucker, S., Bartram, L., Wood, J., Ciuccarelli, P., Engelhardt, Y., Köppen, U., & Tversky, B. (2018). Narrative Design Patterns for Data-Driven Storytelling. In N. H. Riche, C. Hurter, N. Diakopoulos, and S. Carpendale. (Eds.) *Data-Driven Storytelling*. A K Peters/CRC Press.
- Chevalier, F., Tory, M., Lee, B., van Wijk, J., Santucci, G., Dörk, M., & Hullman, J. (2018). From Analysis to Communication: Supporting the Lifecycle of a Story. In N. H. Riche, C. Hurter, N. Diakopoulos, and S. Carpendale (Eds.), *Data-Driven Storytelling*. A K Peters/CRC Press.
- Clemons, R. S., McBeth, M. K., & Kusko, E. (2012). Understanding the Role of Policy Narratives and the Public Policy Arena: Obesity as a Lesson in Public Policy Development. *World Medical & Health Policy*, 4(2), 1–26. <https://doi.org/10.1515/1948-4682.1220>
- Döring, M. (2021). How-to Bureaucracy: A Concept of Citizens' Administrative Literacy. *Administration & Society*, 53(8), 1155–1177. <https://doi.org/10.1177/0095399721995460>
- Drucker, S., Huron, S., Kosara, R., Schwabish, J., & Diakopoulos, N. (2018). Communicating Data to an Audience. In N. H. Riche, C. Hurter, N. Diakopoulos, and S. Carpendale (Eds.), *Data-Driven Storytelling*. A K Peters/CRC Press.
- Dykes, B. (2019). *Effective Data Storytelling: How to Drive Change with Data, Narrative and Visuals*. John Wiley & Sons.
- Ehrlich, S. (2015). Narrative, Institutional Processes, and Gendered Inequalities. In *The Handbook of Narrative Analysis* (pp. 293–310). John Wiley & Sons, Ltd. <https://doi.org/10.1002/9781118458204.ch15>
- Frank, M., Walker, J., Attard, J., & Tygel, A. (2016). Data Literacy—What is it and How Can We Make it Happen? *The Journal of Community Informatics*, 12(3), Article 3. <https://doi.org/10.15353/joci.v12i3.3274>
- Greiling, D. (2014). Accountability and Trust. In M. Bovens, R. Goodin, & T. Schillemans (Eds.), *The Oxford Handbook of Public Accountability*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199641253.013.0023>
- Hogan, P. C. (2013). *Narrative Discourse: Authors and Narrators in Literature, Film and Art*. The Ohio State University Press. <https://muse.jhu.edu/book/123948>
- Jacke, J. (2018). Unreliability and Narrator Types. On the Application Area of ›Unreliable Narration‹. *Journal of Literary Theory*, 12(1), 3–28. <https://doi.org/10.1515/jlt-2018-0002>
- Lund, B. D. (2022). The Art of (Data) Storytelling: Hip Hop Innovation and Bringing a Social Justice Mindset to Data Science and Visualization. *The International Journal of Information, Diversity, & Inclusion*, 6(1/2), 31–41.
- Lybecker, D. L., McBeth, M. K., & Stoutenborough, J. W. (2016). Do We Understand What the Public Hears? Stakeholders' Preferred Communication Choices for Discussing River Issues with the Public. *Review of Policy Research*, 33(4), 376–392. <https://doi.org/10.1111/ropr.12182>

- McBeth, M. K., & Lybecker, D. L. (2018). The Narrative Policy Framework, Agendas, and Sanctuary Cities: The Construction of a Public Problem. *Policy Studies Journal*, 46(4), 868–893. <https://doi.org/10.1111/psj.12274>
- Milward, H. B., & Provan, K. G. (2000). Governing the Hollow State. *Journal of Public Administration Research and Theory*, 10(2), 359–380. <https://doi.org/10.1093/oxfordjournals.jpart.a024273>
- Stolper, C. D., Lee, B., Riche, N. H., & Stasko, J. (2018). Data-Driven Storytelling Techniques: Analysis of a Curated Collection of Visual Stories. In N. H. Riche, C. Hurter, N. Diakopoulos, and S. Carpendale (Eds.), *Data-Driven Storytelling*. A K Peters/CRC Press.
- Thudt, A., Walny, J., Gschwandtner, T., Dykes, J., & Stasko, J. (2018). Exploration and Explanation in Data-Driven Storytelling. In N. H. Riche, C. Hurter, N. Diakopoulos, and S. Carpendale (Eds.), *Data-Driven Storytelling*. A K Peters/CRC Press.
- Van de Walle, S. (2010). *New Public Management: Restoring the Public Trust through Creating Distrust?* (SSRN Scholarly Paper No. 1594042). <https://doi.org/10.2139/ssrn.1594042>

15

GAMING THE SYSTEM

Ethical Constraints in Implementing Co-production

Meril Antony

Introduction

Co-production, a term initially coined by Elinor Ostrom, is a conceptual and practical approach that enables stakeholders inside and outside the organizational setting to be active in the design, production, and delivery of public services (Ostrom, 1996; Crompton, 2019). The interdependency between the community and public service organizations to implement and deliver public services led to the establishment of the co-production theory (Osborne et al., 2016). In broader terms, co-production intersects collaborative governance and deliberative democracy (Crompton, 2019; Nabatchi, 2010), where diverse stakeholders openly contribute and influence the decision-making processes. In addition, co-production assumes it to be a meaningful experience for all stakeholders, including the citizens, public servants, and other interacting organizations.

However, stakeholders bring about distinct narratives and cultural value judgments, which may profoundly influence public value creation. Moore coined the term “public value” in 1995 by focusing on public servants’ role in its creation, legitimization, and realization (Bryson et al., 2017). Public value refers to public servants finding ways to solve citizen needs that have a collective impact (Moore, 1995; Dudau et al., 2019). Here public value could create a valuable service with sustainability characteristics from feasibility and political legitimization lens.

Since the 1980s, public services have been delivered more and more through co-production arrangements. While much has been written about the co-production of public services, less has been spoken about some of

the public service value challenges associated with co-production and how to manage them. This is an important question to study as it has implications for sustaining public service governance. Rhodes (1981,2008) defined *governance* as “self-organizing, inter-organizational networks characterized by interdependence, resource exchange, rules of the game based on trust and significant autonomy from the state.” Rhodes argued that with the growing influence of non-state actors and partnerships (co-production being one kind), the authority of the central authority or state is being diminished, leading to a shift in the power dynamics in the formulation and implementation of public policies (Miller, 2014). Rhodes also provided three levels of analysis for a better understanding of hollowing out the government: macro level (inter-governmental), meso level (inter-linkage between central, state, and other organizations); and micro-level (role of individual actors and public service organizations) (Miller, 2014).

This chapter focuses on the micro-level analysis of Rhodes’s theory, where the author delineates some of the underlying tensions associated with upholding public service values between the different actors and public service organizations and the complexity involved when interacting with different relevant stakeholders. Next, the author presents examples from the public education context to emphasize such tensions further. The final section of the paper revisits Moore’s strategic triangle framework and calls to action to reutilize it to mitigate some of the underlying tensions faced in implementing co-production in public service delivery.

When Moore initially coined the term “public value,” the initial connotation and research around this concept focused on how public servants “manage” the environment, citizens, and other stakeholders and utilize organizational capacity to deliver public value (Bryson et al., 2017). Over the decades, research on the co-creation of public value through co-production has also been extant (Bryson et al., 2017; Dudau et al., 2019; Osborne et al., 2016, 2018). However, less is explored on whether the public value is perceived similarly by all stakeholders. According to Hartley et al. (2017), how public value is construed by different stakeholders in different contexts will provide more evidence on which individuals or groups are inclusive or exclusive of the co-production process. Since the late 1970s, co-production theory and its design and delivery of public services have substantially influenced policy design and decision-making (Ostrom, 1996; Crompton, 2019). It is also an essential mechanism for deliberative democracy and the re-distribution of power between public managers and citizens, thus ensuring more accountability (Bovaird et al., 2015; Bryson et al., 2017). However, stakeholders bring their individual or distinct motives, culture, social status, and resources that would influence how each stakeholder perceives the public value created in the

co-production process (Crompton, 2019). So, knowing what value is created, the tensions in creating such value, the barriers leading to such tensions, and its consequences are essential to address and evaluate.

In this chapter, the author utilizes a U.S. K–12 education setting that involves parents (citizens) and school personnel (public servants) in the co-production of services. The parental involvement in school claims different facets of public service co-production and how it has a subsequent impact on citizen outcomes (student outcomes). As such, the contextual case provides an ideal setting to study the tensions that co-producers experience around public value creation and its potential pitfalls in the delivery of public services. This chapter will first discuss the co-production of services and public value creation. Then, it will address the different types of tension: exclusion of vulnerable groups, non-reciprocity of co-producers, and lack of leadership while utilizing examples from education context to explain the potential pitfalls. Finally, I argue that understanding the ethical constraints in delivering public service values is crucial for the co-production process and is relevant into building a robust research agenda to comprehend the workings of public service organizations.

Creating Public Value during the Co-production Process

Ostrom (1996) defines co-production as “the process through which inputs used to provide a good or service are contributed by individuals who are not in the same organization” (1996, p. 1073). Citizens and public servants as co-producers play a significant (if not equal) role in co-production in their attempt to achieve collaborative governance for the said public service. As seen in prior research (Loeffler & Bovaird, 2016; Parrado et al., 2013; Body & Hogg, 2022) across different contextual settings (Silvestre et al., 2016; Strokosch & Osborne, 2016; Loeffler & Bovaird, 2020), one of the critical attributes of co-production is building into individual service user needs as it paves the way for greater efficiency and quality of service delivery (Pestoff, 2006; Jaspers & Steen, 2019). However, there has not been a concrete understanding of the dynamics between co-production processes and public value creation.

Building the normative concept of public value, its underlying tensions, barriers, and potential pitfalls could lead to sustaining co-production among public service organizations. The literature does acknowledge that public service agents constantly face value conflicts and tensions, especially those surrounding a tradeoff between traditional governmental values versus new public management efficiency values (Bozeman, 2007; Jaspers & Steen, 2019). More specifically, there has always been a conflict in balancing traditional values such as integrity, administrative neutrality, and impartiality with “business-like values” such as efficiency and

effectiveness (de Graaf & van der Wal, 2010; Jaspers & Steen, 2019). However, with the co-production process, public value creation comes from stakeholders separate from public service agents. Hence the more concrete definition of public value as “added value created through the activities of public organizations and their managers” (Hartley et al., 2017, p. 672) will be inadequate as it does not incorporate the public value addition from other relevant stakeholders.

Moore, in his 1995 work, suggested “public value” can be conceptualized

partly in terms of the satisfaction of individuals who [enjoy desirable outcomes], ... and partly in terms of the satisfactions of citizens who have seen a collective need, fashioned a public response to that need, and thereby participated in the construction of a community

Later, Bovaird and Loeffler (2012) developed and introduced the “value-added” dimension that helps identify and operationalize public value creation for public service organizations. They identified five dimensions of public value: user value, value to wider groups, social value, environmental value, and political value. This aligns with later research on services delivering public value that must be sustainable, politically and resource-wise (Dudau et al., 2019).

Van Eijk and Steen (2014) further delineate these dimensions of public value into self-centered versus community-centered motivations. The authors point out that citizen co-producers will primarily be looking to maximize their user value (e.g., parents involved in school committees to build social capital with school personnel and organizations). On the other hand, community-centered motivations, first defined by Clary et al. (1998), are humanitarian and altruistic, where value to wider groups and social value would be paramount (Jaspers & Steen, 2021). An example of community-based co-production being schools supporting family literacy projects to improve parental empowerment and enhance students’ learning experiences (Nutbrown et al., 2015). However, these dimensions outlined by Bovaird and Loeffler (2012) and later by Van Eijk and Steen (2014) do not discuss the circumstances under which motivations for co-producing might not overlap among stakeholders. This is important to understand as it may cause public value conflict among the relevant stakeholders.

For instance, in the U.S. public education context, education and sociology disciplines have extant research conducted on the importance of family-school engagement practices that have had significant positive outcomes for parents, students, and even school personnel (Epstein et al., 2002; Gardner et al., 2010). Further research into these engagement practices has also outlined the wide disparity based on socio-racial-economic characteristics (MacLeod, 2018; Aronson, 2008; Weis et al., 2014; Lewis

& Diamond, 2015). However, research within the public administration discipline has also shown the differential effect of the power dynamics where citizens with higher social class strata tend to dominate the legitimacy and decision-making power of the public service agencies (Steen et al., 2018). This will presumably also happen due to conflicts in expectations around creating public value by different individuals, public service agents, and other interrelated organizations. These normative tendencies toward value conflicts arise due to underlying tensions between interacting or participating stakeholders. In this chapter, I address three underlying tensions: non-inclusion of vulnerable groups, non-reciprocity from co-producers, and lack of effective leadership.

Tensions in Creating Public Value

The public value created during the co-production process does not work in a vacuum. A combination of value conflicts due to the underlying tensions plays a crucial role in determining the implementation and sustenance of the co-production process. While addressing value conflicts is an old and classic public management challenge (Bozeman, 2007), less has been discussed about the underlying tensions between relevant stakeholders and how it creates or distracts public value. This is important to understand as stakeholders bring their distinct cultural, social, and institutional capital that has a bearing on the co-production process, the inherent public value creation, and subsequent policy decision-making (Crompton, 2019). As such, public value can be perceived as multi-faceted, with individual value for the co-producer, institutional value for the public service organization, social value for the citizenry, and more diffused political and environmental value for improving the legitimization of the co-production process (Dudau et al., 2019).

However, it is essential to note public servants' paradox in creating multiple public values during the co-production process. Bovaird (2007) notes, "the professional has to be prepared to trust the decisions and behaviors of service users [...] rather than dictate them" (p. 856). However, on the other hand, public servants cannot go by the co-producers' motivations and opinions blindfolded. This is one of the core reasons for underlying tensions leading to a conflict of different public values (Jaspers & Steen, 2021).

While some empirical evidence exists on identifying varied public value (Maynard-Moody & Musheno, 2003; de Graaf & Paanakker, 2015; Schott, 2015; Schott et al., 2015), less is available on how co-production can offer a new approach to understanding public values (Jasper & Steen, 2019). Co-production process would produce mixed motives and conflicting public values from different stakeholders unless they all agree on one

common focal point for being part of the co-production process. This can only be achieved if the underlying tensions are mitigated and co-producers are empowered on all accounts (Cui & Osborne, 2022; Jaspers & Steen, 2019, 2021; Brandsen & Helderma, 2012; Van Eijk & Steen, 2014). The author categorizes the tensions into three themes: non-inclusion of vulnerable groups, non-reciprocity from co-producers, and lack of effective leadership.

Non-inclusion of Vulnerable Groups

One of the first underlying tensions in creating public value is the inclusion and empowerment of all co-producers (Vanleene et al., 2020). For example, there is existing literature on the vital role citizens play in the success of community development projects (Vanleene et al., 2018). However, it might not always work as citizens belonging to the disadvantaged neighborhood or, due to lack of experience or skills, would get excluded from the co-production process (Jakobsen & Anderson, 2013). Very little research exists on how co-production affects the participation or engagement of vulnerable citizens (Jakobsen & Anderson, 2013; Brandsen, 2021). Even among this research, there has not been much discussion around the behavior or value creation that happens by including and empowering the co-producers from vulnerable groups (Sweeting, 2022).

There are many instances within the schooling system where parents and students get excluded from the co-production process due to cultural or social barriers that may or may not be intended by school organizations. For example, most schools expect parents to be active in participating and helping with school activities. Nevertheless, parents with language barriers or multiple jobs tend to get excluded from such processes (Bovaird & Loeffler, 2016; Voorberg et al., 2015; Ahn & Ostrom, 2002). These are examples of how public servants reinforce existing exclusion practices and further increase inequality by excluding participants from the co-production process. As a result, the social value that could be achieved by including the key stakeholders is prone to be diminished (Vanleene et al., 2020; Ventriss, 2012).

Non-reciprocity from Co-producers

A combined tension created from the non-inclusion of vulnerable groups is co-producers' non-reciprocity. This could be due to the increasing distrust and feeling of powerlessness (Vanleene et al., 2018, 2020). When public servants disrespect co-producers by not including them in the co-production process, they create a socially excludable environment where citizens or other co-producers feel disempowered and lose their voices.

This leads to a direct reduction of the user value that would have been created by being directly active in the co-production process, thus reducing the potential for building on other dimensions of public value.

In the public education setting, many examples can shed light on the presence of this underlying tension. For example, family and community engagement are integral tools for building an equitable and inclusive learning environment in the school. However, many studies have pointed out a distrust among minorities or parents belonging to vulnerable groups for teachers and school principals (Payne, 2008; Auerbach, 2009). This distrust usually arises due to a lack of motivation among school personnel to be more inclusive of the needs of the parents and students (Auerbach, 2009). On the other hand, research points toward differing expectations from teachers based on their community culture and norms. For example, research conducted among Mexican families believes that parents' and teachers' roles are separate, and each has its own set of tasks and responsibilities in a child's education (Reese et al., 2012). This is a very different set of expectations as opposed to those who have been brought up in the U.S. education system, where parental involvement is considered integral to the child's learning process (Egbert & Salsbury, 2009). While these studies' primary research questions were not around the public service value conflicts generated from the presence of distrust, we can argue that the decision-making of the co-producers does lead to a production of user value different from other co-producers. These examples not only show a difference in user value among different citizens (in this example, parents) but also value conflict among a wider group of people by not including all parents in the co-production process.

Lack of Effective Leadership

The critical link between maintaining ethical standards and public values is also directly linked to effective leadership (Kakabadse et al., 2003; Paanakker & Reynaers, 2020). While research on the importance of effective leadership is extant (Brown & Head, 2019; Baldwin, 2019; Hartley et al., 2019; Sørensen et al., 2021), there is a growing body of evidence on how co-production provides a new way of building effective leadership practices with a discretionary environment being a key to upholding public values (Kakabadse et al., 2003; Brown & Head, 2019). However, tensions in upholding public values arise as the discretionary perspective is influenced by public service agents' choices to uphold or withhold said values. For example, Paanaker and Reynaers (2020) research among prison officers found that public service agents uphold the values of humanity, security, reintegration, and task effectiveness as opposed to accountability, loyalty, and efficiency. Thus, public service leaders'

discretionary behavior may either help reduce the underlying tensions among co-producers or further exacerbate them. Another possible reason for such discretionary behavior could be the constraints public managers face in upholding values.

A study in the Los Angeles school district by Auerbach (2009) with the school principals showed how school leaders used poems to connect with parents and students from Hawain and Latino backgrounds. Similarly, another study by Feiler et al. (2008) showed how school leaders used their discretion to include new “drop-in” events multiple times and across days to help parents come to school at their convenience. In addition, to be inclusive of all parents, the study showed how art showcases were also displayed outside of the school buildings to let parents interact or not interact with other parents or school personnel at their discretion. These studies are examples of discretion and leadership improving not just user value but also value among the wider group by mitigating some of the tensions created at the individual level (such as exclusion and non-reciprocity).

These examples in the public education context outline how the exclusion of vulnerable groups, non-reciprocity among co-producers, and lack of effective leadership bring about the underlying tensions in upholding public service values among all relevant stakeholders. The following section examines some of these underlying tensions and how we can mitigate them.

Conclusions and Practical Recommendations

Co-production effectively undermines some of the idiosyncrasies of hollowing out the government, as seen in the new public management paradigm. In this chapter, the author unpacks some of the underlying tensions faced in upholding public service values and implementing a co-production framework for public service delivery. After understanding the different tensions faced by stakeholders, the question to be asked is how organizations can manage some of these tensions to improve the co-producing capacity of stakeholders.

There is emerging literature on specific mechanics that would help manage value conflicts. These mechanisms have been collated from individual case studies, examples from different organizations and governments, and across different years (van der Wal et al., 2011; de Graaf et al., 2016; Bryson et al., 2017). These include:

- Cycling: Alternately emphasizing different values that conflict at different points in time;
- Firewalls: Distributing responsibility for pursuing distinct competing values to different institutions or administrative units;

- **Casuistry:** Consulting past decisions about similar value conflicts and crafting a customized response based on those examples;
- **Hybridization:** Sustaining distinct policies and practices that pursue competing values;
- **Incrementalism:** Softening or ameliorating value conflicts through slight adjustments to policy or practice (Bryson et al., 2017).

However, less has been discussed about the organizational capacities that would help implement such mechanisms in the first place. The author argues that organizational capacities, which have long been studied as part of Moore's strategic triangle (Moore, 2013) in creating public value, can also be reutilized in influencing some of the tensions arising from the value conflicts. Moore (2013) identified three requirements for public managers to work effectively within constraints: policies have to be valuable or, in other words, in public interests, have legitimacy in the decision-making, and be well within the organizational capacity (Brown & Head, 2019).

Previous research (Vanleene et al., 2020) has shown that organizational capacity, including the skills and time of the professionals and co-producers, can significantly impact an organization's success. One of the United Kingdom's critical projects summarized different barriers preventing co-production from being scaled up. Among these, value conflicts arising due to the unwillingness from citizens, political actors, and organizations were a critical barrier to its successful implementation (NESTA, 2011; Bovaird & Loeffler, 2012) as triggering a behavioral change was the main issue, even though co-production helps to produce user value, but also value to the wider group.

Delving further into mitigating the underlying tensions that influence the co-production process is needed. At present, empirical data have looked at different facets of the co-production process and its effect on individual and organizational outcomes. These empirical data pertain to individual case studies, contextual settings, and secondary data analyses but are not generalizable to a broader public administration context. Hence, gaining insight into the behavior of the co-producers can shed more light on the emergence of value conflicts and how tensions further exacerbate them. The discussion from this chapter also highlights how organizational capacities should be utilized not just for the creation of public value but continuing to use it for mitigating some of these value conflicts. Therefore, more research, time, collaboration, funding, and discussion are required to comprehend how organizations themselves can improve the co-production process while not trading off the user values created in the process.

