Taking Tough Choices Seriously: Public Administration and Individual Moral Agency

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The thoughtful bureaucrat is the subject of this paper. The study of public administration in general should be aimed at analyzing how public administrators make decisions in the face of dilemmas and in the context of the structures that bureaucracies provide. Modern normative theory is at base a theory of reasoning, not a search for definitive answers.[1] An understanding of reasoning and of the moral reasons that people employ is of fundamental importance to an understanding of dilemmas in public administration. Explanations for moral reasoning do not require metaphysical speculation. They require moral sociology.

Twenty years ago, Dennis F. Thompson asked the question "Is administrative ethics possible?", and responded in the affirmative if public administration could overcome the burdensome commitment to neutrality and aversion to assigning individual responsibility for collective actions (Thompson 1985). Although the article engaged with and criticized the foundational assumptions of the field of public administration ethics, Thompson did not take the step to questioning the basic fallacy of contemporary administrative ethics. That is, that it "involves the application of moral principles to the conduct of officials in organizations."[2]

This particular view of what constitutes "administrative ethics" has become even more pervasive today within the mainstream of American public administration scholarship, and it represents an extension and continuation of the normative agenda established by Dwight Waldo and his colleagues over the past half-century (Dubnick

[1] On modern moral theory, see Rawls 2000, p. 1ff.

[2] Thompson does attach a paragraph long note immediately after that statement, but its subject is to justify his use of the term "ethics" rather than "morality". He does not address the more fundamental issue of why he assumes this particular view of administrative ethics. (p.560)

1999, Nigro and Richardson 1990). Its uncritical acceptance by Thompson and others in the mid-1980s reflected a clear acceptance of the paradigmatic position posed 12 years earlier by Scott and Hart (Scott and Hart 1973) who in stressing the need for the field to engage in "metaphysical speculation," implicitly sought a critical reassessment of the moral underpinnings of the administrative state.

In this paper we claim, pacé Thompson, that administrative ethics, defined as "the application of moral principles to the conduct of officials in organizations," is in fact not possible. We do so by reintroducing the centrality of dilemmas as the fundamental problematic for those engaged in carrying out the tasks of the modern administrative state. In so doing, we focus attention on the fact that actions and decisions in the public administration context involve contending with multiple, diverse and often conflicting expectations on a daily basis. From this perspective, we argue, the problem addressed by administrative ethics is best understood in terms of how one deals with the dilemmas posed for the milieu of social relationships within which public administrators operate. We then offer a framework for understanding the ethical dilemmas of administrative life based on a distinction between thin and thick social relationships and the expectations they generate. Finally, we discuss the implications of this reconfiguration of the problematic for the study of administrative ethics.

Discretion and dilemma

The core subject matter of the field of public administration has long been defined by a narrow array of issues and concerns (cf. (Golembiewski 1974)). The great divide on this point within the field is represented by the distinct approaches of Dwight Waldo and Herbert Simon, and can be summarized in terms of Waldo's normative stress on

public administration's role in the modern state and Simon's efforts to develop an empirically based understanding of administrative behavior in a public sector context (Dubnick 1999). This normative-empirical division has been manifested and magnified in almost every subject and issue covered by the field, and has so divided scholars that many adopt their disciplinary identity in relation to that grand schism.

As the administrative and bureaucratic state expanded, the concerns of theorists increasingly focused on the use and abuse of discretionary power. These developments have provided a context for raising and addressing concerns about the role of bureaucracy and the public administrator in liberal democracies in general (Long 1952, Suleiman 2003) and, more specifically among American scholars, on the role of bureaucracy in the American constitutional system (Rohr 1990, Rohr 1986, Rosenbloom 2000).

For those concerned with discretion, the question of ethics is primarily a normative one that seeks to define both the parameters and substance of those values, norms and moral principles that should guide the exercise of administrative power (Haque 2004). This effort, in turn, is defined by a long standing debate between those who would rely on the establishment and internalization of democratic public service values among responsible officials (Friedrich 1940), those who stress the need for external checks and controls (Finer 1941), and still others who seek to strike an integrated approach (Dobel 1990).

Thompson and other "mainstream" students of administrative ethics operate within the confines of this normative endeavor. While there is a flourishing research agenda

associated with this approach, it focuses on describing, assessing and explaining the assumed centrality of public service values and motivations[3] to administrative ethics - all tied to questions driven by a desire to facilitate the "right" approach to the exercise of discretionary power in the administrative state.

In contrast, an alternative stream of research has focused on questions about how individuals contend with the dilemmas inherent in public service roles. Such dilemmas tend to raise empirical rather than normative research questions, with the focus on decision-making and the choices made by specific actors under conditions of ambiguity and stress.

