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Big Questions in Administrative Ethics: A Need for Focused, Collaborative Effort

Introduction¹

I have argued elsewhere that administrative ethics as a significant field of study is only about 30 years old, dating from the mid-1970s, largely instigated by the work of the New Public Administration, and reflecting developments in thought about public administration dating back into the 1930s.² During these few decades, scholarly work on administrative ethics and its application to practice have expanded with enormous speed and rich diversity, both in the United States and around the world. The number of journal articles, books, courses, conferences, and training exercises have proliferated beyond anyone's wildest expectations. More than a passing fad, administrative ethics has demonstrated its sustainability and its centrality to the field (Cooper 2001, 1–36).

What is lacking with respect to these developments is anything like a focused effort by groups of scholars to study specific sets of significant research questions in a sustained and systematic fashion. There is an enormous amount of interesting but highly disparate scholarship on administrative ethics reflecting the diverse and often episodic interests that capture our attention. The existence of this rich diversity of work is not bad at all; rather, it indicates lively intellectual engagement and the multifaceted nature of the field. It also may be viewed as a necessary scoping of the field in its early stages, the product of an energetic exploration of the range of concerns in the study of administrative ethics.

After approximately three decades, however, there is very little that manifests ongoing scholarship by working groups based on specific theoretical perspectives, sets of related problems, or significant issues.³ Without collaborative efforts to fix our gaze on the most fundamental and vexing questions that are essential to moving administrative ethics forward, there is a risk that the creativity and energy now being directed to the subject will dissipate, and that our field will fail to earn the sustained promi-

nence in journals, curricula, and professional development it deserves. Without this kind of concentrated work, administrative ethics may remain an interesting but peripheral concern.

None of us can define the elements and boundaries of such concentrated efforts; that needs to become a matter in which many of us invest ourselves. We need to work at building consensus among those interested in administrative ethics about sets of research questions that, in some sense, define the heart of the field. Not intended to preclude or exclude other work on other questions, the call here is for the establishment of a center of gravity for the development of administrative ethics around some focused collaborative efforts. Diversity of interests articulated by many from various areas in public administration are needed to keep the field fresh and lively; focused efforts of those mainly committed to studying administrative ethics may be required to provide sustainability, coherence, and sufficient weight to advance it solidly into the core of public administration.

This essay should be viewed as the first bid in a conversation about those “big questions” around which some focused, sustained, and collaborative activity might be organized. It began with an invitation I sent out to the ASPA Section on Ethics Listserv on September 27, 2002. In that message, members of the section were asked to offer their nominations for the “big questions” in administrative ethics. Thoughtful responses were received from 10 persons, with excellent proposals for questions of central impor-

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tance. These questions reflected a wide range of perspectives on the field and helped to provide a sense of the scope and types of questions on the minds of others interested in ethics.⁴ However, I do not attribute my big questions to any of those respondents, but appreciate the stimulation they provided.

Some Big Questions in Public Administration Ethics

These questions are presented in no particular order of importance, nor are the relationships among them addressed. They are laid out simply as an attempt to identify significant topics that have not been fully explored, but are deemed essential to the development of administrative ethics as a field of study. *My intention is to stimulate discussion about the big questions of the field, not to urge others to simply adopt the ones I have advanced.*

What Are the Normative Foundations for Public Administration Ethics?

This question has plagued all who have attempted to engage in research, education, and training in administrative ethics. Usually it is framed less formally, often simply posed as, “whose ethics should we adopt in making ethical decisions in government?” Typically the questioner assumes all we can turn to are our own personal ethical perspectives rooted in religion, political commitments, secular philosophies, or some highly personal ethical orientation that has been improvised through socialization, life experience, and coping with the world of work. The notion that there is another category of ethics—in addition to one’s own personal perspective—called “professional ethics” seems not to have been acknowledged and understood generally among students and practitioners of public administration (Adams 2001). This is probably because there is no clear consensus about what the normative substance of a professional public administrative ethic might be.

Also, the lack of a strong professional identity for public administration has left most thinking only of their employment role rather than understanding with clarity the difference between the obligations of employment by an organization and those associated with being a member of a profession.⁵ This lack of professional identity leaves public administrators vulnerable to dominance by organizational and political imperatives; hence, the question “whose ethics should we adopt?” is an appropriately innocent one that still deserves responses. As we search for answers, it is important to keep in mind that we are looking for normative foundations, not in the sense of ultimately given in the nature of things (ontologically), but in the sense of a social construct that fits a particular context—American, in our case.

As we consider where we might turn for the normative touchstones of a profession or “practice” (MacIntyre 1984) of public administration, the literature of the last three decades suggests several perspectives are vying to become answers to this vexing question. I see five major alternatives that have been advanced in the literature over the last 30 years: (1) *Regime values, constitutional theory, and founding thought* seem so closely related they are worthy of being treated together rather than as separate streams; (2) *citizenship theory* is somewhat related to these, and not inconsistent with them, but sufficiently different to require distinction; (3) *social equity*, often of a Rawlsian variety, is a third alternative originally associated with the so-called New Public Administration of the late 1960s and early 1970s; (4) *virtue, or character-based ethics* provides a different kind of answer that is also not incompatible with the other perspectives; and finally, (5) the *public interest* is still a way of grounding normative ethics for public administration ethics that emerges from time to time. I will comment briefly on each of these perspectives without any attempt at an exhaustive or even representative review of the literature for each.