We all experience value conflicts daily in our personal and professional lives, and there are many interacting actors whose sets of tasks and

responsibilities set them apart based on their values. Similarly, with many actors involved in the co-production process at the organizational level, value clashes are bound to occur due to a difference in motivations, expertise, responsibilities, and expectations. Assessing the value conflicts in the co-production process and ways to mitigate them force us to pose critical questions that look at the sustenance of public value in the co-production process:

- What type of empirical data would help provide more evidence for such ethical constraints in the co-production process?
- How do we build constructs that measure individual user value created during the co-production process?
- Do the underlying tensions that bring about value conflicts differ based on contextual settings?
- What “operational capacities” would the public service organization need to rely upon to sustain the diverse public values within an organization?

References

- Ahn, T. K., & Ostrom, E. (2002, August). Social capital and the second-generation theories of collective action: An analytical approach to the forms of social capital. In *Annual meeting of the American Political Science Association* (Vol. 29). Boston, MA.
- Aronson, P. (2008). Breaking barriers or locked out? Class-based perceptions and experiences of postsecondary education. *New Directions for Child and Adolescent Development*, 119, 41–54.
- Auerbach, S. (2009). Walking the walk: Portraits in leadership for family engagement in urban schools. *School Community Journal*, 19(1), 9–32.
- Baldwin, K. (2019). Elected MPs, traditional chiefs, and local public goods: Evidence on the role of leaders in co-production from rural Zambia. *Comparative Political Studies*, 52(12), 1925–1956. <https://doi.org/10.1177/0010414018774372>.
- Body, A., & Hogg, E. (2022). Collective co-production in English public services: The case of voluntary action in primary education. *Voluntary Sector Review*, 13(2), 243–259. <https://doi.org/10.1332/204080521X16231629157096>.
- Bovaird, T. (2007). Beyond engagement and participation: User and community coproduction of public services. *Public Administration Review*, 67(5), 846–860.
- Bovaird, T., & Loeffler, E. (2012). From engagement to co-production: The contribution of users and communities to outcomes and public value. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 23(4), 1119–1138.
- Bovaird, T., & Loeffler, E. (2016). What has co-production ever done for interactive governance? In *Critical reflections on interactive governance* (pp. 254–277). Edward Elgar Publishing. <https://doi.org/10.4337/9781783479078.00017>.

- Bovaird, T., Van Ryzin, G. G., Loeffler, E., & Parrado, S. (2015). Activating citizens to participate in collective co-production of public services. *Journal of Social Policy*, 44(1), 1–23.
- Bozeman, B. (2007). *Public values and public interest: Counterbalancing economic individualism*. Washington DC: Georgetown University Press.
- Brandsen, T. (2021). Vulnerable citizens: Will co-production make a difference? In *The Palgrave handbook of co-production of public services and outcomes* (pp. 527–539). Cham: Palgrave Macmillan.
- Brandsen, T., & Helderman, J. K. (2012). The trade-off between capital and community: The conditions for successful co-production in housing. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 23(4), 1139–1155. <https://doi.org/10.1007/s11266-012-9310-0>.
- Brown, P. R., & Head, B. W. (2019). Navigating tensions in co-production: A missing link in leadership for public value. *Public Administration*, 97(2), 250–263. <https://doi.org/10.1111/padm.12394>.
- Bryson, J., Sancino, A., Benington, J., & Sørensen, E. (2017). Towards a multi-actor theory of public value co-creation. *Public Management Review*, 19(5), 640–654. <https://doi.org/10.1080/14719037.2016.1192164>.
- Clary, E. G., Snyder, M., Ridge, R. D., Copeland, J., Stukas, A. A., Haugen, J., & Miene, P. (1998). Understanding and assessing the motivations of volunteers: A functional approach. *Journal of Personality and Social Psychology*, 74(6), 1516.
- Crompton, A. (2019). Inside co-production: Stakeholder meaning and situated practice. *Social Policy and Administration*, 53(2), 219–232. <https://doi.org/10.1111/spol.12466>.
- Cui, T., & Osborne, S. P. (2022). Unpacking value destruction at the intersection between public and private value. *Public Administration*. Advanced online publication. <https://doi.org/10.1111/padm.12850>.
- de Bruïne, E. J., Willemse, T. M., D’Haem, J., Griswold, P., Vloeberghs, L., & Van Eynde, S. (2014). Preparing teacher candidates for family–school partnerships. *European Journal of Teacher Education*, 37(4), 409–425. <https://doi.org/10.1080/02619768.2014.912628>.
- De Graaf, G., & Paanakker, H. (2015). Good governance: Performance values and procedural values in conflict. *The American Review of Public Administration*, 45(6), 635–652. <https://doi.org/10.1177/0275074014529361>.
- De Graaf, G., & Van Der Wal, Z. (2010). Managing conflicting public values: Governing with integrity and effectiveness. *The American Review of Public Administration*, 40(6), 623–630.
- De Graaf, G., Huberts, L., & Smulders, R. (2016). Coping with public value conflicts. *Administration and Society*, 48(9), 1101–1127.
- Dudau, A., Glennon, R., & Verschuere, B. (2019). Following the yellow brick road? (Dis) enchantment with co-design, co-production and value co-creation in public services. *Public Management Review*, 21(11), 1577–1594. <https://doi.org/10.1080/14719037.2019.1653604>.
- Egbert, J., & Salsbury, T. (2009). “Out of complacency and into action”: An exploration of professional development experiences in school/home literacy engagement. *Teaching Education*, 20(4), 375–393. <https://doi.org/10.1080/10476210902998474>.

- Epstein, J. L. (2002). Family, school, and community connections. In J. W. Guthrie (Ed.), *Encyclopedia of education* (Vol. 3, 2nd ed., pp. 821–828). New York: Macmillan.
- Feiler, A., Andrews, J., Greenhough, P., Hughes, M., Johnson, D., Scanlan, M., & Yee, W. C. (2008). The home school knowledge exchange project: Linking home and school to improve children's literacy. *Support for Learning*, 23(1), 12–18.
- Gardner, F., Hutchings, J., Bywater, T., & Whitaker, C. (2010). Who benefits and how does it work? Moderators and mediators of outcome in an effectiveness trial of a parenting intervention. *Journal of Clinical Child and Adolescent Psychology*, 39(4), 568–580.
- Hartley, J., Alford, J., Knies, E., & Douglas, S. (2017). Towards an empirical research agenda for public value theory. *Public Management Review*, 19(5), 670–685.
- Hartley, J., Parker, S., & Beashel, J. (2019). Leading and recognizing public value. *Public Administration*, 97(2), 264–278. <https://doi.org/10.1111/padm.12563>.
- Jakobsen, M., & Andersen, S. C. (2013). Coproduction and equity in public service delivery. *Public Administration Review*, 73(5), 704–713. <https://doi.org/10.1111/puar.12094>.
- Jaspers, S., & Steen, T. (2019). Realizing public values: Enhancement or obstruction? Exploring value tensions and coping strategies in the co-production of social care. *Public Management Review*, 21(4), 606–627.
- Jaspers, S., & Steen, T. (2021). Does co-production lead to the creation of public value? Balancing the dimensions of public value creation in urban mobility planning. *Administration and Society*, 53(4), 619–646.
- Kakabadse, A., Korac-Kakabadse, N., & Kouzmin, A. (2003). Ethics, values and behaviours: Comparison of three case studies examining the paucity of leadership in government. *Public Administration*, 81(3), 477–508. <https://doi.org/10.1111/1467-9299.00357>.
- Lewis, A. E., & Diamond, J. B. (2015). *Despite the best intentions: How racial inequality thrives in good schools*. Oxford University Press.
- Loeffler, E., & Bovaird, T. (2016). User and community co-production of public services: What does the evidence tell us? *International Journal of Public Administration*, 39(13), 1006–1019. <https://doi.org/10.1080/01900692.2016.1250559>.
- Loeffler, E., & Bovaird, T. (2020). Assessing the impact of co-production on pathways to outcomes in public services: The case of policing and criminal justice. *International Public Management Journal*, 23(2), 205–223. <https://doi.org/10.1080/10967494.2019.1668895>.
- MacLeod, J. (2018). *Ain't no makin'it: Aspirations and attainment in a low-income neighborhood*. Routledge.
- Maynard-Moody, S., & Musheno, M. (2003). *Cops, teachers, counselors: Narratives of street-level judgment*. Ann Arbor, MI: University of Michigan Press, p. 10.
- Miller, K. (2014). Co-governance and co-production: Power and accountability. *Management Review*, 8(4), 551–566.
- Moore, M. H. (1995). *Creating public value: Strategic management in government*. Boston, MA: Harvard University Press.

- Moore, M. H. (2013). *Recognizing public value*. Boston, MA: Harvard University Press.
- Nabatchi, T. (2010). Addressing the citizenship and democratic deficits: The potential of deliberative democracy for public administration. *The American Review of Public Administration*, 40(4), 376–399. <https://doi.org/10.1177/0275074009356467>.
- NESTA. (2011). Co-production phase 2: Taking co-production to scale in services for patients with long term health conditions. Strategic Partners - Call for Proposals. London.
- Nutbrown, C., Bishop, J., & Wheeler, H. (2015). Co-production of family literacy projects to enhance early literacy development. *Journal of Children's Services*, 10(3), 265–279. <https://doi.org/10.1108/JCS-02-2015-0011>.
- Osborne, S. P., Radnor, Z., & Strokosch, K. (2016). Co-production and the co-creation of value in public services: A suitable case for treatment? *Public Management Review*, 18(5), 639–653. <https://doi.org/10.1080/14719037.2015.1111927>.
- Osborne, S. P., Strokosch, K., & Radnor, Z. (2018). Co-production and the co-creation of value in public services: A perspective from service management. In *Co-production and co-creation* (pp. 18–26). Routledge.
- Ostrom, E. (1996). Crossing the great divide: Coproduction, synergy, and development. *World Development*, 24(6), 1073–1087. [https://doi.org/10.1016/0305-750X\(96\)00023-X](https://doi.org/10.1016/0305-750X(96)00023-X).
- Paanakker, H., & Reynaers, A. M. (2020). Value contextuality in public service delivery. An analysis of street-level craftsmanship and public–private partnerships. *Public Integrity*, 22(3), 245–255.
- Parrado, S., Van Ryzin, G. G., Bovaird, T., & Löffler, E. (2013). Correlates of co-production: Evidence from a five-nation survey of citizens. *International Public Management Journal*, 16(1), 85–112. <https://doi.org/10.1080/10967494.2013.796260>.
- Payne, C. M. (2008). *So much reform, so little change: The persistence of failure in urban schools*. Cambridge, MA: Harvard Education Press, p. 02138.
- Pestoff, V. (2006). Citizens and co-production of welfare services: Childcare in eight European countries. *Public Management Review*, 8(4), 503–519.
- Reese, L., Arauz, R. M., & Bazán, A. R. (2012). Mexican parents' and teachers' literacy perspectives and practices: Construction of cultural capital. *International Journal of Qualitative Studies in Education: QSE*, 25(8), 983–1003. <https://doi.org/10.1080/09518398.2011.594818>.
- Rhodes, R. A. W. (1981). *Control and power in central-local government relationships*. Aldershot: Ashgate.
- Rhodes, R. A. W. (2008). *Understanding governance: Policy networks, governance, reflexivity and accountability*. Maidenhead: Open University Press.
- Schott, C. (2015). *Playing a role-but which one? How public service motivation and professionalism affect decision-making in dilemma situations*. Doctoral dissertation. Leiden University.
- Schott, C., van Kleef, D. D., & Steen, T. (2015). What does it mean and imply to be public service motivated? *The American Review of Public Administration*, 45(6), 689–707. <https://doi.org/10.1177/0275074014533589>.

- Silvestre, H. C., Catarino, J. R., & Araújo, J. F. F. E. D. (2016). Evidence of co-production in public service provision: The case of the administrative arbitration centre in Portugal. *Revista de Administração (São Paulo)*, 51(4), 355–365. <https://doi.org/10.1016/j.rausp.2016.07.007>.
- Sørensen, E., Bryson, J., & Crosby, B. (2021). How public leaders can promote public value through co-creation. *Policy and Politics*, 49(2), 267–286. <https://doi.org/10.1332/030557321X16119271739728>.
- Steen, T., Brandsen, T., & Verschuere, B. (2018). The dark side of co-creation and coproduction: Seven evils. In *Co-production and co-creation* (pp. 284–293). Routledge.
- Strokosch, K., & Osborne, S. P. (2016). Asylum seekers and the co-production of public services: Understanding the implications for social inclusion and citizenship. *Journal of Social Policy*, 45(4), 673–690. <https://doi.org/10.1017/S0047279416000258>.
- Sweeting, K. D. (2022). Strategies to foster engagement, empathy, equity, and ethics in public service: A conceptual model for public and nonprofit administrators. *Public Integrity*, 24(4–5), 432–447. <https://doi.org/10.1080/10999922.2021.2014202>.
- Van der Wal, Z., De Graaf, G., & Lawton, A. (2011). Competing values in public management: Introduction to the symposium issue.
- Van Eijk, C. J., & Steen, T. P. (2014). Why people co-produce: Analysing citizens' perceptions on co-planning engagement in health care services. *Public Management Review*, 16(3), 358–382.
- Vanleene, D., Voets, J., & Verschuere, B. (2018). The co-production of a community: Engaging citizens in derelict neighbourhoods. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 29(1), 201–221. <https://doi.org/10.1007/s11266-017-9903-8>.
- Vanleene, D., Voets, J., & Verschuere, B. (2020). The co-production of public value in community development: Can street-level professionals make a difference? *International Review of Administrative Sciences*, 86(3), 582–598. <https://doi.org/10.1177/0020852318804040>.
- Ventriss, C. (2012). Democratic citizenship and public ethics: The importance of civic stewardship in an era of public distrust and cynicism. *Public Integrity*, 14(3), 283–297. <https://doi.org/10.2753/PIN1099-9922140305>.
- Voorberg, W. H., Bekkers, V. J., & Tummers, L. G. (2015). A systematic review of co-creation and co-production: Embarking on the social innovation journey. *Public Management Review*, 17(9), 1333–1357.
- Weis, L., Cipollone, K., & Jenkins, H. (2014). *Class warfare: Class, race, and college admissions in top-tier secondary schools*. Chicago, IL: University of Chicago Press.

16

SPORTS AS MIRRORS

Athletes and Agenda Setting in a Hollowed-Out State

Jamie Levine Daniel and M. Blair Thomas

Overview

In a hypothetical administrative state, a public actor (e.g. governing agency) sets policy based on laws decided by elected officials, local public organizations implement the policy, and citizens are recipients of the resultant program or service. In reality, the American administrative state is hollowing out, relying on third parties to carry out what would be considered typical government operations (Milward & Provan, 2003). Who are these third parties, and what are the ethical implications for them taking on these roles? When it comes to agenda setting, one can look to athletes, teams, and sports leagues to start to answer this question.

Agenda setting and calls to action can come from all levels of sport, including individual players, coaches, managers, team front offices, and/or a league itself. Sometimes these calls coalesce around one common issue, e.g., gun control (Thomas & Levine Daniel, 2022b). At other times, the activity may be scattershot or one-offs. These actions can be information sharing or attention getting. They can also bypass typical policymaking channels and create engagement opportunities directly to, with, and for the public. These efforts ultimately help athletes combine having fun in sports with advocacy, all while serving a mission to impact the community (*Combining Sports and Advocacy*, 2022).

Athletes have a long history of shaping public opinion in various spheres, not the least of which is politics. Last year alone (2022) saw a range of activity across issues and actors. Steph Curry (basketball player), Megan Rapinoe (soccer player), and others rallied around Brittney Griner

(basketball player) when she was detained in Russia on drug charges (Church, 2022). Athletes, teams, and leagues made statements in response to the Supreme Court's decision to overturn *Roe v. Wade's* legalization of abortion. Examples here include Bengals quarterback Joe Burrows (Ben Baby [@Ben_Baby], 2022); the Portland Trail Blazers (*Portland Trail Blazers on Instagram*, 2022) and Seattle Sounders FC (Seattle Sounders FC [@SoundersFC], 2022); and (jointly) the National Basketball Association (NBA) and Women's National Basketball Association (WNBA) (Druin, 2022). Stating that "The Cleveland Cavaliers, Monsters, Charge, Cavs Legion, Rocket Mortgage Field House and Rock Entertainment Group stand for equality, and believe having full access to reproductive health care is a fundamental freedom of choice all women should have," these organizations have pledged to cover costs incurred by employees who have to travel to procure reproductive health services (Shaw, 2022).

Perhaps no issue encapsulates the relationship between athletes and the administrative state more so than the decision by the NBA and WNBA to refrain from scheduling games on Election Day this year. In their statement, the NBA noted "The scheduling decision came out of the NBA family's focus on promoting nonpartisan civic engagement and encouraging fans to make a plan to vote during midterm elections" (NBA Communications [@NBAPR], 2022). The NBA and WNBA as leagues and their players have been at the forefront of athlete activism, pushing conversation and change around the issues such as systemic racism that affect them (Thomas & Wright, 2021), and taking on the mantle of super citizens in efforts to affect the administrative state (Thomas & Levine Daniel, 2022a).

Administrative States, Sports, and the Hollowing Out of Government

Consider the administrative state. As Figure 16.1 shows, a theoretical model of administration includes a centralized governing authority that makes policy decisions, public organizations that implement the decisions, and individuals that are the recipients or affected parties resulting from the decisions. From an organizational perspective, sports leagues are a species of organizations, meaning they have commonalities regarding structural capacity and resource acquisition (Beard & Dess, 1988). When considering who has power and who is acted upon, leagues also resemble traditional federated administrative states with centralized league management at the macro level, team management at the meso level, and individual athletes at the micro level.

Sports leagues often operate with a top-down model. League owners or stakeholders set policies that govern the league and by which teams

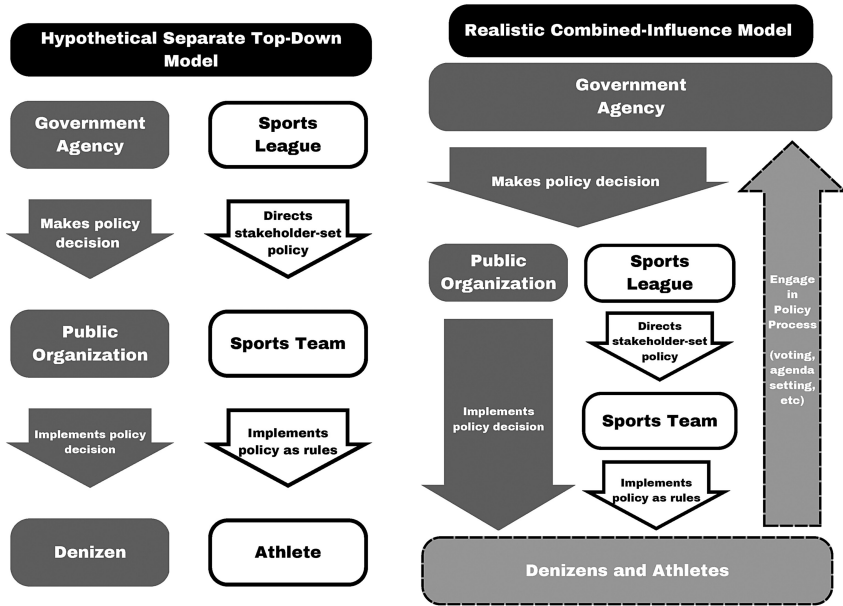


FIGURE 16.1 Theoretical Model of Administration

Source: Created by the authors.

and athletes are expected to abide. Teams add an additional layer of bureaucracy and administration, governing their home arenas and players. Players are beholden to both their respective teams and the league as a whole.

Yet, in addition to functioning as administrative states of their own, sports leagues intersect with the traditional administrative state because they operate in municipalities on which they depend for public support, funding, and programming priorities. Therefore, they are subject to federal, state, and local funding decisions, and public health policies. Sports leagues are individualist firms, which rely on users and beneficiaries to generate revenue (Potter & Crawford, 2008), so leagues and teams have incentives to maintain holds on power and force certain behaviors on their players. In some professional leagues, this arguably happens more than others as former 10-year National Football League player Michael Bennett claimed in a 2017 interview when talking about the power of the team owners in the league he once played: “The NFL doesn’t want us to be individuals,” Bennett told Bleacher Report. “Look at the NBA; they are allowed to market themselves and think about their life after basketball. The NFL is all about the shield [the NFL logo], the shield, the shield. I could go on all day about the hypocrisy of that” (Freeman, 2017). Thus, athletes are acted upon by public, league, and team forces.

However, athletes have incentives to (try to) act on their teams and leagues, changing conditions internally, and increasingly taking on super citizen roles to call attention to societal and community problems. The current failings of the administrative state can be attributed to a host of political and administrative changes made in part by the previous presidential administration. Wright and Thomas (2022) highlight former President Trump's promises on the campaign trail leading up to the 2016 presidential elections and their continuation after his victory on through the duration of his administration to "drain the swamp" and to undermine the "deep state" (Bull, 2013; Michaels, 2017; Peters & Pierre, 2019). His actions contributed to what Milward and Provan (2000) describe as the "hollowing out" of the administrative state, which includes increased reliance on third parties to carry out government operations (Milward & Provan, 2000).

These third parties display a range of discretion when it comes to deciding which problems get addressed and how they get addressed. According to Goodin (1986, p. 234), "... [D]iscretion refers to an area of conduct which is generally governed by rules but where the dictates of the rules are indeterminate." Forsyth (1999, p. 6) further specifies that "Positive discretion occurs when an official has the power to pursue some goal in specific cases or policy areas in a way that best promotes that goal." Some athletes have larger platforms and use positive discretion to call attention to issues that affect them, the context of the games they play, the teams and leagues for whom they play, and the communities where they live, thereby influencing their teams, leagues, and the communities in which they live (Figure 16.1).