Rooted in moral scepticism (Seay 2002) and the study of moral sociology, this perspective on public administration ethics can be traced directly to Herbert Simon's focus on examining the value premises decision-makers. Contrary to the myth that Simon and his colleagues were indifferent to the role of ethics in public administration, they regarded the "task of moral choice" to be an essential and fundamental component of administrative life (Simon, et al. 1950, p. 24), and there was nothing in the literature of the "administrative sciences" to warrant the charge of indifference to the role of ethical norms and values in the study of public administration (Lynch, et al. 1997). Although rarely considered as such, there is, in fact, a substantial thread of ethics relevant research in studies from Simon's Administrative Behavior (Simon 1957) through Kaufman's The Forest Ranger (Kaufman 1967) to Lipsky's Street-Level Bureaucracy (Lipsky 1980) and DiIulio's

[3] On public service values, see Denhardt 1989, Denhardt and Denhardt 2000, Kernaghan 2000, Klingner, et al. 2002, Nalbandian 1991, Van Wart 1998, Van Wart and Berman 1999; on motivations, see Brewer, et al. 2000, Naff and Crum 1999, Perry 1997, Perry 1996, Perry and Wise 1990, Selden, et al. 1999.

Governing Prisons (DiIulio 1987).[4] While not explicitly focused on issues of ethical choice and moral agency,[5] this body of work provides a wealth of insight into the subject from a "dilemma" perspective.

It is important to note that, viewed from the dilemma-orientation, the questions facing students of administrative ethics are substantially different from those posed under the discretionary power framework. Understanding the nature of the dilemmas facing public administrators and how they respond to them takes precedence over establishing appropriate ethical standards and strategies for their implementation. From this perspective, moral agency is not merely a possibility but rather a necessity inherent in the role and situation assumed by public servants. Theirs is a world of multiple, diverse and often conflicting expectations (Dubnick and Romzek 1993) and it is their sense of moral agencies that renders them willing and capable of acting under these conditions. Effectively operating under such conditions renders the possibility of administrative ethics in the sense posited by Thompson and others inappropriate if not impossible.

Thick-Thin Distinctions in Moral Theory.

The idea that moral theory and ethics deals with social relationships seems obvious enough -- so much so, that it has often gone unstated. When highlighted in recent philosophical work, however, distinctions among types of social relationships has played a significant role in shaping the content and form of moral and political thought. In this section we will address the "thick-thin" distinction, given the fact that

[4] More generally, see Wilson 1989.

[5] However, see DiIulio 1994.

it runs to the heart of the dilemmas that we are speaking of. The reflections of moral and political theorists provide people with tools to understand and act in response to the dilemmas that they face. As we shall see in the next section, the thick-thin distinction provides us with a tool for understanding the roots of these dilemmas.

The terms "thick and thin" in contemporary moral theory were initially applied by Bernard Williams not to social relationships per se, but to moral concepts which took on thick or thin characteristics relative to the context of their use (Williams 1985, chapter 8). Thin moral concepts – typically very general terms such as 'good' or 'wrong', as in truth telling is good and slavery is wrong -- are appropriate in contexts where the substance of the issues and situation is not relevant to the moral judgment at hand. Thin concepts are appropriately applied universally, in circumstances which are themselves meaningfully 'thin' in the sense that they are purely normative and do not relate to the contingent 'facts' of a situation. In establishing this point, Williams delivered a major blow again moral realism. But he wasn't quite finished, for he also gave warrant to moral relativism by noting that thick moral concepts – such as lying is "sinful" or slavery is "inhumane" -- are contextually meaningful and demand attention to the qualities of the judgments being made and situational factors involved. Thick concepts, in short, are factually "world guided" and thus "action-guiding" concepts. While not speaking directly to social relationships, Williams was giving them relevance by implication as among action-guiding facts.

Beyond Williams' use of the thick-thin conceptual distinction, the terms have also been used in a second stream of modern moral philosophy that applied it to the drawing of distinctions between ethics and morals.

In 'A Genealogical Analysis of the Cognitive Content of Morality,' for instance, Jürgen Habermas writes that "ethical questions arise from the first person perspective." He continues that "what is at issue is how we understand ourselves as members of our community, how we should orient our lives, or what is best for us in the long run and all things considered" (Habermas 1998, p. 26). The ethical point of view is motivated by a range of issues – not merely a conception of right. It has at its core the sense that it encompasses a form of reasoning that is inclusive of the layers of affection and allegiance within which one lives one's life.