Regime Values, Constitutional Theory, and Founding Thought. In public administration this general stream of ideas is most clearly associated with the work of John Rohr. Rohr’s path-breaking book, *Ethics for Bureaucrats: An Essay on Law and Values* (1989), first published in 1978, argued that public administration ethics ought to be grounded in the American constitutional tradition and the regime values upon which it rests. Rohr maintained these regime values are to be found in the U.S. Constitution and the U.S. Supreme Court’s interpretations of it. The three regime values he identified are freedom, equality, and property, although he indicated this is not an exhaustive list. Rohr called for public administrators to steep themselves in this evolving tradition of constitutional values because when one accepts employment in a regime, it is extremely important to be clear about its core values and whether one can uphold them.⁶ That is the fundamental professional ethical problem to be resolved, and addressing it does not require the full range of knowledge and skills expected of moral philosophers.⁷ Thus, taking a job in government is an ethical decision, as well as an economic and career decision. Others affirmed Rohr’s work and developed this way of grounding administrative ethics beyond the Constitution. They examined other founding documents in addition to the Constitution in an attempt to broaden the field of regime values. Among those scholars are Richardson and Nigro (1987a, 1987b), Vetterli and Bryner (1987), Hart (2001; Hart and Smith 1988), Frederickson (Frederickson and Hart 1985), and Chandler (1987).

Citizenship Theory. Also historical in its approach, this body of thought generally views the citizen’s role in the

American political tradition as providing the normative foundations for public administration. It is the area in which I have focused my efforts to contribute to the ethics literature. The public administrative role is viewed as derived from that of the citizen, thus making administrators representative citizens, professional citizens, fiduciary citizens, or citizens in lieu of the rest of us. Public administrators hold the role of citizen in trust as they conduct the public business previously done by citizens, but now handed over to professional citizens who have the time, technical training, and resources to carry it out. Their ethical obligations are associated with the good citizen in American society. Thus, there is discussion of the importance of being responsive to citizens, encouraging their participation, being accountable to them, viewing them as the locus of ultimate administrative loyalty, respecting the dignity of the individual, fostering reasoned deliberation, and encouraging civic virtue and concern for the common good. Administrators may be employed by the police department, the water department, the health department, or the public schools to undertake certain specialized tasks, but they work in those places on behalf of the citizens they represent. Administrators work in bureaucratic organizations where hierarchical bonds and obligation are important, but they also need to cultivate horizontal bonds and obligations among the citizenry for whom they are surrogates.

H. George Frederickson published the first journal article on this subject in 1982, but the citizenship perspective emerged significantly in the administrative ethics literature following a conference on citizenship and public administration organized and led by Frederickson in March of 1983 preceding the national conference of the American Society for Public Administration. The papers were published in a special issue of *Public Administration Review* in March of 1984. Among those addressing citizenship as a normative foundation for administrative ethics were Frederickson and Chandler, Gawthrop, Hart, Rohr, and Cooper.

Since the 1983 conference and the special issue of *PAR* in 1984, there has been a steady stream of articles and books examining, critiquing, developing, and applying the citizenship foundation for public administration ethics. Among the authors contributing to this literature are Stivers (1988, 1990a, 1990b, 1991, 1994, 1996), Cooper (1991), Timney (1998), King and Stivers (1998), Foley (1998), Box and Sagan (1998), and Kalu (2003). As with the work on regime values, constitutional theory, and founding thought, this perspective has not risen to a dominant position, but remains one of the normative orientations that continue to be of interest.

Social Equity. This single ethical principle was the normative perspective around which administrative ethics as a field of study was first focused in the early 1970s. John

Rawls's *A Theory of Justice* (1971) argued that justice is the central organizing principle of government and set forth a fully developed argument for specific criteria for establishing social equity. The New Public Administration movement, which found its first organized expression at the Minnowbrook Conference in 1968, claimed Rawlsian social equity as its core ethical principle (Marini 1971).⁸ Rawls's work was the subject of special issues and symposia in scholarly journals in virtually every discipline and field of study. Public administration was among them, with a special issue of *Public Administration Review* in 1974 that included six articles on administrative ethics. These essays by McGregor, Chitwood, Porter and Porter, White and Gates, Harmon, and Hart addressed a number of administrative areas such as personnel management, fiscal federalism, the use of statistics in service delivery, and social service productivity. Two pieces amounted to clear and significant contributions to administrative ethics: Harmon's "Social Equity and Organizational Man: Motivation and Organizational Democracy," and Hart's "Social Equity, Justice, and the Equitable Administrator." The other essays offered specific concrete applications, but these two addressed the use of the concept more generally.