With failures mounting and opportunities for discretion abounding, the efforts to influence the administrative state are especially poignant at this moment in time. Thomas and Levine Daniel (2022a) argue that professional athletes work within league settings that resemble administrative states. Simultaneously, these athletes are affected by public administrative matters. In both arenas, today's athletes are proactive in their attempts to make change in their leagues and within society. Through the lens of punctuated equilibrium as put forth by Baumgartner and Jones (1993, 2002), Thomas and Levine Daniel (2022a, 2022b) highlight how athletes are taking the reins to punctuate a status quo in which certain communities are purposefully ignored.

Democracy and Citizen Empowerment

While engaging in agenda setting and participating in the policy process, athletes represent the characteristics and the institutions needed to create and maintain democracy. Characteristics relevant for this chapter include

effective participation and control of the agenda, represented, in part, by the institutions of freedom of expression and associational autonomy (Dahl, 2000). In a democratic regime, denizens are not merely passive recipients of policy. They have a right, and obligation, to participate in civic life, electing representatives and shaping policy. This directly reflects the public service value of civic empowerment, which, as Berry (2009, p. 43) notes, “include[s] intensive citizen participation in policy development and implementation.”

Other key factors of democracy include associational autonomy, i.e., the right to form and participate in independent organizations (Dahl, 2000). The emergence of the Black Lives Matter Movement brought racial bias and systemic racism into mainstream conversations. Racial bias has shaped the history of the administrative state (Alexander & Stivers, 2010; Barkow, 2007; King, 1997). The racist history of the administrative state influences the types of policies on which athletes may be motivated to speak out. For example, over 71% of NBA players are Black (Lapchick et al., 2022) and over 74% of WNBA players are Black (Lapchick et al., 2021). Thomas and Wright (2021) outline how LeBron James, Maya Moore, and their leagues became leading voices in the Black Lives Matter Movement, creating symbiotic relationships between athletes as agenda setters and organizations with groundswell support built out of associational autonomy. However, athletes (and teams) are also pushing for broader civic participation in general, demanding spaces be given over for public-facing initiatives such as mass vaccination sites during COVID-19 (NBA.com, 2021) and polling places during primary and general elections.

In recent years, politicians holding the highest office in the United States have brought light to the influence of athletes, given their willingness to discuss their acts publicly at various campaign rallies. This underscores the influence that athletes have on the support of positions. Some elevate and amplify causes championed by athletes. Other political leaders, however, denigrate, devaluing this exercise in civic engagement. As Longman (2020) points out, while there is an appearance that going after athletes can have short-term gains and rally a particular base, it appears ineffective as a sound strategy. It also undercuts the values of civic engagement and empowerment.

When these athletes who often have little to no training in public policy and management chose to flex their soft power to direct national policy conversations, two ethical aspects of athletes as agenda setters must be considered. For one, the risk exists for athletes to advocate for policies that cause unintentional (or intentional, as the case with Brett Favre’s misappropriation of welfare funds demonstrates (Granderson, 2022)) harm.

The second is whether or not athletes acting as super citizens truly reflect the needs of the communities on whose behalf they purport to represent. According to Verba (2003, p. 665):

Rights require resources. One may need certain civic skills or competencies to participate effectively: information about elections so as to vote one's preferences, the capacity to speak publicly so as to communicate one's preferences, knowledge of political decision-making structures so as to intervene effectively in the decisional processes. One will need money to take part in politics as a financial contributor. And effective participation means equal opportunities to participate: equal access to information, to representatives, to government agencies, to organizations.

Therefore, on the one hand, athletes can level the playing field (so to speak), provide resources, and help ensure equal opportunities for participation.

However, athletes—especially those receiving the highest salaries and with outsized visibility—may not reflect the policy priorities of the communities they purport to represent. Those who are privileged (because of income, gender, class, and/or education) tend to have more opportunities to participate in political activities than those who are less privileged (Verba, 2003). They often have different policy preferences than those who lack the ability to participate, skewing the voice of the community as presented to political leaders. Chris Talbot-Heindl on Twitter summarizes the ethical risk here:

It's a special type of narcissism to believe that you can, as a member of a privileged group, be a 'voice for the voiceless.' #1: You can't comprehend the experience except through your privileged lens. #2: The people you're speaking over aren't voiceless; they aren't amplified.

(Talbot-Heindl, 2022)

The administrative state is the mechanism by which policy decisions are decided and implemented within the context of a democracy. The features of the administrative state are such that they allow for political (in)equality of participation, as well as administrator discretion regarding agenda setting and policy implementation. When this discretion leads to community needs overlooked, athletes may feel empowered to step in to call attention to issues critical to their communities. They also create participation opportunities for denizens who lack their same platforms to elevate the issues resonating at local, state, and national levels. However, their efforts—especially those aimed outside of league confines and toward their broader communities—should be attuned to—and not overshadowing—those communities.

Recommendations for Current Practicing Administrators

So long as community needs are not being met, athletes will continue to act as super citizens and engage in agenda setting. Current administrators should consider these athletes to be policy allies. Be proactive in reaching out and receptive when they come to your offices with requests. At the same time, do not assume athletes speak for all community members. Examine the issues raised by super citizens such as athletes, but pay attention to those with lived experience. As Talbot-Heindl (2022) advises, “Amplify them instead. If you have an audience, tell your audience to listen to THEM, not your privileged interpretation of what they’re saying.”

Administrators should anticipate that as access to social and financial capital increases combined with an availability to find information becomes more viable to more citizens than ever before, the number of groups seeking to influence the administrative state in ways in which they were previously unable to in generations prior.

As demographics change in the United States, there should be an expectation that the new stakeholders will emerge as more powerful voices over time that were once unrecognized or lacked power in prior generations. Athletes provide just one example of a group that can take advantage of an ever-evolving country that seeks to improve the plight of others.

Broad Normative and Practical Recommendations

The phenomenon of athletes as agenda setters has implications across society. Athletes emerge as broadly known identifiers for a cross section of multiple communities through physical characteristics, locations that they represent on their uniforms whether it is for their respective leagues or for their country in the context of international competition. They are simultaneously an inspiration to younger generations that desire to be on the athletic pedestal and to older generations that reminisce about their own childhoods once when they believed in sports heroes. The names of the past like Jackie Robinson, Bill Russell, Muhammad Ali, and Billie Jean King transcend generations and stand today with those of Megan Rapinoe, LeBron James, Maya Moore, and others that desire to make a societal impact that extends outside of the lines in which they compete and into the policy arenas in which we all reside.

To start, they show that elements of culture and society we normally silo—such as sports and politics—do and should mix. There is no one lane in which athletes should stay. They do not owe anyone their silence, especially when they and their communities are acted upon by policy. Policy is everyone’s lane. In addition, former professional athletes have served as significant leaders within the United States’ executive and legislative branches as mayors (Dave Bing, Kevin Johnson), state governors

(Arnold Schwarzenegger), and U.S. Senators (Bill Bradley, Steve Largent). Serving as agenda setters while still playing provides a training ground for this type of career and experience that would better help them serve their constituents should they seek out and hold elected office.

Athletes represent multiple stakeholders, and their power can change over time with professional or personal success. While most professional athletes arguably are more “powerful” when playing, some such as basketball player Magic Johnson, tennis player Billie Jean King, and others are able to keep or even gain more power through successful financial ventures keeping them in the setting of other political stakeholders (Johnson), continue as activists after their career ends (King), or emerge as both such as basketball player Michael Jordan who once claimed “Republicans buy sneakers too” for his prior decisions to not engage in social causes. In 2020, Jordan pledged to donate \$100 million to causes and organizations supporting the Black community (NBA.com Staff, 2020).

Questions for Discussion

How can administrators ethically partner with athletes to engage in the public policy process?

When athletes act as super citizens, are they upholding democracy or acting outside its bounds?

How many “communities” do professional athletes truly represent? Does this change in the context of a team sport or individual sport? What about college athletes? Can the number change over time?

What other policy and political factors contribute to the hollowing out of the state and subsequent actions by super citizens?

Where else do we see this phenomenon of super citizens as agenda setters?

References

- Alexander, J., & Stivers, C. (2010). An ethic of race for public administration. *Administrative Theory & Praxis*, 32(4), 578–597.
- Barkow, R. E. (2007). The ascent of the administrative state and the demise of mercy essay. *Harvard Law Review*, 121(5), 1332–1366.
- Baumgartner, F. R., & Jones, B. D. (1993). *Agendas and instability in American politics*. University of Chicago Press.
- Baumgartner, F. R., & Jones, B. D. (2002). Positive and negative feedback in politics. *Policy Dynamics*, 1, 3–28.
- Beard, D. W., & Dess, G. G. (1988). Modeling organizational species' interdependence in an ecological community: An input-output approach. *Academy of Management Review*, 13(3), 362–373. <https://doi.org/10.5465/AMR.1988.4306941>

- Ben Baby [@Ben_Baby]. (2022, June 27). Bengals QB Joe Burrow shared his this post on IG about the Supreme Court's ruling in the Dobbs case on abortion: <https://t.co/h9ZNaNh7YV> [Tweet]. *Twitter*. https://twitter.com/Ben_Baby/status/1541508809365110786
- Berry, F. S. (2009). Government reform and public service values in democratic societies. In J. A. Raffel, P. Leisink, & A. E. Middlebrook (Eds.), *Public sector leadership: International challenges and perspectives* (pp. 35–52). Edward Elgar Publishing. <https://ill.ulib.iupui.edu/illiad/IUP/pdf/1369171.pdf>
- Bull, R. T. (2013). Making the administrative state safe for democracy: A theoretical and practical analysis of citizen participation in agency decisionmaking. *Administrative Law Review*, 65(3), 611–664.
- Church, B. (2022, July 21). Megan Rapinoe and Steph Curry among stars to call for Brittney Griner's release at ESPY Awards. *CNN*. <https://www.cnn.com/2022/07/21/sport/brittney-griner-megan-rapinoe-steph-curry-espys-spt-intl/index.html>
- Combining Sports and Advocacy. (2022, July 2). *Wkyc.Com*. <https://www.wkyc.com/video/entertainment/television/good-company/combining-sports-and-advocacy/95-774f8fc5-d2b4-47d0-afae-e788a1390a7b>
- Dahl, R. A. (2000). *On democracy*. Yale University Press.
- Druin, D. (2022, June 25). NBA, WNBA release joint statement on Dobbs v. Jackson. Sports Illustrated Inside The Suns News, Analysis and More. <https://www.si.com/nba/suns/news/nba-wnba-dobbs-jackson-roe-wade>
- Forsyth, A. (1999). Administrative discretion and urban and regional planners' values. *Journal of Planning Literature*, 14(1), 5–15. <https://doi.org/10.1177/08854129922092559>
- Freeman, M. (2017, January 6). Michael Bennett dishes on NFL hypocrisy, the playoffs and what scares him | news, scores, highlights, stats, and rumors | bleacher report. B/R. <https://bleacherreport.com/articles/2685484-michael-bennett-dishes-on-nfl-hypocrisy-the-playoffs-and-what-scares-him>
- Goodin, R. E. (1986). Welfare, rights and discretion. *Oxford Journal of Legal Studies*, 6(2), 232–261.
- Granderson: The Accusations against Brett Favre Are Not Just another NFL Scandal. (2022, September 29). *Los Angeles Times*. <https://www.latimes.com/opinion/story/2022-09-29/brett-favre-mississippi-welfare-funds>
- King, D. (1997). *Separate and unequal: Black Americans and the U.S. Federal government*. Oxford University Press.
- Lapchick, R. E., Maguire, M., Martin, C., Moberly, H., Nelson, H., O'Halloran, M., Owens, A., & Theriot, D. (2022). *The 2022 racial and gender report card: National basketball association* (p. 61), The Institute for Diversity and Ethics in Sport (TIDES).
- Lapchick, R. E., Theriot, D., & Zimmerman, D. (2021). *The 2021 racial and gender report card: Women's national basketball league* (p. 46), The Institute for Diversity and Ethics in Sport (TIDES).
- Longman, J. (2020, November 11). How Trump lost sports as a political strategy. *The New York Times*. <https://www.nytimes.com/2020/11/11/sports/football/trump-sports-protests.html>
- Michaels, J. D. (2017). Trump and the deep state: The government strikes back essays. *Foreign Affairs*, 96(5), 1–56.

- Milward, H.B., & Provan, K.G. (2000). Governing the hollow state. *Journal of Public Administration Research and Theory*, 10(2), 359–380.
- Milward, H. B., & Provan, K. (2003). Managing the hollow state collaboration and contracting. *Public Management Review*, 5(1), 1–18. <https://doi.org/10.1080/1461667022000028834>
- NBA.com. (2021, October 22). Utah Jazz to host community vaccination clinic on Oct. 29 at Vivint Arena. *Nba.Com*. <https://www.nba.com/jazz/utah-jazz-host-community-vaccination-clinic-oct-29-vivint-arena>
- NBA.com Staff. (2020, July 29). Michael Jordan announces first donations from \$100 million pledge. *NBA.com*. <https://www.nba.com/news/michael-jordan-announces-donations-100-million-pledge>
- NBA Communications [@NBAPR]. (2022, August 16). The NBA today announced that no games will be played on Election Day, Tuesday, Nov. 8, 2022. The scheduling decision came out of the NBA family’s focus on promoting nonpartisan civic engagement and encouraging fans to make a plan to vote during midterm elections. [Tweet]. *Twitter*. <https://twitter.com/NBAPR/status/1559546942891474944>
- Peters, B. G., & Pierre, J. (2019). Populism and public administration: Confronting the administrative state. *Administration & Society*, 51(10), 1521–1545. <https://doi.org/10.1177/0095399719874749>
- Portland Trail Blazers on Instagram. (2022, June 24). *Instagram*. https://www.instagram.com/p/CfNk9YKr_4I/
- Potter, J. D., & Crawford, S. E. S. (2008). Organizational ecology and the movement of nonprofit organizations. *State and Local Government Review*, 40(2), 92–100.
- Seattle Sounders FC [@SoundersFC]. (2022, June 24). Reproductive rights are human rights. <https://t.co/inU7axqqR1> [Tweet]. *Twitter*. <https://twitter.com/SoundersFC/status/1540429538340982785>
- Shaw, C. (2022, June 27). Cleveland Cavaliers to pay travel costs for employees in need of abortion. News 5 Cleveland WEWS. <https://www.news5cleveland.com/sports/basketball/cavaliers/cleveland-cavaliers-to-pay-travel-costs-for-employees-in-need-of-abortion>
- Talbot-Heindl, C. (2022a, September 1). Amplify them instead. If you have an audience, tell your audience to listen to them, not your privileged interpretation of what they’re saying. [Tweet]. *Twitter*. https://twitter.com/talbot_heindl/status/1565347295876374528
- Talbot-Heindl, C. (2022b, September 1). It’s a special type of narcissism to believe that you can, as a member of a privileged group, be a “voice for the voiceless.” #1: You can’t comprehend the experience except through your privileged lens #2: The people you’re speaking over aren’t voiceless; they aren’t amplified [Tweet]. *Twitter*. https://twitter.com/talbot_heindl/status/1565347294295142400
- Thomas, M. B., & Levine Daniel, J. (2022a). Playing offense: How athletes are impacting a changing administrative state. *Administration & Society*. <https://doi.org/10.1177/0095399722110261>
- Thomas, M. B., & Levine Daniel, J. (2022b). Game on, Washington! Examining American sport’s response to the Uvalde Massacre. *Journal of Public and Nonprofit Affairs*, 8(3).

- Thomas, M. B., & Wright, J. E. (2021). We can't just shut up and play: How the NBA and WNBA are helping dismantle systemic racism. *Administrative Theory & Praxis*. <https://doi.org/10.1080/10841806.2021.1918988>
- Verba, S. (2003). Would the dream of political equality turn out to be a nightmare? *Perspectives on Politics*, 1(4), 663–679. <https://doi.org/10.1017/S1537592703000458>
- Wright, J. E., & Thomas, M. B. (2022). The erosion of the administrative state under President Trump: Citizens' pushback against individual and institutional racism. *Public Administration Review*. <https://doi.org/10.1111/puar.13515>

PART 6

Transparency in Reporting

Corruption can rapidly lead to declining public trust in the government and public officials. Each year, the Corruption Perception Index is compiled and released by Transparency International. For the past several years, the country of Denmark has held the best score. Yet, they do not have a proliferation of anti-corruption legislation to ensure corruption is limited. Instead, transparency is at the heart of the way that the country operates. Transparency is not as simple as providing the public access to data. Instead, true transparency means that these data and regulations are accessible, current, and understandable by the public and that there exists a free press to act as a constant check on governmental integrity. The proliferation of e-government is a powerful tool to enable transparency and has been fully embraced in Denmark where a series of portals provide access to tremendous amounts of government information.

The United States, by contrast, still has important progress to make in transparency at varying levels of government operations. This section explores some nuances of this key concept.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

17

PUBLIC SERVICE VALUES AND FINANCIAL REPORTING IN U.S. LOCAL GOVERNMENTS

Reconciling Transparency in External Financial Reporting with Political Expectations

Jane Beckett-Camarata

Introduction

This chapter begins by providing an overview of the need for transparency in external financial reporting to communicate how public trust is valued. Then, it outlines the need for public administrators to act in the public interest, focusing on the contribution of such an approach to understanding the ethical issue of transparency in financial reporting and the need for transparency as the key to building trust and financial sustainability.

Local government transparency in reporting the cost of services to maintain citizens' health, safety, and welfare should be prioritized by the government among lawmakers and citizens. To the degree that public administrators, via external financial transparency, can make a clear connection between these elements, they introduce public service core values first through building trust and promoting financial sustainability. Yet, there are many instances of lack of transparency in government financial reporting, resulting in financial stress (Beckett-Camarata and Grizzle, 2014; Beckett-Camarata, 2020) and increased potential for exploitation opportunities such as misuse of public funds. A public service value perspective offers a basis for local governments to represent the financial status to public stakeholder groups (Makasi, Nili, Desouza, and Tate, 2022) through transparent external government financial reporting. Also, transparency reduces the opportunity for exploitation. Local governments play a uniquely decisive role in financial decision-making through their elected officials. This decisive role impacts the government's operations and the community's quality of life and must be based on core values such as transparency in reporting to achieve financial sustainability.

Public service values are grouped into seven categories: (1) the public interest, (2) bureaucracy in a democracy, (3) balancing politics and administration, (4) transparency in reporting, (5) the hollowing of government, (6) ontology and epistemology, and (7) rationality or incrementalism (Olejarski and Neal, 2022). But these values involve more than beliefs, ideals, and principles. These core values encompass specific actions motivated by concern for democratic, professional, ethical, and human service values (deforest-Molina and McKeown, 2012). To that end, local government external financial reporting transparency involves three features: (1) *Transparency in Equitable Treatment* (providing essential services for maintaining the health, safety, and welfare of the community regardless of an individual resident's ability to pay); (2) *Transparency in Fair Pricing* (providing services at prices that are fair to current and future residents), (3) *Transparency in Fiduciary Responsibility* (ensure that current and future expenditures are justified by benefit–cost analysis calculations and supported by reliable revenue streams) (Kavanaugh and Reitano, 2018). Government reporting transparency, such as transparency in external financial reporting, based on public service values features and supports local financial sustainability, is described in the chapter.

The chapter uses a purposive sample of local governments (The City of Portland, Oregon, the City of Redmond, Washington, the Town of Gilbert, Arizona, and the City of Fort Collins, Colorado) to describe how these local governments reconcile the core value of transparency in financial reporting with political expectations to build trust and achieve financial sustainability. Political context shapes a government's policy decisions and its revenue and expenditures (Beckett-Camarata, 2020) to support those policy decisions. The chapter identifies ways in which the sample of local governments provides financial transparency in each of these three features: (1) Equitable Treatment, (2) Fair Pricing, and (3) Fiduciary Responsibility. The chapter begins with a brief overview of the current ethical issue of transparency in financial reporting, including some factors contributing to transparency and political support. The second section identifies the key stakeholders and discusses relevant policy factors shaping transparency in financial reporting. The third section provides the connections between administrative discretion, the ethical issue, and transparency in reporting. The fourth section provides specific action-oriented recommendations using a purposive sample. The fifth section offers broad normative and practical suggestions. The chapter concludes with a summary and a balanced assessment of the factors leading to external financial reporting transparency reconciled with political expectations while serving the public interest. The final section poses questions for class discussion. The overarching goal of the chapter is to provide specific models of openness in external financial reporting

reconciled with political expectations and the implications for adopting such models.

Overview of the Current Ethical Issue

Trust enables financial sustainability, and transparency in external financial reporting is a means of building trust and obtaining financial sustainability. Local governments depend on trusting relationships; transparency is essential to building trust. The lack of transparency in local government financial reporting may increase potential exploitation opportunities. There is a general distrust of and dissatisfaction with transparency in government external financial reporting and the information provided by the government (Yusuf and Jordan, 2015) on the part of citizens. A widespread belief exists among the citizens that government transparency in external financial reporting, as citizens understand it, “fails to meet their needs” (Lewis and Hildreth, 2012). “Typically, government financial statements are too large and complicated for the average citizen” (Yusuf and Jordan, 2015, p. 17). However, the financial statement data can be summarized by public administrators in a clear, concise manner based on the values of the citizens of the community.

Transparency in the external financial reporting of the cost of services to maintain citizens’ health, safety, and welfare should be a priority among lawmakers, public administrators, and citizens to promote accountability and financial sustainability. Yet, there are many instances of lack of transparency in government external financial reporting, which becomes ethical issues, results in financial stress (Beckett-Camarata and Grizzle, 2014; Beckett-Camarata, 2020), and increased potential for exploitation opportunities. Government external financial reporting plays a key role in monitoring the financial performance of governments and detecting errors and abuses (Hasimi, 2019). A public service value perspective offers a basis for local governments to represent the financial status to public stakeholder groups (Makasi, Nili, Desouza, and Tate, 2022) through transparent external government financial reporting. Also, transparency in external financial reporting reduces the opportunity for exploitation. Local governments play a uniquely decisive role in financial decision-making through their elected officials and play a key role in carrying out their fundamental responsibilities to ensure transparency in external financial reporting. This decisive role impacts their operations and the community’s quality of life (Beckett-Camarata, (2009).