Morality, on the other hand is an abstracted conception of right. "The limits of the ethical point of view," Habermas tells us, "become manifest once questions of justice arise: for from this perspective justice is reduced to just one value among others" (Habermas 1998, p. 27). For Habermas, morals are related to situations where questions at hand are questions of justice, of the principles and attending duties through which a society should be organized. They are abstracted and push the individual towards normative reasoning within a far narrower set of parameters.

In a manner somewhat similar to that of Habermas's, John Rawls draws a distinction between the capacities of moral agents to apply a sense of justice – "the capacity to understand, to apply, and to act from (and not merely in accordance with) the principles of political justice that specify the fair terms of cooperation" – and their capacities for a conception of the good – "the capacity to have, to revise, and rationally to pursue a conception of the good. Such a conception is an ordered family of final ends and aims which specifies a person's conception of what is of value in human life or, alternatively, of what is regarded as a fully worthwhile life." (Rawls 2001, p. 19).

Both philosophers argue that the *moral point of view*, or the sense of justice, relates to the manner in which people deal with each other in the public sphere, whereas the *ethical point of v*iew, or the sense of the good, relates to more private concerns. Their concerns are aimed at the political content of a specific category of state. They are engaged in a normative project, seeking to unshackle democratic states from the communitarian sentiments and pressures through which they were founded.[6] In this sense, their approaches to moral theory are less focused on individual dilemmas than they are concerned with institutional-design at the macro level.

The manner in which philosophers like Rawls and Habermas employ the thick-thin distinction is crucial to their conceptions of the principles through which states should be formed. The hierarchy into which these conceptions are placed tells a story about how (modern liberal) states should be insulated, to the greatest extent possible, from wielding power in the name of one particular community or conception of the good within the territory. The thick-thin distinction, however, provides us with a tool for describing the moral reasoning that the authors of a normative project must answer to.

In addition to their social-democratic philosophical ambitions, our interest in Habermas and Rawls is driven by the manner in which they account for how people live their lives as moral agents. Their concerns for institutional design are ultimately rooted in their moral sociologies. For both Rawls and Habermas, though in very different ways, the key to normative reasoning lies in either (for Rawls and Habermas

[6] Although Rawls and Habermas refer to democratic states, an approach to public administration refers to the administrative state in general, which is not necessarily the same thing.

respectively) the idea of justification or the requirement to actually justify one's decisions. Institutions, they argue, are framed around the reasoning of moral agents.

We argue that the day-to-day running of these institutions requires an understanding that the public administrators who maintain institutions face dilemmas in the carrying out of their work, and that the foundation for those dilemmas are found in dealing with the very communities of interest – the narrower conceptions of the good -- from which the institutions of justice and deliberation are designed to insulate the state machinery.

A related set of juxtapositions between thick and thin normative orientations that comes somewhat closer to the issue of dilemmas is to be found in the works of Avishai Margalit and Michael Walzer. Their distinctions are similar to those of Rawls and Habermas, although they employ the thick-thin distinction more explicitly. They also relate to the normative significance of affections. For these thinkers, however, the thick-thin distinction does not characterize the political content of states but the decisions of individuals as to how they are to make normative decisions about the specific hard cases that they face. Here the issue of dilemmas in moral theory comes to the fore.

Avishai Margalit writes that morality "ought to guide our behaviour toward those to whom we are related just by virtue of their being fellow human beings, and by no other attribute. These are our thin relations." Ethics, in contrast, "guides our thick relations" (Margalit 2002, p. 37). He tells us that "the concern of ethics is thick relationships among people, relations that call for actions." "The reasons for ethical action," he writes, "are grounded in the thick relations themselves, and not in the properties of those who are involved in the relations" (p. 85).

Finally, Michael Walzer distinguishes between moral terms that "have minimal and maximal meanings; we can standardly give thin and thick accounts of them, and the two accounts are appropriate to different contexts, serve different purposes" (Walzer 1994, p. 2). For Walzer, there is a close and complex interplay between thick and thin moral meanings. They are neither separate nor separable in the way seemingly suggested by Rawls and Habermas but are instead two sides of complicated moral reasoning where the self, in many ways divided, seeks to negotiate their attachments to specific groups and their universalistic orientations towards all humanity. Each person acts as a member of a moral community. Even the boundaries of Walzer's minimalism are set within the contexts of that community.

Although the thick-think distinction becomes quite a different tool in the hands of theorists like Walzer and Margalit, the key to their drawing the distinction is largely similar to that of Habermas and Rawls. Their concerns are with how individuals negotiate immediate and concrete cases, with how they respond to the challenges laid down throughout their private and public lives.