Although New Public Administration is no longer an identifiable movement, its contributions to administrative ethics were crucial in the development of a field of study. Social equity never achieved acceptance in the field as the single central ethical principle, but clearly it has become one of the major normative touchstones for administrative ethics. This seems to have been exemplified by the offering of a panel session at the 2003 conference of the National Association of Schools of Public Affairs and Administration, "Reflections on Teaching Social Equity."⁹ Perhaps indicative of the status of social equity as a guiding principle for public administration ethics was that, although the session attracted 25–30 people, much of the discussion had to do with the importance of social equity as a touchstone for the field at present. No one suggested it is no longer relevant, but some argued it is associated too much with the New Public Administration of the 1970s and projects such as affirmative action to be used generally. Others maintained that social equity clearly rises above those episodic events, but is just another ethical concept in our tool kit, not the central one. I would argue that it clearly antedates New Public Administration and affirmative action and, as one expression of the principle of justice, should occupy a position of great prominence in any ethic associated with democratic government. However, it is equally clear that it is not the cornerstone of the administrative ethics edifice.

Virtue. The early work on administrative ethics during the 1970s focused mainly on reasoning about ethical decisions and the appropriate normative orientations for

cognitively resolving ethical dilemmas faced by administrators. In 1981, Mark T. Lilla launched a frontal attack on the rational analysis approach to ethical decision making, which he characterized as simply training administrators to rationalize whatever suited them at any given time. He inveighed against focusing on the analysis of ethical quandaries as lacking any normative foundation, and therefore likely to be manipulated to serve the interests of the analysts. Instead, Lilla argued for the cultivation of a democratic ethos in public organizations that would be conducive to the formation of character appropriate for public service.

This challenge was followed shortly by Pincoffs's more extensive critique of what he called "reductivism" in professional ethics. After a critique of analyses of ethical quandaries, he joined Lilla in calling for a focus on virtue understood as character. Pincoffs maintained this could be accomplished by "judging" the lives of others. He did not mean to encourage pronouncing judgment from some presumed position of moral superiority, but rather regularly reflecting on the character of others, as one of their fellows, by examining them biographically and assessing their character. Pincoffs argued that being able to weigh the character of others in a given community—even a community of practice—is an essential moral skill. He asserted, "It is our daily business to assess, to appraise, to judge persons." He went on, "It is a task so important and central in life that it takes on a life of its own; it is the central stuff of drama, film, literature, and history and of several psychological and social sciences and arts" (1986, 166–67).

A number of other authors followed the lead of Lilla and Pincoffs in asserting the importance of virtue understood as character. Hart was one of the leading voices in calling attention to virtue, not as the sole focus of administrative ethics, but as an essential element. In "The Virtuous Citizen, the Honorable Bureaucrat, and 'Public' Administration," (1984) he outlined the desired character traits of public administrators as superior prudence, moral heroism, caring or love for humanity, trust in the citizenry, and a continuing quest for moral improvement. In "The Moral Exemplar in an Organizational Society" (1992), a chapter in *Exemplary Public Administrators: Character and Leadership in Government*, Hart set forth a framework for assessing character that focused attention on "moral episodes" and "moral processes." Within the broad category of moral episodes, Hart identified two subcategories of action, which he termed "moral crises" and "moral confrontation." Under the scope of moral processes, he specified two subcategories called "moral projects" and "moral work."

Hart's framework for reflecting on character was used by the authors of the character studies in Cooper and Wright's *Exemplary Public Administrators: Character and Leadership in Government* (1992). Radey (1990) argued

for the importance of stories in developing professional ethics. Vitz (1990) maintained more specifically that life stories were particularly important because they can be understood as "the laboratory of moral life." Because assessing character seems to imply a biographical focus, with the assistance of Wright, I invited a group of scholars to identify someone, living or dead, whose character they could study biographically in chapters for the edited volume. The book finally included 11 character studies that were developed using Hart's framework. I concluded the book with "Reflecting on Exemplars of Virtue," in which I drew some tentative conclusions (Cooper and Wright 1992b). The main one was that in all of the lives studied in that volume, the pursuit of moral processes (moral work and moral projects) in the daily routines of practice provided a foundation for dealing with the more dramatic moral episodes such as moral confrontations and moral crises. Character, understood as the predisposition to behave consistently with one's espoused values and principles, is built slowly and consistently over time, not all at once when confronted with a dramatic challenge.

Virtue, or character, is clearly one of the elements of the normative foundations of public administration ethics. All of the rational analysis of morally charged situations, ethical principles, citizenship obligations, and regime values will come to naught without the courage of our convictions. Absent the strength of character to "walk our walk" and "practice what we preach," ethics is ultimately an empty exercise. However, it is still unclear how, and even whether, we ought to see a role for ourselves in cultivating character, evaluating the character of specific individuals for hiring and appointment decisions, or in creating organizational environments that uphold character.

The Public Interest. This is probably the most widely recognized and most generally espoused normative touchstone for public administration ethics. There is an enormous literature on the public interest (Friedrich 1962; Flathman 1966), but it has received little attention by scholars of administrative ethics. Charles T. Goodsell noted in 1990 that he had been unable to find any "serious advocacy of the notion in the literature which is avowedly public administrationist" since 1957 (97). Goodsell attributed the ignoring of the public interest concept to a critique by Glendon Schubert in the same year. Although Schubert's biting attack on the use of the public interest concept may well have had a significant impact on thought in the mid-twentieth century, the apparent longer-term reason is that the concept is so broad and diversely understood that it has little operational value. The public interest has a number of somewhat specific meanings, but these tend not to be indicated when the term is used—usually in a vague manner, as though it conveys particular meaning when it does not.