One of the ways for local governments to earn trust is through building trusting relationships with stakeholders such as citizens. If citizens perceive that they cannot trust the government, they may withhold support, impacting financial sustainability. A local government has three

fundamental responsibilities that are key to achieving transparency, accountability, and financial sustainability (Kavanaugh and Reitano, 2018). These responsibilities are: (1) Equitable Treatment, (2) Fair Pricing, and (3) Fiduciary Responsibility, which are discussed later in the chapter.

Key Stakeholders and Relevant Policy Factors that Shape the Ethical Issue of Transparency in Financial Reporting

To hold the government accountable for its actions, citizens and other stakeholders use external financial reports to assess a government's performance and overall financial position. To achieve this, stakeholders need clear, understandable, and transparent external financial reports and statements. The key stakeholders in external financial reporting are (1) citizens, (2) legislators, (3) potential lenders, and (4) oversight bodies. The political factors shaping citizens' general distrust of and dissatisfaction with external financial reporting are: (1) the challenges to the government's ability to reconcile internal core values with external financial report user expectations and (2) the challenges of managing multiple stakeholders with conflicting accountability demands.

The Connection between the Administration's Discretion, the Ethical Issue, and One of the Six Public Service Values

Multiple local government stakeholders constantly scrutinize government work (Aleksavska, Schillemans, and Grimmelikhuijsen, 2021; Busuioc and Lodge, 2017; Koppell, 2005; Williams and van Dooren, 2012). This is due to their unique positioning between the stakeholders (citizens, legislators, potential lenders, and oversight bodies), the central government that authorizes them to operate, the state government, and the professional communities who authorize their work (Aleksavska, Schillemans, and Grimmelikhuijsen, 2021).

Administrative discretion involves a pattern of layered accountability relationships (Ryu and Kim, 2022). This pattern of layered accountability directly affects the ethical issue of lack of transparency and distrust of and dissatisfaction with external financial reporting and the information provided by government and transparency. The layered accountability relationships involve internal and external stakeholders. Public organizations operate through an "administrative conservatorship" that preserves core values, competencies, and institutional aspects accumulated over time (Ryu and Kim, 2022; Terry, 1985). It is essential to recognize that administrators are exposed to various requests and demands from stakeholders, some conflicting (Ryo, 2022), which involves managing upward and outward. Stakeholder relationships are critical to (1) political and legal

support, (2) administrative and operative feasibility, and (3) public service value (Moore, 1995).

Specific Action-Oriented Recommendations to Empower Current Practicing Administrators

The section uses a purposive sample of local governments (The City of Portland, Oregon, the City of Redmond, Washington, the Town of Gilbert, Arizona, and the City of Fort Collins, Colorado) to identify how these local governments reconcile the public service value of transparency in financial reporting with political expectations to achieve financial sustainability. Political context shapes a government's policy decisions and its revenue and expenditures (Beckett-Camarata, 2020) to support those policy decisions. The section will briefly explore each of these three features, (1) Equitable Treatment, (2) Fair Pricing, and (3) Fiduciary Responsibility, as follows:

1. *Equitable Treatment*: The City of Portland's (portlandoregon.gov) public service value of transparency in financial reporting is an example of how a local government promotes equity through city service performance measures broken down on its website geographically. The City of Portland also reconciles their core values with political expectations through a transparent budget equity assessment tool (also accessible online) used by the City to deal with economic uncertainty and to articulate how it provides services equitably and reliably (Kavanaugh and Reitano, 2018). For example, a city administrator can use the tool to demonstrate to citizens that the basis for the reserve amount is a detailed analysis of a risk the government may face.
2. *Fair Pricing*: The City of Redmond, Washington's (Redmond.gov) core value of transparency in financial reporting on its website is an example of how a local government promotes equity through tax rate transparency, based on its Price of Government Policy, to show the City's tax burden on its citizens. Providing open data, the City also offers citizens' ongoing information on how resources are consumed and the context for discussing future tax rates.
3. *Fiduciary Responsibility*. Given the importance of financial reporting in decision-making, transparency in external reporting is critical to helping decision-makers set priorities in delivering public services. Fiduciary responsibility involves providing value to taxpayers and ensuring that reliable revenue streams support services. Examples are:
 The Town of Gilbert, Arizona (gilbertaz.gov) is an example of a government that promotes the core value of transparency in external financial reporting by including long- and short-term financial plans

and proactively addressing infrastructure needs as outlined in its strategic initiatives adopted by the city council, available on its website. The Town of Gilbert is a model of the reconciliation of transparency with political expectations.

The City of Fort Collins, Colorado (fcgov.com), is another example of a local government that promotes transparency in external financial reporting through its Citizens Financial Report, which details financial statistics and online decisions. The City's website also provides information on financial decision-making to promote transparency to its stakeholders.

Broad Normative and Practical Recommendations

Rohr establishes transparency as a “regime value” and a normative foundation (Piotrowski, 2014) for examining the core value of transparency in reporting. Regime values, such as transparency, are normative because civil servants have sworn to uphold the regime (Rohr, 1989). Core values such as transparency can be found in the public law of the government (Rohr, 1989) and the operationalization of the public laws. Stewardship theory suggests that some specific accountability requirements constrain the operationalization of the law in the decision-making space of civil servants and thus may limit the possibilities for their influence over a decision. As a result, complete information may not always be available when a decision is made, and decision-makers will quickly shape their judgment based on their understanding of the information that is known to shape and make a defensible decision (Alekovska, 2021). In addition, information regarding the expectations of specific stakeholders may not always be readily available, so decision-makers need to seek out readily available cues on stakeholder preferences that they can use to reach a timely decision (Alekovska, 2021). These cues can come from feedback based on transparency in external financial reporting, as described in the examples above. The use of openness in external financial reporting does not necessarily mean more transparency but focuses and stresses clarity in external financial reporting that can provide clear, easily understood, consistent, and timely information on government financial performance as a basis for feedback.

Questions for Discussion

1. What is your basic understanding of core values in the context of transparency in financial reporting?
2. What are some ways that citizens can use the data in external financial reports to hold governments accountable?

3. Why have some local governments been reluctant to be transparent in their external financial reporting?
4. What would be the starting point for providing a transparent external financial reporting system if you recommended that government external financial information be clear, consistent, and timely?

References

- Aleksovska, M. (2021). Accountable for what? The effect of accountability standard specification on decision-making behavior in the public sector. *Public Performance and Management Review*, 44(4), 707–714.
- Aleksovska, M., Schillemans, T. and Grimmelikhuijsen, S. (2021). Management of Multiple Accountabilities Through Setting Priorities: Evidence from a National Conjoint Experiment. *Public Administration Review*, 82(1), 132–146.
- Beckett-Camarata, Jane (2009) Local Government Measurement and Use of Performance Accounting and Financial Reporting Data in Planning and Budgeting Decision Support: A Multi-Case Study. *Public Performance and Management Review*. 33(2) 255–265.
- Beckett-Camarata, J. (2020, October). *Public-Private Partnerships, Capital Infrastructure Investments and Finance Policy for the 21st Century*. Emerald Publishing. ISBN:978-1-83909-655-6.
- Beckett-Camarata, J. and Grizzle, C. (2014). The financial crisis in Harrisburg, Pennsylvania. *International Journal of Public Finance and Management*, 14(1), 5–29.
- Busuioc, M. and Lodge, M. (2017). Reputation and accountability relationships: Managing accountability expectations through reputation. *Public Administration Review*, 77(1), 91–100.
- deForest Molina, A., & McKeown, C. L. (2012). The heart of the profession: Understanding public service values. *Journal of Public Affairs Education*, 18(2), 375–396.
- Fort Collins, CO. Fcgov.com. Accessed 7/1/2022.
- Gilbert, A. Gilbertaz.gov. Accessed 7/3/2022.
- Al-Hashimi, A. (2019). Transparency of government financial reporting: A case study of local government financial reporting in Iraq. *International Journal of Innovation, Creativity and Change*, 10(6), 372–393.
- Kavanaugh, S. and Reitano, V. (2018). Linking transparency to sustainability. *Government Finance Review*, 39(2), 27–34.
- Koppell, J. G. (2005). Pathologies of accountability: ICANN and the challenge of “multiple accountabilities disorder”. *Public Administration Review*, 65(1), 94–108.
- Lewis, C. W. and Hildreth, W. B. (2012). *Budgeting: Politics and Power*. Oxford University Press.
- Makasi, T., Niki, A., Desouza, K. and Tate, M. (2022). Public service values and Chatbots in the public sector: Reconciling designer efforts and user expectations. In *Proceedings of the 55th Hawaii International Conference on Systems Sciences* (pp. 2334–2343). The University of Hawaii at Manoa.
- Moore, M. H. (1995). *Creating Public Value: Strategic Management in Government*. Harvard University Press.

- Olejarski, A. and Neal, S. (2022). Ethics volume call for chapters. Email communication 7-14-22.
- Pietrowski, S. (2014). Transparency: A regime value linked with ethics. *Administration & Society*, 46(2), 181–189.
- Portland, OR. Portlandoregon.gov. Accessed 7/4/2022.
- Redmond, WA. Redmond.gov. Accessed 7/5/2022.
- Rohr, J. A. (1989). Public administration, executive power, and constitutional confusion. In J. Beckett and H. O. Koenig (eds.) *Public Administration and Law*. M.E. Sharpe.
- Ryu, S. and Kim, T. (2022). Understanding the role of public management and organizational stability in an uncertain environment: Evidence from Korean public corporations. *Public Administration Review*, 82(2), 303–313.
- Terry, L. D., 1988. A theory of administrative conservatorship (Doctoral dissertation, Virginia Polytechnic Institute, and State University).
- Willems, T. and van Dooren, W. (2012). Coming to terms with accountability: Combining multiple forums and functions. *Public Management Review*, 14(7), 1011–1036.
- Yusuf, J. and Jordan, M. (2015). Popular financial reports: Tools for transparency, accountability and citizen engagement. *Journal of Government Financial Management*, 64(1), 12–17.

18

TRANSPARENCY IN PRESERVING AND ADMINISTERING SITES OF COLLECTIVE MEMORY

Daniel Boden

Introduction

At times, public administration scholars and practitioners have argued the importance of separating facts and values. To appear unbiased and emphasize neutral competence, some have downplayed the role values have in the administrative process (Harmon, 2006). In recent decades, the field has come to acknowledge that values are not irrational distractions from facts and rationality, but rather central to the field of public administration (Van Wart, 1998). Public service values are core to public administration education, scholarship, and practice (Molina & McKeown, 2012) and have a significant impact in both the culture of public institutions (Molina, 2009) and the actions of individual administrators (Molina, 2015). Transparency is an important public service value in any democratic regime. For citizens to hold government to account they must know both the means and ends of government action (Fairbanks, Plowman, & Rawlins, 2007). Transparency and other public service values are important to any governmental organization but may not be central to non-governmental actors collaborating with public agencies. Non-governmental actors have long played an important role in the American State (Hammack, 2002). The collaborative arrangements between such actors are as diverse and varied as the government agencies and non-government organizations that enter them (Najam, 2000). As government organizations collaborate with non-governmental organizations to provide public goods and services, they can infuse those relationships, and

those non-governmental organizations with constitutional (Bumgarner & Newswander, 2009) and public service values.

Transparency in Sites of Collective Memory

Some measure of unity is required among the individuals and groups who comprise a civil society. Collective memory, or the memories that exist and persist beyond the individual (Nerone & Wartella, 1989), form an important foundation upon which this unity rests (Halbwachs, 1952/1992). These memories are preserved, stored, and transmitted through institutions (Young, 1993), such as memorials, monuments, archives, museums, and libraries. In the United States, nonprofit organizations have historically been essential in providing activities and services essential to civil society (Hall, 1982; Hammack, 2002; Salamon, 1987), including preserving sites of collective memory (Bratich, Packer, & McCarthy, 2003a; Hosmer, 1965). In contrast to most other countries, in the United States, non-governmental organizations are generally considered the legitimate “custodian[s]” of collective memory (Kammen, 1991, p. 13). Although the federal government maintains scores of collective memory sites, non-governmental actors play a significant role in creating, maintaining, and preserving collective memory throughout the country. Often these non-governmental actors operate independent of direct government support; however, many sites of collective memory rely on financial and administrative form government entities (Bratich, Packer, & McCarthy, 2003a). These partnerships are as diverse as the sites they seek to preserve (Hosmer, 1965).

Regardless of who administer sites of collective memory, it is vital to acknowledge that these institutions are not neutral, that is, they not only preserve collective memory but also help create it (Nerone & Wartella, 1989). The narratives found at sites of collective memory create an illusion of societal cohesion allowing a diverse citizenry to appear united in common principles, values, and ideals (Young, 1993). A site with a formal relationship with a governmental organization presents and preserves an “official memory” (Bodnar, 1992). When these sites are jointly administered by governmental and non-governmental actors, it can be difficult to know which entity is responsible for selecting and presenting a particular narrative. Some non-governmental actors may not be interested in providing such transparency, preferring to present their chosen account without challenge from differing perspectives on particular events. This is not surprising as there is often a lack of transparency about how or why a site of collective memory came to be; that is, these sites “seem to remember everything but their own past, their own creation” (Young, 1993, p. 14).

In considering sites of collective memory and their impact on what memories are remembered, it is necessary to understand how certain individuals and groups become authorized to create, conserve, and promote certain collective memories. The question of who decides what is remembered is significant because there is rarely *a* collective memory but rather several competing collective memories (Nerone, 1989). This becomes even more significant in the United States where most sites of collective memory are operated by private non-governmental organizations (Bratich, Packer, McCarthy, 2003). Public service values, like transparency, require such histories to be remembered, so visitors know whose voices are being elevated and whose are being deemphasized or even silenced. As vital as it is to understand why and how certain sites came into existence, it is of equal importance to examine how these sites are administered and how and why certain administrative structures evolve over time (Boden & Exmeyer, 2020).

This project looks at the history of preserving presidential memory in the United States.

It begins with a brief history of preserving and creating sites of collective memory related to early presidents of the United States and end with an exploration of the creation of the federal presidential library system. By conserving presidential records and artifacts, presidential libraries can be one method of holding former presidents accountable for the decisions made during their administration. Since their inception, presidential libraries have provided scholars, journalists, and citizens' unprecedented access to the official documents of former executives (Hufbauer, 2005). The libraries are a critical resource in nurturing and sustaining public trust in and providing a more open system of government. This study seeks to highlight the need for transparency in understand what role public and private actors play in influencing the creation and administration of these important sites of collective memory. These sites, and the narratives that emanate from them, can and do have tremendous impact on the present as well as the future; as such, it is crucial that we know whose hands have been involved in shaping them.

Preserving Presidential Places

For the first 100 years of the nation's history, Congress repeatedly declined to financially support efforts to build monuments or memorials to commemorate the accomplishments of sitting or former presidents (Hosmer, 1965, West, 1999). Shortly after the death of George Washington, then Congressman John Marshall introduced legislation calling for a federally funded monument to the memory and legacy of the former president. The joint resolution called for "a marble monument [to] be erected by the

United States at the City of Washington ... designed as to commemorate the great events of [Washington's] military and political life" (*Annals of Congress*, December 23, 1799, p. 208).

A year later, plans to erect the monument stalled as the House of Representatives could not agree on whether the project was an appropriate use of federal financial resources. Supporters of the Washington Monument argued a federally funded site would be proper in that the memorization would "not be the act of an individual" but rather "the act of a Government expressing the will of a great nation." Such an argument acknowledges the importance of transparency at such sites, underscoring the significance of knowing who is acting in such settings. Some opponents expressed their concern about the precedent such a monument would create for future, perhaps less worthy, former presidents (*Annals of Congress*, December 5, 1800, p. 802). Others were not opposed to the idea of a memorial to Washington but considered such action beyond the mandate of the federal government (Savage, 1987).

In 1801, the Senate rejected a House bill that included appropriations for the construction of the proposed Washington Monument. The vote is not surprising considering the political climate of the times (Harvey, 1902). Over the next several decades, Congress intermittently debated the appropriateness of financially supporting the construction of a monument to Washington. Responding to the question of why the federal government had not constructed a monument to honor George Washington, former president John Quincy Adams stated that monument building was undemocratic; the "very essence" of democracy "is iconoclastic" (quoted in Savage, 2009, p. 1). Over the next several decades the debate over a federally funded monument for George Washington in the capital city would be revisited, each time with the same result.

In 1833 a group of citizens from the District of Columbia, including Chief Justice John Marshall, organized the Washington National Monument Society to raise funds to construct the monument. Leaders of the organization assumed fellow citizens would be eager to financially contribute to a permanent monument to the memory of George Washington. The organization struggled to accomplish its goal, as the decades past the monument remained incomplete. In 1876, just weeks following the centennial celebration of the signing of the Declaration of Independence, Congress voted to take over the stalled construction of the Washington Monument (Harvey, 1902).

The debate over appropriateness of federal action in memorizing former presidents was not confined to monuments within the limits of the District of Columbia. Throughout the 19th century Congress periodically argued about the appropriateness of the federal government preserving sites of national historical significance (West, 1999). Upon the death of Thomas

Jefferson in 1826, Congress was urged to purchase his estate at Monticello “as both a shrine and a summer executive mansion” (Peterson, 1962, p. 13). At the height of the Civil War in 1863, Monticello was bequeathed to the federal government to be used to educate “the children of the warrant officers of the United States Navy whose fathers are dead” (Randall, 1924, p. 36). On March 3, 1863, the United States Senate passed a resolution accepting Jefferson’s estate, a property within proximity to Richmond, Virginia, the capital of the Confederate States of America. In response Attorney General Edward Bates wrote to Vice President Hannibal Hamlin questioning whether it was appropriate for the federal government to accept the bequest “however laudable” it may be (Randall, 1924, p. 37). Ultimately, the Thomas Jefferson Foundation was created to preserve and maintain the Monticello estate (Thomas Jefferson Foundation, n.d.).

Similarly, George Washington’s estate at Mount Vernon had become somewhat of a “patriotic mecca” following his death, and many saw the property as “a shrine that ought to be the property of the nation” (Hosmer, 1965, p. 29). In 1851 the United States Army inquired into purchasing Washington’s Mount Vernon to be used as a retreat for injured soldiers (Hosmer, 1965). Members of Congress questioned the appropriateness of the federal government engaging in “the business of preserving sites with historical associations” (West, 1999). When Congress would not appropriate funds to purchase George Washington’s former estate, its owner sold the estate to Ann Cunningham and the Mount Vernon Ladies’ Association (pp. 41-62). Founded in 1853, the Mount Vernon Ladies’ Association continues to administer and preserve the Mount Vernon estate without public funding (Mount Vernon Ladies’ Association, n.d.).

The efforts of the Thomas Jefferson Foundation, the Washington National Monument Society, the Mount Vernon Ladies’ Association, and other similar non-governmental organizations emphasize the role non-governmental organizations have played in the preservation and administration of historical sites in the United States, as the nation prepared to celebrate its first centennial public pressure to memorialize certain political figures intensified (Savage, 1987), and progressively the federal government became more involved in creating monuments (Savage, 2009) and preserving significant sites in the lives of former presidents (Beasley, 2001).

Preserving Presidential Records

For most of the nation’s history presidential records have been considered private property (Schick, Schick, & Carroll, 1989). The custom of former presidents retaining ownership of their records is rooted in “the British tradition that the sovereign’s working papers were the sovereign’s

personal property” (Rhoads, 1975, p. 33). At the end of his second term, George Washington shipped his presidential records from Philadelphia to Mount Vernon with plans to eventually construct a facility to house them (Hufbauer, 2001). Washington never built an archive for his presidential papers; however, the practice of presidents leaving office with ownership of records was virtually unchallenged until the resignation of President Richard M. Nixon in 1974 (McDonough, 1975; McKay, 1982).

Nonetheless the private ownership of presidential papers did not preclude the federal government’s involvement preserving records of historical importance. During the 19th century, the State Department and the Library of Congress were both instrumental in gathering and preserving the records of former presidents (Veit, 1987, p. 2). Even as the federal government’s collection of presidential records increased, the tradition of private ownership of presidential papers was not seriously challenged (Jones, 1969).

Historically, private ownership of presidential records was justified on the principles of “confidentiality, separation of powers, and partisanship”; respect for these concepts continues even as presidential records have become public property (Smith & Stern, 2006, p. 81). In 1886, members of the Senate demanded access to executive records regarding President Grover Cleveland’s involvement in the removal of a sitting United States district attorney. According to R.D.W. Connor (1940a), the first Archivist of the United States, this was the first serious test of the tradition of private ownership of presidential records. Cleveland instructed the Attorney General not to comply with the Senate’s request. In a letter to the Senate, President Cleveland emphatically defended the tradition of private ownership of presidential papers:

I regard the papers and documents withheld and addressed to me or intended for my use and action purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain ...

They consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instigated thereto by any official invitation or at all subject to official control. While some of them are entitled to Executive consideration, many of them are so irrelevant, or in the light of other facts so worthless, that they have not been given the least weight in determining the question to which they are supposed to relate ...

Their nature and character remain the same whether they are kept in the Executive Mansion or deposited in the Departments. There is no mysterious power of transmutation in departmental custody, nor is there magic in the undefined and sacred solemnity of Department files. If the presence of these papers in the public offices is a stumbling block in the way of the performance of Senatorial duty, it can be easily removed.

The papers and documents which have been described derive no official character from any constitutional, statutory, or other requirement making them necessary to the performance of the official duty of the Executive.

(Richardson, 1899, pp. 378–379)

Cleveland's vigorous defense of the private nature of presidential papers ended any further discussion of the matter.