Extending the Reach of Administrative Ethics

The thick-thin distinction is very helpful in clarifying moral philosophy and thought, denoting as it does the dilemmas people face, torn between, on the one hand, allegiances to communities and peers and, on the other hand, duties towards all humanity, or towards fixed principles of action established, a priori, to any hard case that might emerge. Beyond the explicit treatment of thick-thin relations in the writings of these four authors, the distinction is implied in the approaches of other contemporary moral theorists.

Type of Agency

Viewpoint	Reactive	Reason	Rationality
Subject	Audi	Arendt	Singer
Relationship	P.F. Strawson	Habermas	Gauthier
Transcendent	MacIntyre	Rawls (1972)	Hare

Thick → Thin

Figure 1: Moral Theory and Responses to Dilemmas

[FIGURE 1 HERE]

Figure 1 provides an overview that frames the centrality of the distinction to contemporary ethical and moral analyses. It takes into account the range of perspectives applied to dilemmas that emerge from moral theory literature – a literature that goes well beyond metaphysical speculation by seeking out answers to questions of how moral agency operates when confronted with choices.

The two dimensions that help form the frame each highlight a sharp difference among contemporary moral theorists as to the context and content of human agency. Along one dimension, distinctions are made as to the viewpoints (as in the *points of view*)[7] from which the dilemma and choices are perceived. As developed by various moral theorists, these perspectives are assumed to emerge from either the individual subject, from social relationships or from transcendent ideals[8]. The second dimension focuses on types of agency[9] highlighted in contemporary moral theories, ranging from reactive (intuitive, attitudinal or emotive), to reasonable (reflective, deliberative, thoughtful) or rational (largely calculative, instrumental or strategic).

Most (if not all) of the "schools of thought" represented with the figure have deep historical roots, but the name provided for each resulting type are offered as examples of modern moral theorists who are notable for their explication of the perspective.[10] What is striking about the names is how unfamiliar most will be to those who engage

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[7] On the relevance and importance of view "points", see Arendt 1958.

[8] See Nagel 1986.

[9] On the concept of agency, see Emirbayer and Mische 1998.

[10] Of course, *caveat lector*: no particular theorist fits perfectly within these heuristically constructed categories, and all associations of theorists with specific perspectives are arguable at best.

in mainstream public administration ethics studies. Arendt, Rawls, MacIntyre and Habermas are names that often come up in the study of administrative ethics, and for the most part[11] their work fits with the field's strong emphasis on the search for a set of principles to address the problem of administrative discretion. But when placed in the context of ethics-as-choosing, we can see even their contributions in a much different light.

As the figure attempts to illustrate the thick-thin distinction does play a major factor in differentiating these perspectives. With its usual focus on discretion, the field of administrative ethics is averse to considering the work of those who bring attention to the role that intuition and emotions play in ethical decisions (see (Arpaly 2003, Audi 2004)), or that socially grounded 'reactive attitudes' (Strawson 1962) might provide a credible foundation for moral choices (see also (Wallace 1994) and (Walker 1998)). Similarly, we do not find much discussion or reference to the place of enlightened self-interest (Singer 1993),[12] strategic and instrumental thinking (Gauthier 1974, Gauthier 1967) or utilitarianism (Hare 1997) in the study of administrative ethics.[13]

To recap, each theorist mentioned has, within their theory, an analysis of dilemmas and responses to dilemmas. These responses are driven for each theorist by the conceptions of agency that they have developed through their perspectives. While we

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[11] Arendt is a notable exception, for even she made the point that her work was not really that of the philosopher engaged in metaphysics. Rather, her importance in administrative ethics can be attributed to the challenges raised in her analysis of the 'banality of evil' that became the obsession of her work after reporting on the Eichmann trial. See Arendt 2003, esp. Part I.

[12] However, the public choice advocates in public administration take a strong position on this ethical assumption in their methodological approach to the field. See Ostrom 2000, Ostrom 1974, Ostrom and Ostrom 1971.

[13] However, as Christopher Hood and others have argued, there is in fact a strong tradition of Benthamite utilitarianism in British (and more subtly) American public administration; (Hood 1998).

foresee a strong normative turn in public administration theory, it is not for us to pre-empt a discussion of the merits of each approach. Rather, we posit the theories as methods for understanding the stories about dilemmas that public administrators tell.

If we are progress in our understanding of how public administrators and others engaged in the public services negotiate the imperatives and dilemmas that characterize their world, it is crucial that we get beyond the task of metaphysical speculation in our approach to administrative ethics and engage in the kinds of analyses suggested by the thick-thin distinction.

Dealing with dilemmas.