Goodsell's "Public Administration and the Public Interest" (1990) and Douglas Morgan's "The Public Interest" (2001) are notable exceptions in recent years to the lack of attention to the concept by scholars of public administration ethics. Goodsell reviews four different perspectives on the public interest and attempts to apply them to public administration. Morgan develops the public interest concept historically in the American context. After a treatment of its origins around the end of the seventeenth century, he traces the evolution of the public interest through the American founding debate, the rise of Jacksonian democracy, populist reform, the Progressive movement, and more recent formulations.

My own view is that the public interest has a place in the construction of a normative administrative ethic as our moral compass, orienting us to a fundamental obligation. It serves a symbolic purpose by raising an important question before every administrative and policy decision: "Are you acting on behalf of broad shared interests or limited particular ones?" The public interest concept is most useful in reminding us that as public managers, our ethical obligation is to the former rather than the latter. It is often raised retrospectively when it is clear that something has gone seriously wrong in a particular situation and we are trying to redefine what should have been done in the past and what should be done in the future. When confronted with scandal and gross misconduct, the idea of the public interest provides an intuitive navigational beacon that points us in the right direction. It was raised during crises such as Watergate and the Iran-Contra hearings, and many others. Goodsell observes that "the words *public interest*—despite their poor academic reputation—remain in use in the realm of *practical* government. They are found sprinkled throughout the statutes practitioners administer, the memoranda they write, the testimony they give, and the verbal speech with which they articulate their points of view" (1990, 97).

So, we have these four approaches to establishing normative foundations for public administration ethics. They do not seem to be incompatible, but they have not been clearly integrated into a coherent and operational administrative ethic. That work remains to be done.

How Do American Administrative Ethical Norms Fit into a Global Context?

After reviewing the options that seem to be under consideration for normative ethics in the United States, it is clear that much of this work is being constructed out of the American experience and tied to our history and political culture. This is especially true for the regime values and citizenship perspectives. Whether or how these fit with the administrative ethics of other political communities and traditions

around the world is an increasingly pointed question. Do administrative ethical norms have to be created specifically for each nation? Is there anything one could call a global administrative ethic? If administrative ethics is socially constructed and the world is experiencing greater global interdependence due to trade, travel, and communication (including especially the effects of the Internet), might there be an emerging global ethic for public administration?

This is one of the more intriguing and newer questions that administrative ethics faces, to which the answers are few and only suggestive at best. However, in my experience this question is raised with increasing frequency, both in international meetings and in cities such as Los Angeles that are truly global in their population and cultures. Gilman and Lewis published the first attempt to address this question in the public administration literature in 1999. Subsequently, I was invited to a small conference on globalization in Seoul in the summer of 2000 and asked to address the question, "Is there an emerging global ethic for public administration?" Diane Yoder and I attempted an answer by carrying forward the path-breaking work of Gilman and Lewis. We examined a large number of international treaties, pacts, agreements, conventions, and programs going back to the 1970s in an attempt to identify the core values that were explicitly advocated or implicitly assumed. We also tried to examine the reasoning connected with such values. Why were they deemed important?

In "Public Management Ethics in a Transnational World," we identified self-determination, freedom, honesty, trust, and stability as the values that are clearly central to the initiatives we examined (Cooper and Yoder 2002). Recognition of an increasingly interdependent world and a growing worldwide commitment to market economies and democratic governance are the reasons given in these documents and programs to justify support for the five recurring core values. *Whether these values are enacted or just espoused is not known and goes beyond our study. However, we argue that the fact they are espoused international values indicates they are at least viewed as aspirations.* What we can say is that there *may* be an emerging consensus that these at least are the values which nations of the world believe they *ought* to say they support. The profession of them is significant.

The story that seems to run through these documents is that, in an increasingly interdependent world aspiring to democracy and market economies, stable governments are achieved by upholding and maintaining self-determination of the citizens of each nation and honesty in domestic and international affairs because these help to build trust, both internally within nations and among the nations of the world. Market economies do not work without trust, honesty, and stability, nor can democratic governance be achieved and maintained without these same values.¹⁰

Next comes the question of how these values mesh with the elements of the normative foundations of administrative ethics in the United States discussed previously. The short answer is that there appear to be no inconsistencies or conflicts. The long answer, yet to be explored, is that we do not know how seriously these values are being taken by the various nations of the world, and we cannot be certain of their congruence with U.S. norms without a lot more experience with concrete applications. Values have meaning only in specific contexts. Here, as in the case of our own domestic norms, we appear to be engaged in a process of socially constructing (on a global scale) a set of normative foundations for public administration ethics. Whether that will be successful remains to be seen. At best, we get glimpses from time to time about the reality of this process.