Confidentiality has been an important justification for the private ownership of presidential records. It is not difficult to understand a former president's desire to ensure certain records remain confidential. Chief executives seek advice from a variety of individuals on a range of topics. Herman Kahn (1954), former Director of the Franklin D. Roosevelt Library and Museum, cautioned that if former presidents could not limit access to certain records, the "full documentation" of an administration would "dry up" (p. 161). That is, presidents and their advisors would simply cease to produce written records of certain events and conversations. David D. Lloyd (1955), director of Harry S Truman Library, Inc., echoed the concern that public ownership of presidential records could decrease the historical record of an administration. Lloyd complained some scholars were "heartless" in their demands for greater access to presidential records. He continued that in matters of access, the wishes of a former president should be considered, because if they were not, "the papers may never get to the scholars at all. The owners, after all, can always destroy them, and some Presidents, or Presidents' families have done—or tried to do—just that" (p. 105).

In addition to confidentiality, the tradition of private ownership of presidential papers has been justified by the principle of separation of powers. In 1915, former president William Howard Taft argued presidential records were unlike records generated by executive agencies because "the executive office of the President [is a constitutional office,] not a recording office" (quoted in McDonough, 1975, p. 4). The constitutional nature of the presidency grants the office a certain amount of independence. The chief executive maintained control of the records needed to carry out the constitutional and statutory responsibilities of the office. From this perspective, the nature of the papers did not change once a president left

office; presidential papers were the private property of a president both during and after his term in office (Kahn, 1959).

A final justification for private ownership of presidential papers is found in the partisan nature of presidential politics. As they became leaders of political parties, presidents grew enmeshed in partisan political activities. Following the pattern established by his predecessor, John Adams took his papers with him at the conclusion of his term in office, thus denying Thomas Jefferson and other political opponents access to his political writings (Connor, 1940a). It is easy to forget that presidents serve for set number of years and that the private activities of their lives both precede these years of service and often continue long afterward. Making political records of a former president publicly available “could be embarrassing and might seriously damage their effectiveness in later activities” (Rhoads, 1975, p. 34).

With no legal mandate to preserve the records of an administration, the maintenance of presidential records was the personal responsibility of a former president or his estate. The physical and financial burdens of preserving presidential records were significant for many former presidents and their families (Connor, 1940a). Several early American presidents or their estates donated or sold portions of their records to the federal government (Kahn, 1959). Many of these records were preserved in the Library of Congress; others were held by the Department of State; and the papers of other presidents were donated to local, state, or university libraries (Schick, Schick, & Carroll, 1989). Those presidential records that were not preserved in libraries or archives often were distributed to friends and supporters, maintained as cherished family heirlooms, misplaced, or inadvertently or even maliciously destroyed (Ward, 1989).

Early archives of federal records were little more than storage warehouses, providing limited public access (Van Tassel, 1960) and susceptible to fire (Jones, 1969). In 1900, Alabama became the first state to create an administrative agency dedicated to both preserve government records and make them publicly available (p. 6). In 1913, Congress approved initial plans for the construction of an archival building to house the federal government’s records. Efforts to construct a national archive were delayed by World War I (p. 9). In an effort to accommodate the growing federal bureaucracy, Congress passed the Public Buildings Act of 1926, the Act called for the design and construction of a number of federal buildings, including a national archive (National Archives and Records Administration, 2013). Construction began in 1931 and as the facility neared completion, Congress passed the National Archives Act of 1934, creating the National Archives of the United States, an independent administrative agency, charged with preserving U.S. government documents. Congress justified the new agency’s independent nature based on

“the fact that the National Archives was responsible for the records of all three branches of government” (Jones, 1969, p. 20). The new agency called for the “Office of Archivist of the United States, the Archivist to be appointed by the President of the United States, by and with the advice and consent of the Senate” (quoted in Jones, 1969, p. 14). With the creation of the National Archives, the country showed a commitment to good governance through transparency and accountability. No more government documents would be damaged or destroyed by leaks or fire but would be preserved.

Following his resignation, former President Richard M. Nixon entered into an agreement with Arthur Sampson, Administrator of the General Services Administration, concerning the possible destruction of his presidential records. This action had a tremendous impact on the ownership of presidential records. In 1978, Congress passed the Presidential Records Act (PRA), making presidential records created on or after January 20, 1981, public property. Presidential records archived in those presidential libraries not covered by the PRA became public property by means of a deed of gift. That is, a former president can donate his private papers to the federal government. Now, presidential records subject to the PRA are at no point the private property of a president but that of the federal government (Sezzi, 2005; Smith & Stern, 2006).

This has not stopped some former presidents from deliberately or inadvertently claiming official presidential papers as their own. Shortly after leaving office, that Former President Trump retained position of official documents from his time in office (Haberman et al., 2022). Upon further investigation, official government records were found to be in the personal possession of both Former Vice President Mike Pence and President Biden (Merchant, 2023). Such revelations suggest the PRA must be amended to ensure former presidents, vice-presidents, and White House officials comply with its goal to preserve an official record of a presidential administration. The public service value of transparency is at the heart of the PRA because the law is a significant step in holding presidents to account for their actions while in office; however, without significant revisions it is clear that the law does not have the impact on transparency that Congress, the National Archives, and the American people assumed it did prior to these revelations.

Preserving Presidential Papers and Presidential Place

The early decades of the 20th century saw increased interest by local, state, and federal governments and by non-governmental actors in preserving sites of historical significance (Bodnar, 1992) and government records (Jones, 1969). In 1914, a public-private partnership between the

State of Ohio and the Rutherford B. Hayes-Lucy Webb Hayes Foundation created the first presidential library in the United States. The Rutherford B. Hayes Memorial Library combined two parallel movements in preservation: the archiving of historically significant documents and the creation of sites of memory dedicated to former presidents. The Hayes Library is not administered by The National Archives and Records Administration (NARA) and is not a part of the federal Presidential Library System (PLS); however, the public-private partnership served as an archetype for the current federal system (Hufbauer, 2005).

Shortly after Franklin D. Roosevelt became president in 1933 it became clear to him that no archive or museum in the country was large enough to accept the voluminous records that his administration would produce. As early as 1935, FDR targeted the National Archives as a possible custodian for his vast collection of papers related to his life in public service. The fact that Roosevelt did not want his presidential records archived in a separate depository from those associated with his earlier public service created a problem (Connor, 1940a). FDR believed it would be inappropriate for records related to his service as a New York state-senator and governor of New York to be housed in the National Archives (McCoy, 1975). After much consideration in December 1938, Roosevelt invited a group of scholars to lunch at the White House to seek support for a proposal he was about to make concerning the preservation of his presidential records; the reaction he received was overwhelmingly positive (Ward, 1989).

With the support of many of the day's foremost historians, FDR laid out a plan to use private funds to construct an archive to hold his records and other personal items of historic significance. Once the privately built facility was completed and the contents in place, he would present it as a gift to the people of the United States.¹ In exchange for his gift, Roosevelt asked that the federal government agree to maintain the facility, his records, and many of his personal collections in perpetuity (McCoy, 1975). Roosevelt rejected the idea that his papers be stored in the recently completed National Archives building in Washington, D.C. (Hufbauer, 2005), preferring that they be preserved in a facility constructed on his family estate in Hyde Park, New York (McCoy, 1975). FDR insisted that the proposed facility would be more than an archive, but also would contain a museum for tourists to see the President's personal collections (Hufbauer, 2001).

On December 17, 1938, a group of supporters met to discuss matters related to FDR's proposal. Among the topics considered at this first meeting were fundraising plans, the need for new legislation to allow the federal government to accept and care for the building and the historical materials it would hold, and what the facility ultimately should be called (Connor, 1940a). Less than a week later, on December 22, the Franklin D.

Roosevelt Library, Inc. was incorporated in New York State. The organization was given the “power solicit, accept, borrow, invest, and expend money, and transfer property to the United States provided that adequate legislation should be enacted for the acceptance of such property and for its permanent care and maintenance” (Leland, 1955, pp. 17–18).

In July 1939, Congress passed a joint resolution outlining the conditions under which the Archivist of the United States could accept real property, records, and other historical artifacts that would make up the Franklin D. Roosevelt Presidential Library. In accordance with the statute, no federal funds were used to construct the library. As library construction neared completion and preparations were made to transfer the property to the federal government, Roosevelt confided to R.D.W. Connor, the first Archivist of the United States, that the President anticipated the Library would incur certain expenses that Congress would be unwilling to fund. FDR planned “to keep in existence the Franklin D. Roosevelt Library, Inc., through which such necessary funds could be raised from private sources, when needed” (Connor, 1940b, p. 29). Clearly, Roosevelt intended the private foundation to remain actively involved in the administration of his presidential library.

From One, Many: The PLS

The success of the Roosevelt Presidential Library has not been lost on his successors. Shortly before leaving office in 1952, Harry S Truman was troubled with what would become of his official presidential papers. In time the Harry S Truman Library Inc. was established by former President Truman and his supporters to raise the necessary funds for the construction of a structure to house the former president’s records (Geselbracht, 2006). As the Truman Library neared completion, Congress passed the Presidential Libraries Act (PLA) of 1955. The PLA outlined the terms under which the federal government would accept the presidential records of any living former president and of future former presidents, essentially creating the current PLS (Wilson, 1991).

The PLA and subsequent legislation regarding presidential records and presidential libraries have significantly influenced the evolution of the PLS. One fundamental aspect of the PLS is the condition that federal funds cannot be used in the construction of a new presidential library. This provision essentially institutionalized the pattern established by FDR of private foundations working with NARA; that is, it established a “privately built, publicly maintained” model (Cochrane, 2002, p. 60) for preserving presidential records. Through the George W. Bush presidency, every eligible former president has chosen to construct a library to archive his records (Schuessler, 2019).²

Discussion and Conclusion

In his speech at the dedication of the George W. Bush Library and Museum, former President Bill Clinton called the Library “the latest, grandest example of the eternal struggle of former presidents to rewrite history” (C-SPAN, 2013). Presidential libraries, like other sites of collective memory, are significant because they help “shape and preserve a shared past and thereby contribute to social stability and solidarity” and seek to influence “the understanding and actions” (Young, 1993, p. 13). Don W. Wilson (1996), former Archivist of the United States, has argued presidential libraries are “less monuments to great men” and more “classrooms of democracy” (Wilson, 1991, p. 773).

Some critics of the PLS have argued that the private foundations have carried the commemoration aspect of these libraries too far (Cox, 2002; Hufbauer, 2005; Mitchell & Kirk, 2008, Clark, 2015). In her 2006 article in the *Public Historian*, Sharon Fawcett (2006), then Assistant Archivist for Presidential Libraries, reminded those critical of presidential library museums that the initial exhibit is created with “little historical perspective to draw upon” (p. 30). Some current and former NARA officials have emphasized that over time the content of a presidential library museum exhibits changes and becomes more complete. This view was echoed by Fawcett when she said:

I see that first exhibit in a presidential library; it is an illustrative memoir of the presidency. It is the president's point of view. It is completely his story. His foundation built it ... he's usually he has worked very closely with the designers of the exhibit to create this exhibit and it is the voice of the president in that exhibit and I think it's an important thing for our visitors to see. But as the library transitions over time and as time and distance from a presidency occur, then we become a little more interpretive a little more focused on other historical viewpoints, bringing those into the exhibit along with the president's point of view ... I don't think historical balance needs to come at the expense of the legacy of a president. No president ever assumed office intending to do a bad job. These 44 men who have been elected to the president did their very best under often harrowing circumstances. There should be celebratory exhibits at a presidential museum.

(C-SPAN, 2010)

Presidential libraries are important sites of collective memory: they not only preserve memory but also help create it.

Presidential libraries are just one place collective memories are created, preserved, and transmitted in the United States. These sites of shared

memories are significant in that they create an illusion of societal cohesion that legitimizes existing social and political structures (Kammen, 1991). They not only tell us what a community values; they are an attempt to teach future generations what actions are noble and thus worth memorializing. These sites are not always meant to be a balanced debate about competing views on the rightness or wrongness of a historical event or historical figure. They are, however, there to tell a story—the story that the individuals who created them want told.

Additionally, such locations work to legitimize existing social and political structures (Kammen, 1991); in the words of Franklin D. Roosevelt, sites of collective memory have the capacity to generate and inspire “respect and love of the citizens for the institutions of his country” (cited in Bodnar, 1992, p. 179). The distinction between public and private action at presidential libraries can be difficult to make. Public organizations Likewise, the relationships between NARA and its presidential foundation partners in the PLS can blur the line between governmental and non-governmental action. It’s important that the nature and extent of these relationships be studied (Boden & Exmeyer, 2020) as well as other non-governmental actors involved in the creation and preservation of collective memory.

Transparency is about the flow and access to information (Guy & Ely, 2022, p. 252) and has become an important value in public administration theory and practice (Grimmelikhuijsen et al., 2013). Knowing which actors have been involved in the creation and administration of specific sites of collective memory is important. This is significant because what is remembered is dependent on who is remembering. As the former president of the American Historical Association Carl Becker said “Left to themselves, the facts do not speak; left to themselves they do not exist, not really, since for all practical purposes there is not fact until someone affirms it” (quoted in Nerone, 1989, p. 98). This is significant because all sites of collective memory give “prominence to some facets of the past and not others” (Schudson, 1989, p. 108). Actors involved in such sites have the ability to legitimize certain narratives as truth (Luke, 2002) as they determine which aspects of the past are worthy of being remembered and which can be forgotten or at least deemphasized.

Questions for Discussion

1. Who owns history? How does a specific narrative surrounding a particular event, era, or issue become the legitimate or official collective memory? What makes a specific individual or organization the legitimate narrator of that particular event, era, or issue?

2. In the United States, many historical sites are created and administered by non-governmental organizations. Does this matter? Identify several benefits and drawbacks to this system.
3. How can more transparency in what actors are behind the creation, preservation, and administration of sites of collective memory improve a visitor's experience at these sites?

Notes

- 1 By donating his papers to the National Archives, Roosevelt allowed them to become public property. It is significant to note that according to the deed of gift, Roosevelt and a group of trustees maintained control over which papers were to be made available to the public (Ward, 1989).
- 2 Former President Obama has broken from this established pattern. The Obama Presidential Center will be administered by the Obama Foundation rather than NARA. The Obama Presidential Center will not be a research site for scholars as previous presidential libraries; however, the foundation plans to pay for the digitization of millions of unclassified documents and to make these documents available to the public. While NARA will not be administering this site the official records of the Obama presidency are subject to the Presidential Records Act of 1978 and remain the property of the federal government. It is unclear if former President Trump will follow the precedent of his immediate predecessor, or the model established by FDR, or perhaps try and establish a new model of post-presidential site of collective memory.

References

- Annals of Congress. (1799, December 23). House of Representatives. Retrieved November 18, 2010, from <http://memory.loc.gov/cgi-bin/ampage>
- Annals of Congress. (1800, December 5). House of Representatives. Retrieved November 18, 2010, from <http://memory.loc.gov/cgi-bin/ampage>
- Bratich, J. Z., Packer, J., McCarthy, C. (2003). Governing the Present. In J. Z. Bratich, J. Packer & C. McCarthy (Eds.), *Foucault, cultural studies, and governmentality* (pp. 3-21). Albany, NY: State University of New York.
- Beasley, J. (2001). The birthplace of a chief: Archaeology and meaning at George Washington Birthplace National Monument. In P. A. Shackel (Ed.), *Myth, memory, and the making of the American landscape* (pp. 197-220). Gainesville, FL: University Press of Florida.
- Boden, D., & Exmeyer, P. C. (2020, July 1-26). Public-private partnerships in the preservation of presidential records. *Administration & Society*. doi: 10.1177/0095399720941306
- Bodnar, J. (1992). *Remaking America: Public memory, commemoration, and patriotism in the twentieth century*. Princeton, NJ: Princeton University Press.
- Bratich, J. Z., Packer, J., & McCarthy, C. (Eds.). (2003a). *Foucault, cultural studies, and governmentality*. Albany, NY: State University of New York.
- Bumgarner, J., & Newswander, C. B. (2009). The irony of NPM: The inevitable extension of the role of the American State. *The American Review of Public Administration*, 39(2), 189-207.

- C-SPAN. (2010, June 23). Presenting controversial presidential history. Retrieved May 19, 2011, from <http://www.c-spanvideo.org/program/294216-1>
- C-SPAN. (2013, April 25). George W. Bush Presidential Library dedication ceremony. Retrieved April 25, 2013, from <http://www.c-spanvideo.org/program/WBushPres>
- Clark, A. (2015). *The last campaign: How presidents rewrite history, run for posterity* Enshrine their legacies. CreateSpace Independent Publishing Platform. <https://online.ucpress.edu/tph/article-abstract/37/3/142/89495/Book-Review-The-Last-Campaign-How-Presidents?redirectedFrom=fulltext>
- Cochrane, L. S. (2002). Presidential libraries: Presidential, yes; libraries, not really. *American Libraries*, 33(5), 58.
- Connor, R. D. W. (1940a). The Franklin D. Roosevelt Library. *The American Archivist*, 3(2), 81–92.
- Connor, R. D. W. (1940b, June 27). *Southern historical collection*. Chapel Hill, NC: The Wilson Library, University of North Carolina at Chapel Hill.
- Cox, R. J. (2002). America's pyramids: Presidents and their libraries. *Government Information Quarterly*, 19, 45–75.
- Fairbanks, J., Plowman, K. D., & Rawlins, B. L. (2007). Transparency in government communication. *Journal of Public Affairs*, 7(10), 23–37.
- Fawcett, S. (2006). Presidential Libraries: A view from the center. *The Public Historian*, 28(3), 13–36.
- Geselbracht, R. H. (2006). Creating the Harry S Truman Library: The first fifty years. *The Public Historian*, 28(3), 37–78.
- Grimmelikhuijsen, S. G., Porumbescu, G., Hong, B., & Im, T. (2013). The effect of transparency on trust in government: A cross-national comparative experiment. *Public Administration Review*, 73(4), 575–586.
- Guy, M. E., & Ely, T. L. (2022). *Essentials of public service: An introduction to contemporary public administration*. 2nd Edition. Irvine, CA: Melvin & Leigh Publishers.
- Haberman, M., Kantor, J., Goldman, A., & Protess, B. (2022, August 22). Trump had more than 300 classified documents at Mar-a-Lago. *New York Times*. <https://www.nytimes.com/2022/08/22/us/politics/trump-mar-a-lago-documents.html>
- Halbwachs, M. (1952/1992). *On collective memory*. Chicago, IL: University of Chicago Press.
- Hall, P. D. (1982). *The organization of American culture, 1700–1900: Private institutions, elites, and the origins of American nationality*. New York, NY: New York University Press.
- Hammack, D. C. (2002). Nonprofit organizations in American history. *American Behavioral Scientist*, 45(11), 1638–1674.
- Harmon, M. M. (2006). *Public administration's final exam: A pragmatist restructuring of the profession and the discipline*. Tuscaloosa, AL: University of Alabama Press.
- Harvey, F. L. (1902). *History of the Washington national monument and of the Washington national monument society*. Washington, DC: Norman T. Elliott Printing Co.
- Hosmer, C. B. (1965). *Presence of the past; A history of the preservation movement in the United States before Williamsburg*. New York, NY: Putnam.

- Hufbauer, B. (2001). The Roosevelt presidential library: A shift in commemoration. *American Studies*, 42(3), 173–193.
- Hufbauer, B. (2005). *Presidential temples: How memorials and libraries shape public memory*. Lawrence, KS: University Press of Kansas.
- Jones, H. G. (1969). *The records of a nation: Their management, preservation, and use*. New York, NY: Atheneum.
- Kahn, H. (1954). World War II and its background: Research materials at the Franklin D. Roosevelt Library and policies concerning their use. *The American Archivist*, 17(2), 149–162.
- Kahn, H. (1959). The presidential library: A new institution. *Special Libraries*, 50(3), 106–113.
- Kammen, M. (1991). *Mystic cords of memory: The transformation of tradition in American culture*. New York, NY: Alfred A. Knopf, Inc.
- Leland, W. G. (1955). The creation of the Franklin D. Roosevelt Library: A personal narrative. *The American Archivist*, 18(1), 11–30.
- Lloyd, D. D. (1955). The Harry S. Truman Library. *The American Archivist*, 18(2), 99–110.
- Luke, T. W. (2002). *Museum politics: Power plays at the exhibition*. Minneapolis, MN: University of Minnesota Press.
- McCoy, D. R. (1975). The beginnings of the Franklin D. Roosevelt Library. *Prologue*, 7(3), 136–150.
- McDonough, J. (1975). Who owns presidential papers? *Manuscripts*, 27(1), 2–11.
- McKay, P. R. (1982). Presidential papers: A property issue. *The Library Quarterly*, 52(1), 21–40.
- Merchant, N. (2023, February 28). Top lawmakers briefed on Trump, Biden, Pence documents. *AP News*. <https://apnews.com/article/intelligence-classified-documents-trump-biden-pence-c061d26139cbe811026962e531163c3e>.
- Mitchell, G. R., & Kirk, J. (2008). Between education and propaganda: Public controversy over Presidential Library design. *Argumentation & Advocacy*, 44(4), 213–230.
- Molina, A. D. (2009). Values in public administration: The role of organizational culture. *International Journal of Organization Theory and Behavior*, 12(2), 266–279.
- Molina, A. D. (2015). The virtues of administration. *Administrative Theory & Praxis*, 37(1), 49–69.
- Molina, A. D., & McKeown, S. (2012). The heart of the profession: Understanding public service values. *Journal of Public Affairs Education*, 18(2), 375–396.
- Mount Vernon Ladies' Association. (n.d.). *Preservation: Mount Vernon ladies' association*. <https://www.mountvernon.org/preservation/mount-vernon-ladies-association/>
- Najam, A. (2000). The Four C's of government third sector-government relations. *Nonprofit Management and Leadership*, 10(4), 375–396. doi: 10.1002/nml.10403
- National Archives and Records Administration. (2013). Historical timeline Retrieved September 20, 2013, from <http://www.archives.gov/about/history/timeline.html>
- Nerone, J. (1989). Professional history and social memory. *Communication*, 11, 89–104.