For example, one of the requirements frequently advocated as a basis for trust in government is a subsidiary value, *transparency*. Currently, it is as close to being a universally advocated public value as one can find. The importance of transparency for trust to exist within a nation and among nations was visible in China's handling of the SARS crisis in early 2003. When the Chinese government attempted to conceal the spread of SARS in Beijing, Shanghai, Hong Kong, and a number of other cities, trade, tourism, and business travel dropped precipitously. Considerable turbulence also occurred inside China. Distrust of the official reports threatened China's emerging market economy and its internal stability (*LA Times* 2003). A lack of transparency in this case appears to have had powerful negative effects that were understood only after China's leadership was confronted with the resulting domestic and international problems.

One caveat is that if such a social construction process is occurring internationally, that does not necessarily imply the diverse cultures of the world are being homogenized, westernized, or destroyed. There may be different overlays of culture that involve domestic life within a society and international relations as somewhat distinct entities. People may live and act within a culture at home while also engaging a global culture. Whether it is possible to maintain such a juggling act remains to be seen.

A serious concern worth noting is that commitment to social equity is not frequently found in the documents we examined. Amy Chua (2004) argues persuasively that market economies coupled with emerging democratic political systems can be an explosive mix.¹¹ If, as seems to be the case in many developing countries, the market is largely dominated by an ethnic minority, while the mass of the populace is moving toward democratic government, tension is created between political and economic access. Absent some commitment to social equity, these imbalances may create enormous instability and unrest.

How Can Organizations Be Designed to Support Ethical Conduct?

Since the 1960s, before the birth of administrative ethics as a field of study, we have had evidence that organizational structure and culture are not neutral with respect to ethical conduct. Our typical hierarchical bureaucratic organizations generally not only have failed to encourage ethical action by the people who work within them, but often have created serious impediments to their efforts to do the right thing. Milgram's experiments at Yale in the 1960s and Zimbardo's prison simulation at Stanford in the 1970s made painfully clear how simple hierarchical arrangements and culturally determined organizational roles can shape behavior toward humanly destructive ends (Milgram 1974; Haney, Banks, and Zimbardo 1973).

Milgram was able to create a basic organizational structure in a laboratory setting that induced obedience among very large numbers of people of different ages, genders, religious orientations, occupations, and educational levels—even to the point of being willing to administer powerful, painful, and dangerous electrical shocks to other human beings. Some 980 subjects went through various versions of Milgram's experiments, and the majority did as they were told, even while protesting that they were being ordered to impose agonizing shocks on the other participants in the experiments. Milgram explained how this occurred as the "agent shift," a series of gradual psychological transitions through which the subjects moved from being relatively autonomous individuals to becoming willing instruments of the experimenter, and in the process abandoned all responsibility for their actions.

Zimbardo discovered to his dismay that college students assigned roles in a simulated prison, with only the briefest explanations of the typical behavior associated with those roles, would become harsh prison guards and retaliatory prison inmates within a matter of a few days. The guards' treatment of the inmates became so inhumane and abusive that the inmates experienced emotional breakdowns, turned on each other, and reacted aggressively against the guards. Guards and prisoners alike were captured by roles associated with certain cultural and organizational norms that shaped their behavior. The experiment had to be terminated after six days instead of running the full two weeks planned at the outset.

During the late 1960s through the 1970s, the tendency of large bureaucratic organizations to stifle conscience and punish those who called attention to corruption and misconduct became painfully apparent. The case of Ernest Fitzgerald, a high-level executive in the Department of Defense, was probably the first widely known example of behavior that became characterized as "whistle blowing." Far from being a self-promoting publicity seeker, as has been obvious with some whistle blowers, Fitzgerald

had been quietly working inside the department to call attention to the enormous cost overruns of a new cargo aircraft, the C5A. Finally, he was subpoenaed by a U.S. congressional committee and forced to reveal what had been going on. For testifying before Congress under oath and telling the truth, Fitzgerald lost his job and suffered retribution for years (Nader, Perkas, and Blackwell 1972). In 1978 Senator Patrick Leahy conducted hearings on 70 cases of legitimate whistle blowers who had experienced severe retaliation from their own employing organizations for reporting forthrightly to higher authorities the involvement of these agencies in serious misconduct (Leahy 1978).

Literature on the dominance of large hierarchical organizations also began to appear in the academic literature during these years. As early as 1956, William H. Whyte was writing about the tendency of modern organizations to create servile “organization men” whose loyalty was so fully tied to the wishes of its hierarchy that they simply did its bidding without question. By the 1970s, a flood of writings on this problem followed suit. In *Freedom Inside the Organization: Bringing Civil Liberties to the Work Place*, David Ewing (1977) lamented employees’ surrender of most of their rights upon entering the workplace each day; he characterized large organizations as “minigovernments” and charged that “for all practical purposes, employees are required to be as obedient to their superiors, regardless of ethical and legal considerations, as are workers in totalitarian countries.” Ewing proposed a legally enforceable employee bill of rights to deal with this problem of organizational dominance.

The problem of organizational dominance appeared quite early in the public administration ethics literature. William G. Scott and David K. Hart published *Organizational America* in 1979, raising the specter of a fascist state growing out of the oppressive nature of large bureaucratic organizations. Alberto Guerreiro Ramos argued for “organization delimitation” in *The New Science of Organizations: A Reconceptualization of the Wealth of Nations* in 1981 because organizations threatened to dominate their employees’ lives with an emphasis on a narrow market mentality that would turn them into economic maximizers devoid of appreciation for the qualitative side of human existence outside the workplace. The first edition of my book *The Responsible Administrator* in 1982 called attention to the problem of organizational dominance. Six years later Kathryn G. Denhardt’s book *The Ethics of the Public Service* (1988) developed the problems of the organizational context further.

More recently, the problem of organizations impeding ethical conduct has been manifested in two space shuttle catastrophes, when *Challenger* exploded during launch on January 28, 1986 (Cooper 1987), and *Columbia* on Febru-

ary 1, 2003. The executive summary of the accident report on *Columbia* includes the following revealing statement:

The organizational causes of this accident are rooted in the Space Shuttle Program’s history and culture, including the original compromises that were required to gain approval for the Shuttle, subsequent years of resource constraints, fluctuating priorities, schedule pressures, mischaracterization of the Shuttle as operational rather than developmental, and lack of an agreed national vision for human space flight. Cultural traits and organizational practices detrimental to safety were allowed to develop, including: reliance on past success as a substitute for sound engineering practices (such as testing to understand why systems were not performing in accordance with requirements); organizational barriers that prevented effective communication of critical safety information and stifled professional differences of opinion; lack of integrated management across program elements; and the evolution of an informal chain of command and decision-making processes that operated outside the organization’s roles. (Columbia Accident Investigation Board 2003, 9)

The identification of organizational factors is much more explicit in the report on this second shuttle tragedy than in the *Challenger* report. We learned during that earlier investigation that shuttle engineers had been locked in an all-night struggle with NASA and Morton Thiokol management over whether it was safe to launch in the sub-freezing temperatures that had prevailed through the night. The engineers insisted the O-rings that sealed the major sections of the booster rocket tank would not be sufficiently pliable in the cold temperatures to prevent the disastrous escape of superheated gases. There being no dissent channels in NASA for such expert judgments to be heard in time to prevent the launch, the engineers were finally told to take off their engineering hats and put on their management hats. The launch went ahead as scheduled on January 28, 1986, the external fuel tank exploded, and the crew was killed. In the report of the investigation that followed, it is clear the decision to launch was made by management over the protests of the engineers (Presidential Commission on the Space Shuttle Challenger Accident 1986).

We now have a substantial literature on the problem of organizations’ tendency to deprive the people who work in them of the freedom to exercise their professional conscience, as well as considerable practical experience to confirm it. During my 27 years of conducting ethics training for public administrators in various parts of the United States, and even in Hong Kong during my year as a Fulbright professor there, at all levels of government, and in many different kinds of public and nonprofit organiza-

tions, my experience has been extremely consistent on this point.

Whenever I do ethics training for working practitioners, I require everyone participating to write a case about some ethical problem from his or her professional experience and submit it to me confidentially. I then select a set of cases around which I build the training session, maintaining anonymity for the authors unless they choose to identify themselves, which they do more often than not. There is no doubt that among those several thousand cases in my files, the single most frequent problem presented is one concerning an organizational hierarchy, and often an organizational culture, that impedes ethical conduct and punishes those who attempt to act ethically, and sometimes even those who suggest doing so.

The question that burns in my mind from these experiences is whether we can design public organizations in a way that provides for ethical concerns to be heard and supported by the organizations in which public employees work on our behalf. I have seen public administrators on the verge of tears years after they had faced the bleak choice of rectifying a wrong or retaining their jobs, and then had been vilified for attempting to act ethically. They were churning inside over something they and their peers—and even sometimes their bosses—knew was violating someone's rights, violating the law, draining the organization's resources into someone's pocket, demeaning someone inside or outside the organization, doing things that poisoned the environment and placed human life at risk, grossly abusing power for personal ends, or regularly lying to the public and their elected representatives. But, they had either felt impotent to act or had acted and suffered significantly.

As I have struggled with this question myself, I have often thought how ethicists and organizational development specialists in public administration need to be working together to design organizations that provide for effective dissent channels, include policies to encourage ethical conduct, and protect employees from retribution when they act with moral courage. I am not sure how this might be done, but the institutional design approach worked powerfully for the American Progressive reform movement at the end of the nineteenth century and the first few decades of the century. That movement created bureaus of municipal research that were independent workshops or think tanks in cities around the United States, the first of which was the New York Bureau of Municipal Research established in 1906. These bureaus were the front lines of reform to crack the hold of political machines on local governments and put in place organizational forms and processes designed to encourage efficiency. Perhaps we need to consider the establishment of places analogous to those bureaus of municipal research that could bring to-

gether engaged scholars of administrative ethics and organizational development with thoughtful practitioners to address the problems of organizational structure and culture in supporting ethical conduct at the beginning of the twenty-first century.