- Nerone, J., & Wartella, E. (1989). Studying social memory. *Communication*, 11, 85–88.
- Peterson, M. D. (1962). *The Jefferson image in the American mind*. New York, NY: Oxford University Press.
- Randall, J. G. (1924). When Jefferson's home was bequeathed to the United States. *South Atlantic Quarterly*, 23(1), 35–39.
- Rhoads, J. B. (1975). Who should own the documents of public officials? *Prologue*, 7(1), 32–35.
- Richardson, J. D. (Ed.). (1899). *A compilation of the messages and papers of the presidents 1789–1897* (Vol. VIII). Washington, DC: Bureau of National Literature and Art.
- Salamon, L. M. (1987). Of market failure, voluntary failure, and third-party government: Toward a theory of government-nonprofit relations in the modern welfare state. *Nonprofit and Voluntary Sector Quarterly*, 16(1–2), 29–49.
- Savage, K. (1987). The self-made monument: George Washington and the fight to erect a national memorial. *Winterthur Portfolio*, 22(4), 225–242.
- Savage, K. (2009). *Monument war: Washington D.C., the National Mall, and the transformation of the memorial landscape*. Berkley, CA: University of California Press.
- Schick, F. L., Schick, R., & Carroll, M. (1989). *Records of the presidency: Presidential papers and libraries from Washington to Reagan*. Phoenix, AZ: The Oryx Press.
- Schudson, M. (1989). The Present in the Past versus the Past in the Present. *Communication*, 11, 105–113.
- Schuessler, J. (2019, February 21). Obama's libraryless library. *The New York Times*, p. C1(L). <https://www.nytimes.com/2019/02/20/arts/obama-presidential-center-library-national-archives-and-records-administration.html>
- Sezzi, P. (2005). *Personal versus private: Presidential records in a legislative context: A bibliographic exploration*. Lanham, MD: Scarecrow Press, Inc.
- Smith, N. K., & Stern, G. M. (2006). A historical review of access to records in Presidential Libraries. *The Public Historian*, 28(3), 79–116.
- Thomas Jefferson Foundation (n.d.). *Thomas Jefferson foundation: An overview*. <https://www.monticello.org/thomas-jefferson-foundation/thomas-jefferson-foundation-an-overview/>
- Van Tassel, D. D. (1960). *Recording America's past: An interpretation of the development of historical studies in America 1607–1884*. Chicago, IL: The University of Chicago Press.
- Van Wart, M. (1998). *Changing public sector values*. New York, NY: Garland Publishing, Inc.
- Veit, F. (1987). *Presidential libraries and collections*. Westport, CT: Greenwood Press, Inc.
- Ward, G. (1989). 'Future historians will curse as well as praise me'. *Smithsonian*, 20(9), 58–69.
- West, P. (1999). *Domesticating history: The political origins of America's house museums*. Washington, DC: Smithsonian Institution Press.

- Wilson, D. W. (1991). Presidential libraries: Developing to maturity. *Presidential Studies Quarterly*, 21(4), 771–779.
- Wilson, D. W. (1996). Culture and conflict: Defining the national archives. *Government Information Quarterly*, 13(2), 187–194.
- Young, J. E. (1993). *The Texture of Memory*. New Haven, CT: Yale University Press.

NEW PUBLIC MANAGEMENT REFORMS, ETHICS TRAINING PROGRAMS, AND ETHICAL CONDUCT OF PUBLIC SERVANTS IN TANZANIA

Wilfred Lameck

Introduction

The mainstream literature on ethics and good governance has now concluded that ethics is a key component of good governance which can spearhead public trust in public service delivery (Amundsen 2014). Given to this fact, organizations can only survive if they have a strong foundation of ethics. This is also self-evident to some organizations which make ethics the core part of their corporate values and hence making it difficult to ignore ethics (Arlow and Ulrich 2012). In the world of business but also in public administration, ethics is used to refer to integrity, honesty, and fairness in the discharge of organizational or government functions. In the public service, ethics is about the practical application of the moral standards in governance. According to Frolic and Drolet (2014), ethics refers to how an individual feels about behaving properly. It is about values and their application in a given context. This suggest that the absence of ethics in organization can cause high cost in the operational efficiency of the organizations as for example organizations with unethical conduct may suffer from stock price decline and the loss of profit even if they are not fined by legal authorities. This is worse in public administration where the absence of ethical work force causes corruption and in inefficiency in the delivery of public service to citizens (Frolic and Drolet 2014).

Despite this recognition, unethical conducts and corruption of public officials is still widespread in the public service. Its existence in the public service affects organizational efficiency which leads to poor organizational performance (Barnett and Cherly 2012). With an attempt to address

this problem, some organizations have developed the legal framework to regulate ethics training. The argument which underlies this assumption is that ethics training can transform unethical behavior of public servants. Therefore, in principle ethics is required to be part of a broader and comprehensive public policy on anti-corruption/integrity and public administration reform, and should be reflected in programmatic documents (OECD 2013).

Apart from that, many organizations have developed and distributed organizational codes of conduct to regulate the behavior of their staff. The code provides the values and principles for the staff to follow in the course of performing their duties and functions. The codes are expected in turn to affect ethical conducts of their respective employees (Baer 2018). Suggestions show that the existence of formal code of ethics can generally ensure the highest standards of behavior and inhibit unethical conducts among organizational members. In Tanzania, the codes of conduct and institutional arrangements have been put in place to provide overall guidance and ensure integrity and responsible behavior in respective public services (Gilman 2005). The code of ethics and conduct for the public service was issued for the first time after independence in 1961. During the colonial rule a code of ethics and conduct was inherent in different laws and regulations. This approach continued even after independence. Since these laws and regulations were not easily available to all public employees, people were generally unaware of expected ethical conduct (Cooper 2014). From 1980s, the government adopted new public management reforms to cure the problem of corruption and strengthen the ethics of public servants (Mtahaba and Kirangu 2002). The reforms insisted on managerialism or efficiency in the public service delivery, transparency, accountability, and performance measurement as a tool to cure the problem of persisting unethical behavior in the public service.

In addition, the government introduced ethics training programs to impart the required ethical standards skills to public servants and further stimulate their ethical conduct (Baer 2018).

Nevertheless, despite all these initiatives, experience shows that these formal codes are often undermined by the adherence to informal codes known as norms which are characterized mainly by isolation and solidarity (Frolic and Drolet 2014). Apart from that, the public service is highly prone to corruption due to bureaucratic procedures especially for licenses and permits which are time-consuming. This is compounded by the problem of lack of resources: both financial and human resources and weak capacity of the public service which together increases the risk of corruption and unethical behavior (URT 2005; Bertelsmann Stiftung, BTI 2016) Consequently, the officials in the public service organizations have been reported to have unethical behaviors. In spite of having code of

ethics, the issue of gifts and other bribes in exchange of favor or service by citizens is perceived to be widespread when applying for public utilities and permits (GCR 2015-2016). This argument is consistent with OECD (2013) report which shows that a requirement to provide ethics training established in policy and programmatic documents has not sufficiently changed the behavior of public servants. Therefore, the interest of this book chapter stems from the fact that there are widespread criticisms from stakeholders concerning unethical conducts and unfriendly behavior of employees in the public service which raises the need for urgent behavioral change. Apart from that, there is already consensus in the literature that the introduction of new public management (NPM) especially in the public service does not adequately promote ethical values and standards in western countries but also in developing countries. In the same vein, there is little explanation disclosing the contextual factors associated with this anomaly. To this end, this chapter asks: why there is widespread of unethical behavior in Tanzania public service despite the existence of code of ethics, the introduction of new public management reforms, and ethics training in the Tanzanian public service? The rest of the chapter is organized around a number of subsections: the concept of ethics and new public management reforms, analytical frame, methodology, the practice of new public management reforms in Tanzania, institutional framework for the implementation of code of ethics and the associated challenges in Tanzania, and finally conclusion.

The Concept of Ethics and New Public Management Reforms

In public administration, ethics is an important instrument for ensuring the good conduct of public officials in service delivery as it provides accountability between the public and the administration (Hian Chye 2014). This suggests that adhering to a code of ethics ensures the standard of behavior required by public servants. But also, it gives the administration guidelines for integrity in their operations. That integrity, in turn, helps foster the trust of the community. By creating this atmosphere of trust, the administration helps the public to understand that they are working with their best interests in mind (Hian Chye 2014). In order to create the ethical workforce, many organizations have established the code of ethics to create the standards of professionalism those co-workers in the public sector can expect from each other but also which the public can also expect from their leaders (Frolic and Drolet 2014). The strong code of ethics in public administration provides the leaders with the appropriate guidelines to carry out their tasks and inspire their employees and committees to enforce laws equitably and in the professional manner. This therefore places a leader at the center to communicate to followers

all that he considers important for the organization. But also, communication keeps all the parties involved so that they can all work toward a common goal (Holme 2018).

To this end, the rationale of instituting ethical codes of conduct has been supported by various scholars. The argument from these scholars is that the public service needs code of conduct to guide public servants to behave ethically and avoid integrity violations. This effort of internalizing the code of ethics and conduct in the public service intends to enhance compliance of public servants on the practice of the code as per the policy requirements (Bawole and Sakyi 2009).

Nevertheless, despite the presence of the code of ethics, many countries witnessed the increase in corruption and unethical practices in the public service. Following that, many countries recognized the need to transform their public administration system from traditional public administration to new public management as a way to increase efficiency and to curb corruption in the public service (Mutahaba and Kirangu 2002; Warioba and Letisia 2012).

The central tenets of the NPM transformation were to increase efficiency, effectiveness, accountability, and quality services in the public service. To this end, the reforms capitalized on making planning more strategic, using user fees as a cost recovery technique, devolving authority from a single administrative center to lower units, using market-based model to contract out services, increase competition in tendering, performance-based pay, and allowing flexibility in employment contracts (Hughes 2003; Brown 2004).

In connection to that, the reforms came with the philosophy of re-inventing government with more emphasis on doing more with less. In nut shell, this philosophy can be summarized in seven components which include hands-on professional management, unambiguous criteria of performance, emphasis on output controls, disaggregation of units, competition in public service, and the use of private sector management techniques (Hood 1991). All these initiatives targeted to back up the ethics of public servants, reduce corruption, and increase efficiency in public service delivery.

Analytical Frame

The main stance of the theory on ethics is that the existence of ethics in organization is based on justice theory, which assumes that the fairness of action or justice action is the one that treat all people in organization fairly. The fairness is judged by ethical or legal standards in the organizations. The fairness is a derivative of two important elements: distributive and procedural or interactional rules. To this end, distributive fairness

focus on the outcomes received by individuals and their perceptions of these outcomes while procedural fairness is based on the processes including policies, procedures, and the rules used to reach decisions. Therefore, individuals evaluate the fairness of these processes in addition to the outcomes received. On the other hand, interactional fairness relates to the personal treatment one receives in the administration of a decision-making process. Interactional fairness has to do with the respect and consideration shown in the administration of decisions (Nozick 1974).

To realize the ethical decision, two important conditions must be in place: compliance to rules and regulations which is commonly known as compliance approach but also ethical values and norms which is normally known as integrity approach. The integrity approach focuses on internal control or self-control exercised by each individual public servant (Hejka-Ekins 1994). The internal control mechanism consists of two components. One component is the public servant's moral judgment capacity, which can be strengthened in two ways: by learning and understanding the necessary values and norms, and by developing the skills in ethical decision-making, needed to apply those values particularly when they conflict with one another in daily practice (Hejka-Ekins 1994). The other component of internal control is moral character: the intrinsic will to act upon judgments reached through ethical decision-making. Integrity management aims to stimulate moral character and improve ethical decision-making skills through interactive training sessions, workshops, ambitious codes of values, individual coaching, and similar means (Gilman 1999). On the other hand, compliance approach to ethics management emphasizes the importance of external controls on the behavior of public servants. It refers to formal and detailed rules and procedures, and ultimately aims at a situation in which "the individual ethical choice is limited to choosing to follow the rules or to violate them by commission or omission" (Fox 2001). Typical instruments of this approach include legislation, strict behavioral ethics codes and other rules, extensive control mechanisms, and control institutions with extensive powers which are not stated by the aforementioned theories.

Methodology

The methodology of this book chapter was guided by the main research question which asks: what is the state of ethics in the public service in Tanzania and how the introduction of new public management reforms and ethics training program influence the ethics of public servants in Tanzania? Given the nature of this research question, the study adopted the qualitative research, and the actual research began with empirical review of the ethics and the code of ethics and its implementation

in Tanzania, the new public management reforms and ethics training program and their influence on ethical behavior of public servants in Tanzania, and the empirical review was followed by the review of important document which includes the code of ethics and conduct of public servants in Tanzania, the quarterly and annual reports of the ethics secretariat. The completion of the review was followed by the content analysis of the documents, which was guided by the themes identified in the main research question.

New Public Management Reforms and the Code of Ethics for Public Servants in Tanzania

In Tanzania, the code of ethics can be traced back to colonial period when the government established the permanent commission for enquiry to regulate the behavior of public servants. Despite the introduction of commission, the problem of unethical behavior in the public service continued to grow and went to the extent of public servants equating ethics with their wealth. Following that, in 1967, the government initiated a move to fight unethical behavior of public servants, the climax of which became more prominent in 1967 during Arusha declaration which sat the need for ethics of public leaders (Tenga 2010). Despite these initiatives, the problem of corruption and inefficiency increased in the public service. The existing legislations regulating the fight against corruption were perceived to be weak and unable to prevent the corruption which was widespread in the public service. Following that, the government adopted new public management reforms as a tool to increase efficiency and reduce corruption in the public service (Mtahaba and Kirangu 2002).

Furthermore, the adoption of new public management reforms was also associated with the problems of poverty, poor service delivery, and inadequate accountability which resulted from the inherent weaknesses of the traditional Weberian-based public administration. Such weaknesses included excessive bureaucracy, unreasonable expansion of the public sector leading to redundant workforce, political patronage, corruption, and nepotism, among others (World Bank 1981; Gore 1997). Therefore, inefficiency, ineffectiveness, corruption, and inadequate motivation with no sense of accountability were common descriptions according to the Tanzanian civil service which fueled the introduction of the NPM reforms (Mukandala 1993; Mutahaba and Kiragu 2002; URT 2013). In turn the introduction of NPM reforms were expected to provide the remedy to these problems.

Moreover, in the context of NPM, in 1995, the more elaborate legal framework to increase ethical conduct of public servants was introduced. It was against this backdrop that the code of ethics for public leadership

was introduced in 1995 to regulate the behavior of public leaders in the public service (URT 1995). This was also backed up by the enactment of the code of ethics for public servants in the year 2005 which defined the ethical principles to guide the behavior of public servants in Tanzania (URT 2005).

However, after four decades of NPM reform implementation in Tanzania these problems still persist. The question is why unethical behavior still widespread in the public service despite the introduction of the NPM and the codes of ethics? The review of various reports provides a partial picture to this puzzle. For example, the controller and auditor general (CAG) reports have consistently indicated that staff shortages, lack of planned training programs for some government entities, delays in promotions, payment of staff claims in a form of salary arrears, leave allowances, and acting allowance are persistent features of public administration in Tanzania (URT 2019, 2021). Apart from this, the number of officials working in the public service particularly in the local government are involved in unethical practices such as unauthorized expenditure of public funds, existence of ghost workers, uncompleted projects, forged receipts for the revenue collection, and procrastination in services (URT 2021). This serves as evidence to the fact that NPM has not adequately eliminated the problems of inefficiency in the public service but the cause for the existence of these unethical practices is a question for further investigations. To understand the answer to this question, the in-depth analysis of the measures initiated by Tanzania government to address unethical conduct and the causes for the failure or success are discussed in the subsequent sections below.

Institutional Arrangement and the Implementation of the Code of Ethics in Tanzania

In Tanzania, one of the measures introduced to address unethical conduct of public servants is the introduction of the codes of ethics for public servants. The code of ethics is the main document which provides fundamental principles and values to regulate the behavior of public servants. In Tanzania, the code was introduced under the guidance of the ministry of the Presidents' Office Public Service Management (POPSM). The PO-PSMGG is the government ministry entrusted with power to oversee personnel matters, administration of the public service, and development of policies on human resources management ethics but also to monitor ethics compliance, determines training needs, and provides training to public entities on ethics and anti-corruption measures, including ethics complaint handling mechanisms.

Therefore, the code of ethics in Tanzania was introduced to provide overall guidance and ensure integrity and responsible behavior in

respective public services but also to enhance its practice and compliance (Gilman 2005). Furthermore, to empower the ministry to implement the code effectively, the government enacted the Public Service Act of 2002 and its regulation. This act provides for the power and disciplinary authorities of different government institutions involved in the delivery of public services (URT 2019).

Further to that, the government established the ethics secretariat as an independent institution to supervise the implementation of the code of ethics for public leadership of 1995. The secretariat is charged with the vision to create public trust on the secretariat as an institution created to promote and monitor the conduct of public leaders. More specifically, the secretariat is entrusted with the responsibility to ensure that all public service positions are advertised on and applications are submitted through the recruitment portal maintained by the Public Service Recruitment Secretariat in Tanzania (CAC 2019). To this end, the secretariat is responsible to uphold the ethical values and principles of public service which includes ensuring integrity, discipline, transparency, and accountability of the entire public service and restoring the positive attitudes on the importance of ethics in the public service. This in turn is expected to instill confidence on public and to promote and monitor the implementation of the code through ensuring good conduct and behavior of public leaders as provided in the leadership code of ethics (REPOA 2006).

In order to achieve its vision, the secretariat sets the targets to the effective implementation of National Anti-Corruption Strategy to ensure that the ethical conducts of public leaders improved and manage public leaders' conflict of interest and ensure the capacity to deliver services to public servants. For example, the current plan targets to promote public leadership ethics, monitor ethical conduct of public leaders to ensure that public leaders and public servants are trained in leadership ethics, and ensure that the program for collaboration with stakeholders in the promotion of public leaders' ethics is developed and implemented by June 2023; studies on public leaders' ethics conducted by June 2023 and the national ethics policy developed and implemented by June 2023; ethics promotion program for general public developed and implemented by June 2023; investigation framework on public leaders' ethics reviewed and implemented by June 2023; and assets declaration and verification framework for public leaders reviewed and implemented by June 2023. Nevertheless, the capacity of the secretariat to ensure assets declaration is constrained by lack of resources (both financial resources and human resources) and the technical capacity to monitor assets declaration (Chene 2008; Mrindoko 2012). For example, the staffs are not enough to accommodate the number of the public officials who are declaring the assets (2012). Moreover, lack of technical capacity to evaluate, review, and prove the submitted

information for assets declaration is inadequate (Chene 2008; Mrindoko 2012). Likewise Larbi (2005) but also the lack of investigative capability, which makes it difficult to collect satisfactory evidence to substantiate prosecution. On top of that, there is a problem of the intrusion of privacy which offsets the equilibrium to control unethical behaviors and safeguard the privacy of the public officials (Chene 2008). This has also been confirmed by the corruption reports in Tanzania which indicate the low capacity of the secretariat to control the behavior of public servants, and therefore it fails to maintain the ethical practices of the public leadership due to the low capacity attributed by lack of adequate human and financial resources (URT 2021).

On the other hand, the plan targets to address the problem of public leaders' conflict of interest through empowering leaders to make decisions in accordance with laid down procedures and in a fair and transparent manner but also addressing the incidences of conflict of interest and other unethical practices. To attain this objective, the government was expected to prevent and control conflict of interest among public leaders, to promote awareness on conflict of interest. To this end, the government developed the framework to manage conflict of interest among the public leaders developed, review the code and disseminate, ensure the code regulations are prepared and disseminated, conduct studies on conflict of interest among public leaders, and create awareness program for public leaders and collaboration (URT 2018). Nevertheless, the trend of public leaders involved in the conflict of interest particularly in local government authorities (LGAs) has increased especially in the public procurement and the implementation of development projects (URT 2018).

Moreover, together with the ethics secretariat, the government established public service commission to ensure accountability, transparency, and compliance on human resources rules and regulations in different levels of government. More specifically, the commission is entrusted with the mandate to ensure sustainability of the National Anti-Corruption Strategy and Action Plan but also compliance to human resources management in the public service. This in turn was expected to reduce corruption incidences, increase staff awareness, and increase trustworthy, but also improve human resource compliance level in the public service and increase awareness on human resource rules and regulations to employees and appointing and disciplinary authorities (URT 2016).

In addition, the government has established the National Anti-Corruption Strategy and Action Plan. This was developed to prevent the corruption practices at work place and all public organizations are required through this policy to establish the committees responsible for coordinating the preventive measures at work place through building the systems of integrity, accountability, and transparency in public and

private institutions. To this end, the development of this strategy included the views and opinions of different stakeholders from diverse policy sectors including private, religious, and media representatives. Overall, the chief secretary of the public service introduced in the preceding sections is in charge of supervising the implementation of this strategy at workplace. But also, the institution of good governance such as the prevention and combat of corruption bureau is entrusted with the mandate to ensure the implementation of this strategy (URT 2016). The strategy requires each public institution to establish the integrity committee at workplace to supervise and ensure the integrity of the public officials in the discharge of the daily duties and responsibilities (URT 2016).

Overall, despite all these efforts made by the Tanzania government to enhance compliance of public servants on the code of ethics and conduct for public service, the compliance on code of ethics and conduct for public service is very low. The study by REPOA (2006) indicates that in 2003, 80% of the police officers were involved in corrupt practices. Furthermore, in the financial year 2019/2020 audit of payroll showed that eight Ministry Department and Agencies paid a total amount of TSh 1,842,607,565.29 as salaries to retirees, absconders, and three officers who were no longer in employment due to dismal compliance on code of ethics (URT 2021).