I advocated a design approach to ethics in the fourth edition of *The Responsible Administrator*, for which I am indebted to Carolyn Whitbeck's article "Ethics as Design: Doing Justice to Moral Problems" (1996). This way of thinking about ethics does not assume the problem to be simply one of analyzing an ethical concern toward arriving at a defensible ethical decision. Rather, it also requires thinking about what else is necessary to make the decision effective. As I have conducted ethics training for practitioners, I have increasingly encouraged them to arrive at a decision when presented with a case, but not to stop there. In the central exercise for these sessions, they are required to identify the characteristics of the organization that would encourage or impede the kind of action they advocate. And not to stop there, but go on to describe the kinds of management interventions that would be appropriate to make the changes necessary in the organization's structure and culture to support their desired conduct. This kind of thinking would be much richer and helpful if I were working in these sessions with colleagues with expertise in organizational development. Ethics is as much about organizational design as it is about analytical and decision-making skills.

When Should We Treat People Equally in Order to Treat Them Fairly, and When Should We Treat Them Unequally?

This is a question that has emerged from our assertively diverse society. During the first half of the twentieth century, we found ourselves under the sway of the Progressive reformers' assumption that in order to treat everyone fairly, it was necessary to treat everyone the same. This was a logical response to the dominance of machine governments at the state and local levels, which provided unequal treatment based on support for political bosses. If the problem was that some streets were swept because someone had voted the "right way" in the last election, and others did not because they had voted the "wrong way," then fairness dictated sweeping everyone's streets in the same way. Standardized services were to be delivered across a city by agencies that, "without fear or favor," treated everyone the same. (Ostensibly, that was the formula, although it is never the case that everyone really does get the same street sweeping, or any other service.) The Progressives found a nice congruence in their approach to reform between their commitment to a science of administration and rectifying inequity. By delivering services

“scientifically,” which meant based on presumed scientific principles that would apply to everyone in every place and every time, they could achieve efficiency and provide fairness (Mann 1963; Wiebe 1967; Nelson 1982; Kennedy 1971; Haber 1964; Warner 1971; Ekirch 1974; Caro 1974; Croly 1965).

However, soon after the middle of the twentieth century, American society became increasingly diverse and increasingly assertive about its differentiated needs and preferences. Social movements and organized reform advocacy groups emerged in the late 1950s and with increasing intensity through the decades that followed. They engaged in the full panoply of social change strategies and tactics. The civil rights movement, the antipoverty movement, the new women’s movement,¹² the environmental movement, the student movement, the disabled movement, the gay rights movement, the Chicano (later Latino) movement, and an array of other ethnic movements were all manifestations of a burgeoning of assertive diversity in American society.

This plethora of demands for particularized treatment based on special circumstances has forced us to recognize that the all-too-easy formula of the Progressives—treat everyone the same and you will treat everyone fairly—simply does not work so well given the realities of the late twentieth and early twenty-first centuries. Organizational systems based on rationalization understood as standardization have had difficulty responding to a diverse citizenry and its differential needs and preferences. The result is that many, if not most, citizens frequently feel unfairly treated at the hands of large, centralized bureaucracies with standard ways of delivering services.

The key ethical problem that emerges from this conflict between an assertively diverse society and public organizations that attempt to treat everyone the same is that sometimes we need to treat everyone the same, but at other times we need to treat them differently in order to provide fairness. However, the criteria for sorting these two ways of offering fair treatment are not clearly understood and result in considerable conflict among us. The contours of how to justify differential treatment for the sake of fairness are better understood and supported in some cases than in others. For example, public policy concerning the disabled appears to be less contentious than when it concerns race, ethnicity, or gender. Providing handicapped parking spaces, curb breaks and ramps, wheelchair lifts for buses, and special restroom arrangements seems to be generally accepted and supported. However, affirmative action for members of our society who have experienced the disadvantages of racial discrimination, or for women who have confronted the barriers of a male-dominated workplace, is among the most hotly contested strategies in recent decades. The challenges are equally difficult for

educational, policing, and health care services.

And so the question hangs there before us: When should we treat people differently to be fair and when must we treat them the same? We should have no illusions about the efficacy of ethicists in actually resolving these problems through ethical analysis because they are also matters of power, passion, and politics that are not likely to give way to reasoned argument. However, ethicists may have a modest role to play in helping make explicit the values and principles that are implicit in policy alternatives.

If the most fundamental formulation of the justice principle is something like, treat equal cases equally and different cases unequally, the problem is always to identify the attributes that should be treated differently or similarly. Gay and lesbian members of our society are aggressively asserting their right to marriage based on fairness arguments. They insist their commitments to faithfulness to each other should be treated the same as any other such lifelong commitments between two people. Sexual identity should not be the basis for treating them differently. Those who oppose state recognition of these unions argue that marriage is for heterosexual couples only, and, at best, gay and lesbian committed relationships should be called something else. And so the battle rages on over which characteristics qualify one for equal treatment and which disqualify one for equality. Is it lifelong commitment that matters most or sexual identity?