Besides, the Global Corruption Barometer (2005) found that Tanzanian police officers are the most corrupted in Tanzania. Furthermore, unethical practices are underscored by Prevention and Combating Corruption Bureau Report (2009) which illustrates that the major victims of petty corruption are the poorest who spend over 40% of their major family incomes on paying small bribes in order to access vital social services such as health and justice.

On the other hand, the CAG as an independent auditing institution found an alarming irregularity in government spending. For example, the constitution of the united republic of Tanzania in article 135, which is a mother law, requires all the fund to be kept in the government treasury and approved by as stated in article 136 before spending, but in the year 2019/20 a total of 2.2 trillion was used without passing through the government treasury, while in the year 2020/2021 a total of 1.2 trillion was spent. Furthermore, a fraud of 279.5 billion was discovered in different development projects and 71 billion in the ports authority, while in the local government the weakness of the local government revenue collection information system was discovered. For example, the employees and the agencies fabricating the point, forging certificates, and failure to submit the revue collected (URT 2021).

In addition, the assessment on the controls of transaction adjustments found that the LGAs made various transaction adjustments without evidence of approval and supporting documents to justify their authenticity.

This was revealed at the defunct Dar es Salaam CC and Dar es Salaam CC (former Ilala MC) which made transaction adjustments totaling 8.66 billion Tanzanian shillings as correction of errors and 27 LGAs modified the revenue bills to adjust TSh 1.66 billion without supporting documents to substantiate the changes made (URT 2021).

Finally, the expenditure management revealed that 24 LGAs spent a total of TSh 664 million in fruitless expenditure; 61 LGAs ordered and paid TSh 8.44 billion for goods/services which were not delivered/rendered by suppliers for a period up to 24 months; and 64 LGAs with missing payment vouchers and expenditure particulars worth TSh 3.87 billion. Further, five LGAs paid TSh 376.48 million to various vendors on which they were issued with forged electronic fiscal device receipts indicating that TSh 57.43 million was not remitted to Tanzania Revenue Authority as required while TSh 6.07 billion was paid by 71 LGAs to vendors without demanding Electronic Fiscal Device receipts. Worse enough, the withholding tax of TSh 338.06 was not deducted by 24 LGAs from payments made to vendors.

Conclusion

The overall conclusion is that the government has taken the number of initiatives to enhance the ethical behavior of public servants in Tanzania. The major tools which are in use is the ethics infrastructure such as the establishment of the code of ethics and different strategies to ensure that public servants comply with ethical behavior. For example, the public leadership code of ethics to establish the principles which the public leaders must follow includes the regulations to refrain from the confluence of interest and declaration of assets before and after getting into the public office. To ensure the compliance, the government established a special institution dedicated with the mandate to ensure that public leaders adhere to the principles laid down in the leadership code of ethics (URT 1995). With respect to other public servants, a special code of ethics for public servants has been established to guide their behavior. The most important is the requirement of institutions to establish integrity committees at workplace. This suggest that the government has taken initiatives necessary to ensure compliance to ethical conduct by public servants. However, the internal control which is integrity approach has received little attention. To ensure maximum compliance the government must consider the existing values and norms at workplace and in the community which undermine the compliance to ethical values and norms.

References

- Amundsen, I. and Andrade, V. P. (2014). *Public Sector Ethics*. London, Newbury Park and New Delhi: Sage Publications.

- Arlow, R. and Ulrich, T. A. (2012). Auditing Your Organization's Ethics. *Internal Auditor* 35(1), 342–354.
- Baer, M. (2018). *Corporate Policing and Corporate Governance: What Can We Learn from?* Oxford: James Currey Ltd.
- Bawole, J. N. and Sakyi, E. K. (2009). Challenges in Implementing Code of Conduct within the Public Sector in Anglophone West African Countries: Perspective from Public Managers. *Journal of Public Administration and Policy Research* 1(4), 068–078.
- Barnett, T. and Vaicys, C. (2012). The Moderating Effect of Individuals' Ethical Work Climate and Ethical Judgment behavioral Intentions. *Journal of Business Ethics* 27(4), 817–831.
- Bertelsmann Stiftung BTI. (2016). *Tanzania Country Report*. Gütersloh: Bertelsmann Stiftung.
- Brown, K. (2004). Human Resource Management in the Public Sector. *Public Management Review* 6(3), 303–309. <http://doi.org/10.1080/1471903042000256501>.
- CAC. (2019). Review of implementation of the United Nations Convention against Corruption CAC/COSP/IRG/2019/CRP.5.
- Chene, M. (2008). *African Experience of Asset Declarations*. U4 Helpdesk, Transparency International, USA. www.transparency.org.
- Cooper, L. T. (2014). Big Questions in Administrative Ethics: A Need for Focused, Collaborative Effort. *Public Administration Review* 64(4), 395–407.
- Fox, M. W. (2001). *Bringing Life to Ethics: Global Bioethics for a Humane Society*. Albany: State University of New York Press.
- Frolic, A. and Drolet, K. (2014). *Ethics Policy Review: A Case Study in Quality Improvement*. Washington, DC: Pearson/Allyn and Bacon.
- Gilman, C. S. (2005). *Ethics Codes and Code of Conduct as Tool for Promoting an Ethical Professionals Public Service: Comparative Success and Lessons*. Washington, DC: The PREM, The World Bank.
- Gore, A. (1997). *Businesslike Government: Lessons Learned from America's Best Companies*. Washington, DC: National Performance Review.
- Gilman, C. (1999). *Herland, The Yellow Wall-Paper and Selected Writing*. New York and London: Penguin.
- Hian Chye, K. and El'fied, H. (2014). Organizational Ethics and Employees Satisfaction and Commitment. *Management Decision* 42(5), 677–693.
- Holme, C. (2018). Business Ethics – Part One Does It Matter? *Industrial and Commercial Training* 40(5), 248–252. <http://www.cmi.no/publications/file/?3290=introduction-to-public-sector-ethics>.
- Hood, C. and Michael, J. (1991). *Administrative Argument*. Aldershot.
- Hughes, O. E. (2003). *Public Management and Administration: An Introduction*. New York: Palgrave MacMillan.
- Hejka-Ekins, A. (1994). Ethics in Inservice Training. In *Handbook of Administrative Ethics*, edited by Terry L. Cooper, pp. 63–80. New York: Marcel Dekker.
- Maesschalck, J. (2005). Approaches to Ethics Management in the Public Sector: A Proposed Extension of the Compliance-Integrity Continuum. *Public Integrity* 7(1), 21–41.
- Nozick, R. (1974). *Anarchy, State and Utopia*. New York: Basic Books.

- OECD. (2013). Ethics Training for Public Officials, the OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN) and SIGMA, a joint EU-OECD Initiative, Principally Financed by the EU, in Co-operation with the OECD Public Sector Integrity Network, OECD.
- Tenga, T. (2010). *The Legal Framework for the Regulation of Public Ethics in Tanzania-a Review* (Ethics Commission's MP workshop, Morogoro)
- Mrindoko, S. (2012). *Tanzania: Top Public Leaders Declare Wealth; Daily News Dated 12 January 2012*. Dar es Salaam.
- Mutahaba, G. and Kiragu, K. (2002). Lessons of International and African Perspectives on Public Service Reform: Examples from Five African Countries. *African Development* 27(3 & 4), 48–75.
- Mukandala, R. S. (1993). To Be or Not to Be: The Paradoxes of African Bureaucracy in the 1990s. *International Review of Administrative Science* 58(4), 526–555.
- REPOA. (2006). *Local Government Reform in Tanzania 2002–2005: Summary of Research Findings on Governance, Finance and Service Delivery*. Dar es salaam: REPOA.
- The United Republic of Tanzania. (1995). *The Public Leadership Code of Ethics*. Dar-es salaam: The Government Printer.
- The United Republic of Tanzania. (2002). *National Anticorruption Strategy and Action Plans 2001–2005*. Quarterly Monitoring Report. Dar es salaam: Government Printers.
- The United Republic of Tanzania. (2005). *Code of Ethics and Conduct for Public Service*. Dar es Salaam: Government Printer.
- The Global Corruption Barometer Report. (2005). *Transparency International*. Flagship Publication.
- The United Republic of Tanzania (URT). (2005). *Code of Ethics and Conduct for Public Servants*. Dar es Salaam: Government Printer.
- The United Republic of Tanzania (URT). (2013). *Reforming Tanzania's Public Sector: An Assessment and Future Direction*. Dar es Salaam: President's Office, State House.
- The United Republic of Tanzania (URT). (2018). *Ethics Secretariat, Medium Term Strategic Plan 2018/2019–2022/2023*. Dar es salaam: President's office, Public Service Management.
- The United Republic of Tanzania (URT). (2016). *The Public Leadership Code of Ethics*. Revised edition of 2015. Dar es Salaam: Government printer.
- The United Republic of Tanzania (URT). (2019). *The Annual General Audit Report of the Controller and Auditor General on the Audit of Financial Statements of Central Government for the Year Ended on 30 June 2018*. Dodoma: National Audit Office.
- The United Republic of Tanzania (URT). (2021). *National Audit Office Annual General Report of the Controller and Auditor General. On the Financial Statements of Local Government Authorities for the Financial Year Ended 30th June, 2014*. Dodoma: National Audit Office.
- The United Republic of Tanzania (URT). (2022). *Ethics Secretariat Integrity Pledge for Public Leaders, Public Servants and Private Sector*. Dar es salaam: Government Printer.
- The United Republic of Tanzania (URT). (2016). *Tanzania Corruption Report*. Dar es salaam: CAN Business PORTAL.

- Warioba, D. M. and Letisia, W. (2012). *Local Government Reforms in Tanzania*. Mzumbe University.
- Walsh, K. (1995). *Public SERVICES and Market Mechanisms: Competition, Contracting and the New Public Management*. Macmillan.
- World Bank. (1981). *Accelerated Development in Sub-Saharan Africa: An Agenda for Action*. Washington, DC: The World Bank.

CONCLUSION

Amanda M. Olejarski and Sue M. Neal

The current administrative context and global environment that seemingly disregards ethics is incredibly troubling from a normative and practical perspective. The primary aim of *Empowering Public Administrators: Ethics and Public Service Values* is to educate students, scholars, and public servants on ethics and public services in domestic and international administrative contexts. Rooted in a normative tradition of ethics in public administration, this volume focuses on the way things should be or how public administrators should be empowered to make decisions based on ethics and public service values. This book is organized around six public service values that practicing managers should use to empower themselves to make difficult decisions: ontology and epistemology, the public interest, bureaucracy in a democracy, balancing politics and administration, the hollowing of government, and transparency in reporting.

Part 1 on ontology and epistemology conceptualizes information and how public administrators view the world and accept knowledge. Empowered administrators should understand the foundational assumptions they bring to the decision-making table in order to appreciate the breadth, depth, and challenge of ethical dilemmas. Chapter 1 argues that epistemic silencing or the practice of silencing some perspectives is an unethical practice and that solving the field's wicked problems happens more effectively when research designs are chosen based on the public policy problem. Chapter 2 takes a broad view of autonomy as a constitutional value and evaluates dimensions of cost, desirability, awareness, opportunity, and time with an eye toward maximizing administrative discretion in the decision-making process. Moreover, autonomy inclusive of

discretion is a means and an end in public service due to the consequential nature of administrators' duty and responsibility. Chapter 3 finds that during times of fiscal stress, finance managers endure political pressure from elected officials. In some cases, this results in negative financial outcomes for the locality that could be avoided if the managers balanced politics and personal morality with technical policies. Chapter 4 explores the ethical voids in principal agent and stewardship theory and offers governance strategies relating to building trust, increasing clarity, and shared leadership to overcome challenges.

The public interest is Part 2, and the working definition for this book is that it should be considered in the broadest possible interpretation and to be inclusive of the most stakeholders. This part of the volume focuses on how administrators should use the notion of the public interest as a public service value to empower themselves; ethics and public trust are at the front of the discussion of public-sector decision-making. Chapter 5 builds on common strategies of speaking truth to power and whistleblowing to explore three newer strategies for self-empowerment: independent demonstration projects, cuff systems/improvised tools, and collective action. Chapter 6 advocates for public higher education institutions to promote the public interest by promoting the public good through prioritizing academic freedom over political neutrality. Chapter 7 examines constitutional issues with public employees using social media and advances the notion of creating policies to establish behavioral expectations and to protect the agency's image.

Part 3 is on bureaucracy in a democracy as a public service value to empower public administrators. Operating the government requires daily management of the bureaucratic machine, charged with implementing policies developed by the legislature. Inherent tensions exist related to the degree to which the bureaucracy should exert its control and influence over the operations during the governance process. It is critical that public administrators examine the public service values guiding their decisions when interpreting complex policies. Chapter 8 argues that the field of public administration has a moral obligation to help public servants learn how to evaluate the costs and benefits of engaging in principled organizational dissent. Furthermore, the chapter finds that there are increased efforts by elected and appointed officials to pressure public administrators not to adhere to a value-neutral approach to the orders they receive, thus resulting in more administrators remaining silent, quitting their jobs, or participating in organizational dissent. Chapter 9 finds evidence that administrators' personal values permeate the policy implementation process and therefore influence program evaluation results and performance analyses. Chapter 10 examines the expansion and increasing complexity

of ethics policies and management practices. As ethics policies become more institutionalized, data-driven, and resource-intensive, the current trend shows them to be less effective.

Balancing politics and administration is Part 4's focus on public service values. Trying to balance politics and administration during the practice of governance is a central issue in the field because the dichotomy persists; administrators will be subservient to legislators yet serving as subject matter experts and exerting their administrative discretion. While the balancing act does not present itself in quite the same manner as it did in the legitimacy crisis of the 1990s and 2000s, it remains an important public service value for empowering public administrators. Chapter 11 emphasizes the dangers of administrative discretion. Administrators may violate ethical norms, and poor oversight can create an environment in which they disregard individual rights. Chapter 12 argues for heightened training standards for financial managers inclusive of professional associations and internal training programs run by organizational leadership. Chapter 13 advocates for constitutionally competent and judicially responsive bureaucrats. Such characteristics facilitate administrators to exercise their discretion to advance meaningful rehabilitation, healing, and reform in the criminal justice system.

Part 5 is about the hollowing of government as a public service value. Here, public administrators are in the middle of competing political and administrative aims; interests of efficiency, effectiveness, transparency, privacy, and control can pull in different directions. When the public relies most on government agencies to provide services, particularly during a crisis, the magnifying lens focuses in. Chapter 14 uses storytelling and potential pitfalls in credibility as a means of balancing the public trust and organizational effectiveness. An emphasis on the role of data, the narrative, and visual aids in data storytelling can aid public organizations in supporting ethical decision-making. Chapter 15 argues that the co-production of public services should be a meaningful process for stakeholders including citizens, public administrators, and other participating organizations. While conflicts are likely to arise because of differing motivations, expertise, and expectations, organizational capacities can be used to mitigate conflict. Chapter 16 uses a novel approach to the challenges of administrative discretion in a democracy by calling on athletes to bring attention to critical issues with communities that are overlooked. Numerous examples are discussed in which athletes hold careers as activists or elected officials to engage in the policy process as agenda-setters.

Transparency in reporting is the topic for the final part, Part 6. Corruption can rapidly lead to declining public trust in the government and public officials; transparency means that data and regulations are

accessible, current, and understandable by the public and that there exists a free press to act as a constant check on governmental integrity. Administrators should consider transparency in reporting as a public service value to make ethical decisions. Chapter 17 starts with regime values and normative foundations to examine transparency as a public service value with financial reporting. Of practical import is stressing clarity in external reporting to provide easily understood, consistent, and timely information on governmental financial performance. Chapter 18 evaluates the historical evolution of presidential libraries as the creation and administration of collective memory, noting that certain narratives or truths are legitimized while others are minimized, thus effectively choosing transparency. Chapter 19 finds that the most successful tools to enhance transparency are ethics capacity-building such as a code of ethics, mandated compliance with behavioral expectations, and leadership support of principles of ethics.

Each chapter in this volume explores a public service value that public administrators should use to make ethical decisions. Challenges are faced on a daily basis—some mundane and others rise to the level of constitutional crisis, yet administrators should gain professional development in the area of ethics and how to make ethical decisions. The public service values chosen for inclusion in this text are no doubt controversial; there are those who would argue that the politics-administration dichotomy fails to exist in 2023. At the end of the day, however, these are values that endure and persist in our constitutional republic and thus warrant robust discourse and practical analysis.

INDEX

Page numbers in **bold reference tables.

- AAP *see* American Academy of Pediatrics
- abortion 111
- absolute immunity 261
- abstinence of actions 65
- abuses: of authority, Federal Bureau of Investigation 222–227; of discretion in modern era 219–220; by local police 226–227; of machine era 218–219
- academic freedom 107–108, 118–119; and public trust 108–113; and shared governance 116–118
- accountability 233; layered accountability 332; public accountability 293; Public Housing Authorities (PHAs) 176, 178
- achievement, need for 74–75
- action-oriented recommendations for future administrators, budgeting 53–55
- adjudication 257, 268
- administration as legal approach 256–258
- administration of jails/prisons 258–262
- administrative behavior, considering in constitutional terms 256–258
- administrative decision-making, legal approach to 266–268
- administrative discretion 9, 23, 253, 262–263; budgeting 51–53; challenges associated with 264–265; constitutionalist approach 269; jails/prisons 265–266; in monitoring employee private social media 128–129; in political context 236–241; transparency 332–333
- administrative evil 142–144, 195
- administrative legitimacy 292
- administrative morality, and organizational obedience 147–149
- administrative responsibility 144
- administrative roles of public servants 164
- administrative state, racial bias 320
- administrative states and, sports 317–319
- advancing positive change, jails/prisons 271–272
- agency, principal agency approach 64
- agentification of public administration 64
- agents, behavior of 73
- agents/stewards 78
- age-related discrimination 204
- aggressive policing 227
- American Academy of Pediatrics (AAP) 14

- American Civil Liberties Union 110–111
- American Society for Public Administration (ASPA) 230–231, 236–237, 239, 241, 243–244
- ancient empires 24–25
- ancient history: of autonomy 25–27; of public administration 24–25
- anticipatory accountability 233
- antidiscrimination, diversity policies 203–207
- Arendt, Hannah 28
- ASPA *see* American Society for Public Administration
- aspirational ethical codes 237–240
- associational autonomy 320
- athletes 316; as agenda setters 322–323; citizen empowerment 319–321; as super citizens 321–322; *see also* sports
- autonomy 22–23, 74; awareness of 41; cost of 40; desirability 40–41; dimensions of 37–40; history of public administration and 23–27; individual autonomy 205; model of 37–39; within normative ethics 27–31; opportunity for 41; time 42; in the United States 31–37
- avoiding data manipulation, ethical data storytelling 295–296
- awareness of autonomy 41
- balanced budgets 50
- balancing 369; politics and administration as a constitutional principle 255–256; Section 8 Housing Choice Voucher (HCV) program 182–185
- behavioral approached 33
- behavioral control 73
- behavioralism, ethics management 195–197
- Bennett, Michael 318
- Bentham, Jeremy 27
- biasing factors 235
- Biden, Joseph 105, 146, 345
- Black Lives Matter Movement 320
- #BlackLivesMatter 35
- board of directors/principals 67; stewardship theory 72–73
- bonuses, shadow IT systems 94
- bounded rationality 196
- broken windows theory 222
- Brown, Michael 226–227
- Brown v. Plata* (2011) 262
- budgetary decisions 51–52
- budgeting 46–48, 55–57; action-oriented recommendations for future administrators 53–55; administrative discretion 51–53; balanced budgets 50; case studies 59; codes of ethics 58–59; consensus conference strategy 58; ethics 54–56; fraudulent budgeting 48; gray budgeting 46, 53–57; interfund transfers 52–53; policy factors 48–51; stakeholders 48–51; techniques for 58
- bureaucracy: diversity bureaucracy 203; and ethics 194–195; ethics bureaucracy 201–202
- bureaucratic values 168–169, 177–182
- bureaucratization 207, 268
- bureaucrats 135
- bureaupathic behavior 194
- California: Section 8 Housing Choice Voucher (HCV) program 172–174; sentencing reform 272
- California State Parks Peace Officer Management Association 96
- Calley, William 221–222
- capabilities approach 41
- capitalism 34
- capitalist democracy 35
- career civil servants 143–144, 149
- case studies, budgeting 59
- casuistry 310
- CDC *see* Centers for Disease Control
- Centers for Disease Control (CDC) 14, 146
- CER *see* comparative effectiveness research
- change-resistant 200–201
- character 29
- China 24, 25
- choice architecture 30
- Cicero, Marcus Tullius 26
- citizen empowerment, athletes 319–321
- citizen reporting of disparaging social media posts 129
- civil servant protections 146
- civil servants 88, 140, 142–144, 146, 148, 194, 232, 269, 334
- civil service 25, 141, 146, 263

- Cleveland, Grover 342–343
 Clinton, Bill 348
 Clinton, Hillary 224–225
 code of silence 116
 codes of conduct 356
 codes of ethics 230, 356–357;
 characteristics of 237–238; in
 Tanzania 360–365; when budgeting
 58–59
 collective action 94–97, 99, 118
 collective divergence 95
 colonialization of knowledge 11
 Comey, James 224–225
 commission for enquiry, Tanzania 360
 comparative effectiveness research
 (CER) 13–14
 complexity 16; of autonomy 38
 compliance accountability 233, 234
 compliance approach 359
 conflicts of interest, managing in times
 of individualization 207–208
 Confucius 25
Connick v. Myers (1983) 150
 consensus conference strategy 58
 consequentialism 65; principal agency
 approach 71; stewardship theory 76
 constitutional guarantees, on behalf of
 people in government custody 262
 constitutional principles: balancing
 politics and administration 255–
 256; considering administrative
 behavior 256–258
 constitutional rights agenda, systems-
 level support for 270
 constitutionalist approach, to
 administrative discretion 269
 co-production 302–303, 309–310;
 creating public value 304–306;
 tensions in creating public value
 306–309
 corporate scandals 34
 corruption 141, 327; New York City
 Police Department 220; in Tanzania
 364–365
 cost of autonomy 40
 COUNTELPRO-Communist Party
 223
 courts in jails/prisons 258;
 1930s–1970s 258–259; 1970s–1990s
 259–260; 1990s to present
 260–262
 COVID-19 pandemic 14, 146, 289
 credibility 291
 critical race theory 106, 109
 cuff systems 92–94, 99
 curriculum, shared governance 117
 Customer type 170
 cutback management 234–236
 cycling 309
 data literacy 292, 295–296
 data manipulation, avoiding 295–296
 data science 292
 data storytelling 292–293; unreliable
 narrators 293–295
 Davis, C. J. 85
 de jure delegation of discretionary
 authority 263–264
 de-bureaucratization trends 195
 decision-making, legal approach to
 266–268
 decolonizing knowledge 9–11
 delegation form, principal agency
 approach 67
 democracy 34; citizen empowerment
 and 319–321
 democratic values 169–170, 179–183
 deontology 28
 DeSantis, Ron 109
 desirability of autonomy 35–36,
 40–41
 dimensions of, autonomy 37–40
 disciplinary actions taken against
 employees, for disparaging social
 media posts 129–130
 discretion 319; Federal Bureau of
 Investigation 222–227; local police
 abuses 226–227; My Lai 221–222;
 see also administrative discretion
 discretionary administrative practices,
 public housing 167–168
 discretionary authority, jails/prisons 267
 discretionary judgment 9; abuses of in
 modern era 219–220
 discretionary powers 253
 discrimination: age-related
 discrimination 204; gender identity/
 expression 206; in public housing
 167; on sexual orientation 206
 disloyalty, organizational dissent
 152–153
 dissent 138; principled organizational
 dissent 137; *see also* organizational
 dissent
 dissent channel, U.S. Department of
 State 95–96

- diversity bureaucracy 203
- diversity policies, antidiscrimination 203–207
- dual loyalty problem 264
- Dworkin, Gerald 29–30
- EBM *see* evidence-based medicine
- EBP *see* evidence-based practice
- education (U.S.): co-production 305–306; tensions in creating public value 306–309
- effects of disparaging posts on trust in government 126–128
- Egyptian empire 25
- Ehrlichman, John 148
- Eighth Amendment 260–262, 265
- Ellsberg, Daniel 148–149
- employee misconduct, in social media spaces 127
- employee prosocial voice to managers 88
- employees, monitoring social media 128–129
- employment categories, types of posts made by public employees 125–126
- employment consequences, due to social media posts 130
- ends 23
- enforcement, of ethical codes 241, 244–245
- Enlightenment philosophy 10, 37; Founding Fathers of America 31
- epistemic racism 10
- epistemic sexism 10
- epistemic silencing 9–11
- epistemology: of budgetary decisions 52; defined 5, 8
- equality 204
- equitable treatment, transparency in 330, 333
- Estelle v. Gamble* (1976) 260
- ethic of neutrality 113–116, 137, 141–142
- ethical blindness 195
- ethical codes 230–231; creating a typology of 236–241; values embodied in 239–240; *see also* codes of ethics
- ethical data storytelling 291–293, 298–299; guidelines for 295–298
- ethical discretionary action 268; within political systems 262–268
- ethical paradox 232
- ethical pluralism 231
- ethical private social media use 130–132
- ethical violations, abuses of machine era 218–219
- ethical voids 65–66; of principal agency paradigm 71; stewardship theory 76
- ethics 9, 355; budgeting 51–56; bureaucracy and 194–195, 201–202; infrastructure 198; management 195–202; normative ethics within autonomy 27–31; stress 231, 233; Tanzania 357–358; training 356; virtue ethics 28–29
- ethics secretariat, Tanzania 362
- evidence 11–14
- evidence-based medicine (EBM) 13–14
- evidence-based practice (EBP) 7, 11–14
- executive overreach 266
- exit, dissatisfied members 88
- explicit knowledge 9
- external financial reporting, transparency 331–332
- external stakeholders, public financial managers 233–234
- fair pricing, transparency in 330, 333
- fairness 358–359
- Farmer v. Brennan* (1994) 260–262
- Fauci, Anthony 14
- Federal Bureau of Investigation: Comey, James 224–225; Hoover, J. Edgar 222–224
- Felt, Mark 149
- fiduciary responsibility 330, 333–334
- financial: emergencies 47–48; plans, budgets 50–51; policies, cutback management 234–236; reporting, transparency in 329–332; stress 46–48
- Finland, integrity policies 200
- FIRE *see* Foundation for Individual Rights and Expression (FIRE)
- firewalls 309
- First Amendment (U.S.) 147; social media monitoring 129; “Stop WOKE (Wrongs to Our Kids and Employees)” 109–111
- fiscal stress 231
- Florida: Individual Freedom Act (HB7) 109–111; Section 8 Housing Choice Voucher (HCV) program

172–174; “Stop WOKE (Wrongs to Our Kids and Employees)” 109–111
 “follow the science” 14
 Forest Service Diversity & Inclusion Coalition for Empowerment 90–91
 Fort Collins, Colorado, fiduciary responsibility 334
 Foundation for Individual Rights and Expression (FIRE) 110
 Founding Fathers of America 31
 Fourth Amendment rights, social media monitoring 128–129
 Franklin D. Roosevelt Library, Inc. 346–347
 fraudulent budgeting 48
 freedom 32
 funding higher education 115

Garcetti v. Ceballos (2006) 111, 151–152
 Garner, Eric 226
 gender identity/expression, discrimination 206
 George W. Bush Library and Museum 348
 Germany: discrimination 204; integrity management 199
 GFOA *see* Government Finance Officers Association
 Gilbert, Arizona, fiduciary responsibility 333–334
Givhan v. Western Line Consolidated School District (1979) 150
 good governance 193–194, 355
 good intentions 66, 72–73
 Goodin, Robert 30
 Google, collective action 97
 governance 64, 79–80, 215, 303; good governance 193–194, 355; principal agency approach 66–70; shared governance 116–118; stewardship theory 70–76
 Government Finance Officers Association (GFOA) 230–245
 governance networks, hollow states 293
 government-funded research 13
 Gray, Freddie 227
 gray budgeting 46, 48, 53–57
 Greece 25
 greedy institutions 196
 guerrilla government 88, 139–140
 guidance, in ethical codes 241–244

“Guidance for Uncertainty Assessment and Communication” 16

 Hamilton, Alexander 31
 “hands-off” doctrine 259
 Harrisburg PA: budget deficits 53; budgetary mismanagement 59
 healthcare in jails/prisons 258–262, 271–272
 heterodoxy 11
 higher education 105–107; abortion 111; academic freedom 107–108; collective action 118; ethic of neutrality 113–116; funding 115; *see also* academic freedom
 history of public administration, autonomy and 23–27
 hollowing of government 289–291; data literacy 292; governance networks 293; sports and administrative state 317–319
 Holocaust 142, 194–195
 Hoover, J. Edgar 222–224
 hostility of public agencies, to organizational dissent 140–142
 Housing Choice Voucher Program *see* Section 8 Housing Choice Voucher (HCV) program
 housing programs 162–193
 human dignity 262
 hybridization 310

 illiberal democracies 194
 illusion of control 75
 incentives, principal agency approach 68
 inclusion 206; *see also* antidiscrimination
 incrementalism 310
 independent demonstration projects 89–92
 individual autonomy 205
 Individual Freedom Act (HB7), “Stop WOKE (Wrongs to Our Kids and Employees)” 109–111
 individualism, ethics management 195–197
 individualization, managing conflicts of interest 207–208
 information asymmetry, principal agency approach 66
 institutional arrangement, in Tanzania 361–365

- institutional design 193; ethics 197
- institutional reform litigation
 - movement 148
- institutional turn 193
- institutionalizing ethics 198
- institutions: ethics management
 - 195–202; greedy institutions 196;
 - importance of 193–194
- integrity 357; approach 359;
 - management 198–199; paradoxes 203; policies 198, 200; systems 198–199
- intellectual colonization 11
- intentionalism 65; principal agency
 - approach 71; stewardship theory 76
- interfund transfers 52–53
- internal stakeholders, public financial managers 233–234
- interpersonal encounters 8
- jails/prisons 254, 258; administration
 - in 258–262; advancing positive change 271–272; Eighth Amendment 265; ethical discretionary action 262–263;
 - moral agency 271–272; moral imagination 270–271; in Norway 271; rehabilitative justice 270–271;
 - solitary confinement 264; strip searches 263; third-party interests 265–266
- Jefferson, Thomas 31
- Jordan, Michael 323
- judgment, discretionary judgment 9
- judicialization 259
- judiciary in jails/prisons 258;
 - 1930s–1970s 258–259; 1970s–1990s 259–260; 1990s to present 260–262
- justice 27; rehabilitative justice 270–271; restorative justice 270–271; theory 358
- Kant, Immanuel 28
- Keyishian v. Board of Regents* 108
- King, Martin Luther 223–224
- knowledge creation 9
- lack of effective leadership, creating
 - public value 308–309
- laws, budgeting 54
- layered accountability 332
- leadership, lack of effective leadership
 - 308–309
- leaking information to media 152–153
- legal approach to, administrative
 - decision-making 266–268
- LGBTIQ people 206
- limited-term contracting 68
- litigation, standards in jails/prisons
 - 259–260
- local financial emergencies 47
- local government transparency
 - 329–334
- local police abuses 226–227
- “locus of control” 35
- loyalty: dissatisfied members 88;
 - organizational dissent 152–153
- machine era, abuses of 218–219
- machine learning 292
- MacIntyre, Alasdair 28
- macro level 303
- Madison, James 31
- managerial ethics 198
- managerial theories 170
- managerial values 177–179
- Managerialism 170
- Maslov’s hierarchy of needs 73
- mastery drive 76
- Maven 97
- McAuliffe v. Mayor of New Bedford* (1892) 141
- McDonald, Laquan 227
- meaning-making 8
- means 23
- memory: preserving presidential places
 - 339–341; preserving presidential records 341–345; *see also* sites of collective memory
- mental models decision-making 56
- meso level 303
- #MeToo 35
- Miami, Florida: budgetary
 - mismanagement 59; interfund transfers 53
- micro-level 303
- Middle Ages 26
- Mill, John Stuart 26–27
- minimum viable product 89–90
- Minnowbrook Perspective 169
- model of: autonomy 37–39; of man 66
- modern era, abuses of discretion
 - 219–220
- monitoring: employee private social
 - media 128–129; requirements for ethical standards 208

- Monticello 341
- monuments, preserving 339–341
- moral agency 271–272
- moral character 359
- moral duty to act doctrine 137
- moral hazard 79; agents 69
- moral imagination 270–271
- moral reasoning 196
- moral resilience 119
- moral responsibility 145–147
- motivation, stewardship theory 73
- Mount Vernon 341
- Mount Vernon Ladies’ Association 341
- Muslim ban 96
- My Lai 221–222

- National Anti-Corruption Strategy and Action Plan, Tanzania 363
- National Archives 346
- National Archives Act of 1934 344
- National Association of State Budget Officer (NASBO) 236
- National Basketball Association (NBA) 317, 320
- National Football League, (NFL) 318
- Nazi Germany 142
- NBA *see* National Basketball Association
- need for achievement 74–75
- need for power 73–74
- negative spillover effects 66
- Netherlands Environmental Assessment Agency (PBL) 15–17
- The Netherlands, integrity management 199
- neutral competence 145–147, 217
- neutrality 171, 177; ethic of neutrality 113–115
- Nevada Four 91–92, 95
- New Public Administration (NPA) 169
- New Public Management (NPM) 33–34, 64, 170; Tanzania 357–361
- New Public Service 34
- New York City Police Department, corruption 220
- New York Times Co. v. United States* (1971) 148–149
- news stories on public employee disparaging social media comments 124–126
- NFL *see* National Football League
- Nichols, Tyre 85

- Nixon, Richard 148–149
- nominalism 65; principal agency approach 71; stewardship theory 76
- non-inclusion of vulnerable groups, creating public value 307
- non-reciprocity from co-producers, creating public value 307–308
- normative and practical recommendations, for budgeting 55–57
- normative ethical theories: deontology 28; utilitarianism 27–28; virtue ethics 28–29
- normative ethics, autonomy within 27–31
- norms 356
- Norway, principle of normality 271
- Novoa, Adriana 110
- NPA *see* New Public Administration
- NPM *see* New Public Management
- nudge 30

- Obama Presidential Center 350n2
- ODIP *see* organizational dissent implementation plan
- one-best-way mentality 33
- ontology: budgetary decisions 51–52; defined 5, 8
- operational ethical codes 237–239
- opportunity for autonomy 41
- organizational democracy 138
- organizational dissent 138–139, 150–153; during an era of polarization 156; hostility of public agencies 140–142; implementation plans 154–156
- organizational dissent implementation plan (ODIP) 154
- organizational ethics integrity 198
- organizational justice 206
- organizational obedience, administrative morality and 147–149
- organizational performance, and public service values 165–166
- organizational routines 195
- “other” 10–11
- ownership 78

- paternalism 30–31
- PBL *see* Netherlands Environmental Assessment Agency
- Pence, Mike 345

- Pentagon Papers 148–149
- performance, organizational 165–166
- personal use of social media by public employees 122–124
- PHAs *see* Public Housing Authorities
- philosophers 25
- Pickering v. Board of Education* (1968) 147
- PLRA *see* Prison Litigation Reform Act
- PLS *see* Presidential Library System
- PNS *see* post-normal science
- polarization, organizational dissent 156
- police, local police abuses 226–227
- policy factors of budgeting 48–51
- policy implementation processes 164–165, 168–171
- political: abuse of office, Tweed, William Macy (Boss Tweed) 218–219; corruption 141; decision-making 13; neutrality 169, 171; systems, ethical discretionary action 262–268
- politics: balancing with administration as a constitutional principle 255–256; uncertainties 16
- Portland, Oregon, equitable treatment 333
- positive change, jails/prisons 271–272
- postmodern paradox 36
- post-normal science (PNS) 7, 14–17
- power, need for 73–74
- preserving: presidential places 339–341, 345–347; presidential records 341–347
- Presidential Library System (PLS) 346–349
- presidential places, preserving 339–341, 345–347
- presidential records, preserving 341–347
- Presidential Records Act (PRA) 345
- principal agency approach 64–70, 77; ethical voids 71; model of man 66; stewardship theory 72–73
- principals/board of directors 78; principal agency approach 67–69
- principle: of neutrality 171; of normality 271
- principled organizational dissent 137
- Prison Litigation Reform Act (PLRA) 261
- prisons *see* jails/prisons
- privilege doctrine 142, 147
- professional identities, Public Housing Authorities (PHAs) 186
- profiling 128
- protections for civil servants 146
- Protestant Reformation 26
- psychological contracts 139
- psychological contracts breaches 139–140
- public accountability 293
- public administrators' values *see* public service values
- Public Buildings Act of 1926 344
- public employees: news stories on public employee disparaging social media comments 124–126; personal use of social media 122–124; *see also* civil servants
- public employment, privilege doctrine 142, 147
- public financial managers 231–233; cutback management 234–236; stakeholders 233–234
- public housing 162–163; *see also* Section 8 Housing Choice Voucher (HCV) program
- Public Housing Authorities (PHAs) 163, 186–188; balancing act 182–185; bureaucratic values 177–182; democratic values 179–182; managerial values 177–179; professional identities 186; values toward citizens during implementation process 174–176
- public interest 85; collective action 94–97; cuff systems 92–94; empowering oneself to serve 87–89; independent demonstration projects 89–92
- public interest theory 8
- public servants 137; codes of ethics 360–361
- public servants' paradox 306
- public service, and administrative evil 142–144
- public service encounters, meaning-making 8
- public service ethics, organizational dissent implementation plans 154–156
- public service values 9, 85, 254, 337; analyzing in light of policy

- implementation and performance 172–174; balancing *see* balancing; bureaucracy *see* bureaucracy; bureaucratic values 168–169; categories of 330; democratic values 169–170; epistemology *see* epistemology; hollowing of government *see* hollowing of government; managerial perspective 170; ontology *see* ontology; and organizational performance 165–166; policy implementation processes 164–165, 168–171; public interest *see* public interest; toward citizens during implementation of Section 3 HCV program 174–176; transparency *see* transparency
- public trust, upholding academic freedom 108–113
- public value 302–303; creating during co-production process 304–306
- public/private boundaries, social media 124
- pyschological contract breaches 155
- qualified immunity 261
- qualitative methods 12
- Quality Housing and Work Responsibility Act 179
- racial bias 320
- racism 10
- randomized controlled trials (RCTs) 13
- Rawls, John 26–27
- RCTs *see* randomized controlled trials
- reachable gestalt 165, 182, 187
- Reagan-Thatcher 33
- recessions 47
- Rechek, Sam 110
- Red Scare 222–223
- Redmond, Washington, fair pricing 333
- regime values 269–270; transparency 334
- rehabilitative justice 270–271
- religion 206
- restorative justice 270–271
- rights-based discretionary ethics 263
- Robbing Peter to pay Paul 53
- role multiplicity 123
- Rome 24–25
- Roosevelt, Franklin D. 346–347
- Rosenstein, Rod 225
- routines, unintentional unethical behavior 195
- Rutherford B. Hayes Memorial Library 346
- scientific evidence 12
- Scientific Management and Departmentalism 32
- Scott, Walter 226
- Section 8 Housing Choice Voucher (HCV) program 162, 186–188; analyzing in light of policy implementation and performance 172–174; balancing values 182–185; bureaucratic values 179–182; challenges to performance 166–168; democratic values 179–182; values toward citizens during implementation process 174–176
- self-determination theory 37
- self-harm, solitary confinement 264–265
- self-service 48
- sentencing reform, California 272
- separation of ownership and control 77; principal agency approach 67–68; stewardship theory 71–73
- Serpico, Frank 220
- Sessions, Jeff 225
- sexism 10
- sexual orientation, discrimination 206
- shadow IT 93; *see also* cuff systems
- shared governance, and academic freedom 116–118
- sites of collective memory: preserving presidential places 339–341; preserving presidential records 341–345; presidential libraries 346–349; transparency in 338–339
- social equity 269–270
- social establishments 123
- social media: administrative discretion in monitoring 128–129; disciplinary actions taken against employees 129–130; effects of disparaging posts on trust in government 126–128; Fourth Amendment rights 128–129; news stories on public employee disparaging social media comments 124–126; public employees' personal use of 122–124; recommendations for ethical private social media use 130–132

- social media policies related to
 - personal use 131
- social sciences 15
- solitary confinement 264;
 - self-harm 265
- speaking truth to power 88
- sports, administrative states and
 - 317–319; *see also* athletes
- stakeholders 302; budgeting 48–51;
 - in external financial reporting 332; involving in data storytelling 297; public financial management 233–234
- state's carceral burden 260
- stewardship theory 64–65, 70–77;
 - ethical voids 76; model of man 66
- “Stop WOKE (Wrongs to Our Kids and Employees)” 109–111
- strategic misrepresentation 235
- strip searches 263
- “subject” type 171, 179
- super citizens, athletes as 321–322
- Sweezy v. New Hampshire* 107–108
- syphilis, study on 143
- Syria dissent 96
- systems-level support, for
 - operationalizing a constitutional rights agenda 270
- tacit knowledge 9
- tactical accountability 233–234
- Tanzania 359–360; codes of conduct 356–357; codes of ethics 360–365;
 - ethics and new public management reforms 357–358; institutional arrangement 361–365; National Anti-Corruption Strategy and Action Plan 363; new public management (NPM) 360–361
- task autonomy 74
- tensions in creating public value 306–309
- tenure 107–108
- third-party interests, jails/prisons 265–266
- Thomas Jefferson Foundation 341
- three needs approach 73
- time, autonomy 42
- training, ethical codes 241–244
- trans science 14–15
- transparency 327, 329–330, 334, 337;
 - in financial reporting 331–332; local government transparency 333–334; in sites of collective memory 338–339
- Truman, Harry S. 347
- Trump, Donald 14, 105–106, 146, 225, 319, 345
- Trump administration 135; collective action by public sector workers 96–97
- trust in government 292–293; effects of disparaging posts on 126–128; unreliable narrators 293–295
- Tuskegee Institute 143
- Tweed, William Macy (Boss Tweed) 218–219
- uncertainties 16–17
- “undesirable” people 223
- unethical conduct 202, 356
- unintentional unethical behavior 195
- United States: administrative evil 143; Eighth Amendment 260–262, 265; Fourth Amendment 128–129; housing programs *see* Section 8 Housing Choice Voucher (HCV) program; preserving presidential places 339–341; public administration and autonomy 31–37; *see also* California; Florida
- United States Public Health Service (USPHS) 143
- University of Idaho 111
- University of the State of New York, *Keyishian v. Board of Regents* (1967) 108
- unreliable narrators, in data storytelling 293–295
- U.S. Department of State, dissent channel 95–96
- U.S. Environmental Protection Agency 97
- US Forest Service 90–91
- USPHS *see* United States Public Health Service
- utilitarianism 27–28
- value-based countries 199
- values: embodied in ethical codes 239–240; of the people 269–270; regime values 269–270; *see also* public service values
- Vietnam War 148; My Lai 221–222
- virtue 29
- virtue ethics 28–29

- visuals, creating for data storytelling 297–298
- voice, dissatisfied members 88–89
- Washington, George 342
- Washington Monument 339–340
- Washington National Monument Society 341
- water rights 91–92
- Watergate break-in 149
- Western Enlightenment thought 10–11
- whistleblowing 89, 153
- White House “plumber unit” 148
- Wilson, Woodrow 32
- wiretaps, Federal Bureau of Investigation 223–224
- Women’s National Basketball Association (WNBA) 317, 320
- worker’s ethical choice 88
- workplace morality 196