Six years ago, when we set about reforming our city charter to create an official neighborhood council system to connect the people of Los Angeles to its governance processes, the same-versus-different-treatment question emerged at the center of a sometimes very heated debate. Should we create a set of standard boundaries based on equal population, or should we permit neighborhoods to create their own boundaries that may result in very different sizes for neighborhood councils? Should we impose a citywide set of standard bylaws and organizational structures for all of the neighborhood councils, or allow them to develop their own? Most of the city’s administrative agencies argued for standardizing everything, and the justifications were ones we in public administration might expect—efficiency and order. The elected officials tended to argue similarly, but for reasons that were never articulated out loud—control and efficiency. Allowing citizens to create their own boundaries was held out as a prospect that would produce chaos.

In the end, we wound up—appropriately I think—with a combination of standardization and variety. Neighborhoods were allowed to define and justify their own boundaries, bylaws, and system of financial accountability in order to be fair to the diversity of Los Angeles. The slogan was “No cookie cutter solutions will work in L.A.” How-

ever, the new charter did establish a certification process to which all of the neighborhoods had to submit. This process required a demonstration of active and comprehensive outreach to all of the stakeholders in their area, a set of bylaws that provided transparency and access to all stakeholders, and a system of financial accountability that was similarly transparent and responsible. So we wound up with some things standardized and some things different, both of which were means of providing fairness to the citizenry. I do not want to leave you with the impression that all is tranquil and fair now in the Los Angeles neighborhood councils, because it is not, but we have made our way through the initial minefields largely because people were willing and able to think of fairness in more textured and flexible ways even if they are somewhat inefficient, more than a little messy, and lacking in predictable order.

These knotty and often emotional public debates over the meaning of equity in a complex assertively diverse society are among the most difficult we in administrative ethics engage in. We certainly have to view ourselves modestly as one of the several kinds of players in these struggles, but I think our role is an important one nevertheless.

Conclusion

I conclude where I began—with a call for focused collaboration on the big questions in public administration ethics. My nominations for these are as follows:

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

Are these some of the big questions in administration ethics? I think so, but they are offered here, not in the nature of a pronouncement, but as an invitation to dialogue among us to identify what *the* big questions are for us as a community of scholarship and practice. This dialogue should in no way be exclusive, but it does need to be focused and sustained. The interplay between this kind of ongoing work and divergent other scholarship could be creative, stimulating, and even exciting.

How might we go about engaging this kind of deliberation? One way would be to create working groups that would meet a couple of times during the year, perhaps prior to ASPA and just before NASPAA, for a day of work each time on sorting out some big questions for collaborative research. These then might become the thematic focus for ASPA Section on Ethics conferences or similar events. However we proceed, I hope we will do so. Much

has been accomplished over the last 30 years, but much remains to be done to advance the study of public administration ethics.

Notes

1. Advancing a specific list of concerns identified as *the* big questions in administrative ethics is presumptuous, and maybe even hubristic. The only way that could be done without sacrificing the requisite modesty of scholarship would be to characterize it as the first step in a collaborative process. It would have to be understood as an invitation to colleagues to participate in achieving focus in our collective work. It is in that spirit that this essay is presented.
2. The study of ethics has been with us since the beginning of civilization, but here the point is that the emergence of *administrative* ethics as a specialized field of study with a group of scholars devoted to its development, a significant and continuing stream of scholarly literature, conference presentations, and academic courses is far more recent. Its origins are found in the mid-1970s, as detailed in Cooper (2001, 1–36).
3. The notable exception would be the work being done from the theoretical perspective of cognitive moral development, rooted in the work of Lawrence Kohlberg, by Debra Stewart, Carole Jurkiewicz, Ann-Marie Rizzo, and Richard White.
4. I have not used any of the specific questions submitted in their original form, but they informed and stimulated my thinking in ways that were essential to the development of this essay. I wish to thank Charles Garofalo, John Rohr, Robin Bittick, Pamela Gibson, James Heichelbech, Leo Huberts, Eleanor Glor, Rod Erakovich, Bob Cunningham, and Daniel Williams for their contributions to my thinking, but also note that they bear no responsibility for what I have done with their ideas in this essay.
5. In my experience, this is contrasted with the strong professional ethical identity of students in social work who readily refer to their professional code and its meanings in particular situations.
6. Rohr dismissed the in-depth study of moral philosophy by public administrators as impractical.
7. Rohr also argued that attempting to train public administrators to be moral philosophers would be unrealistic.
8. New Public Administration was a movement to challenge the older understandings of the field rooted in assumptions that administrators carried out their work as technical professionals without much discretion according to the wishes of their political masters. New Public Administration rejected notions of administration as ethically neutral instrumental thinkers apart from the citizenry. Their work advanced the first significant treatments of the ethical obligations of public administrators and the importance of citizen participation in administrative decisions. Their first published work appeared in Marini (1971).
9. NASPAA is the national association of the more than 200 college and university professional education programs in public administration and the accrediting organization for the master of public administration degree.
10. This is not to imply that democratic governance is always stable. Indeed, it is often turbulent. What is intended here is a kind of dynamic equilibrium that may undergo frequent turbulence but adapt to the changes without destroying itself.
11. I am indebted to Patricia M. Nickel for this reference and insight.
12. I use the term “new women’s movement” to distinguish it from that which began with organized effort in the 1840s and continued through the battle for the suffrage for women.

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