How are public administrators to collaborate both with their colleagues and with their political masters? The activity of public administration requires not just more abstracted commitments and duties that may define the work of administration in general. It also– and perhaps more importantly -- requires cooperation between actors and, very often, the construction of an environment where individuals have to subsume or adapt their moral reasoning as one element of their professional commitment towards the aims of public administration in general. This commitment is founded on thick relationships between people who are oriented towards common projects as much as it is founded on hierarchical structures and lines of authority.

The thick-thin distinction goes to the heart of these dilemmas in a number of ways. At the more abstracted, philosophical level, the sorts of issues addressed by Habermas and Rawls might be raised. Should the public administrator have regard for the good of communities or should they have regard for some thin formulation of justice that transcends community? At the sociological level, questions of reasoning in the midst

of specific goal-oriented activities can be raised. Should the public administrator regard themselves as reasoning within networks of affection, and with duties of care towards others, be they clients or colleagues? Should they act because of these affections, in line with Margalit's conception of the motivating power of thick relations? Or should they act, to the greatest degree possible, without regard for their sense of allegiance to concrete people, but only according to a thin sense of professionalism that they have devised to do their work?

There are no rules or principles that can be taught to resolve these dilemmas. Rather, a reliance on the individual's capacity to make normative decisions in the face of dilemmas is the only option available to us. In order to understand moral agency, we must understand the sorts of dilemmas that individuals face. The thick-thin distinction provides an important starting-point for this endeavor.

Of course, not all dilemmas are alike. A distinction can be made based on the types of relationships involved. As we've established, thin relations are subject to moral principles, i.e. those that tend to stress universalistic standards that are applied impartially. In contrast, thick relations are subject to ethical norms and values that are particularized and conditioned in their application. Any moral agent may be confronted with dilemmas emerging out of the range of thick and thin relationships. For present purposes, we will distinguish among three types.[14]

Moral dilemmas exist when two moral principles come into conflict in a particular situation. In the field of law enforcement, for example, the moral obligation to do no

[14] For discussions about moral dilemmas, see De Haan 2001, Donagan 1993, Lemmon 1962, Macintyre 1990, Morscher 2002, Ohlsson 1993.

harm to other individuals comes into direct conflict with the obligation to carry out one's duty to protect the community -- an obligation that may require the use of injurious force against another individual. In order to carry out one moral obligation, a law-enforcement official may have to violate the other.

At the other extreme, we have circumstances that can be termed ethical dilemmas. Here thick relations can often generate multiple and conflicting sets of legitimate expectations, and while these can often be balanced or prioritized, it is possible and likely for them to come into conflict. We often see this, for example, in organizations employing professionals in the public services. Physicians who work for the public health service under a managed-care regime may be required to choose between effective delivery of healthcare and the (perhaps budgetary) management of a healthcare institution. Between these two extremes are the tough choices that must be made despite their sometimes regrettable consequences. Whistleblowers who report wrongdoing within the organization are engaged in making a tough moral choice, for while there is no competing moral principle to contend with, the implications of their actions on their thick relations can be significant. In contrast, a supervisor who must reprimand a co-worker for poor performance faces a tough ethical choice when that action means carrying out organizational obligations while putting personal peer relationships at risk.

The lack of definitive guidelines in such circumstances should not overly concern us. Rather, we should acknowledge that individual moral agency, the ability to reason about these tough choices, will be the primary -- perhaps only -- guide that public administrators will have when they face these tough choices.

For Alisdair MacIntyre (1999), moral agency involves an individual's responsibility for their actions in three respects. "First moral agents so conceived are justifiably and uncontroversially held responsible for that in their actions which is intentional. Secondly they may be justifiably held responsible for incidental aspects of those actions of which they should have been aware. And thirdly they may be justifiably held responsible for at least some of the reasonably predictable effects of their actions" (MacIntyre 1999, p. 312). In other words, moral agents are those who have exercised (or capacity to exercise) their will and their reason with respect to the choices that they face.

MacIntyre's conception of moral agency is helpful in understanding the individual's sense of self. For one to regard oneself as a moral agent, one must be in a position to "understand myself as and to present myself to others as somebody with an identity other than the identities of role and office that I assume in each of the roles that I occupy." (315). Moral agents must also "understand themselves not just as individuals, but has practically rational individuals." (315) and they must

> understand themselves as accountable, not only in the roles, but also as rational individuals. The responsibilities that are socially assigned to roles are defined in part by the types of accountability that attached to each of them. For each role there is a range of particular others, to whom, if they fail in their responsibilities, they only to count that either excuses or admits to the offence and accepts the consequences. Without such accountability the notion of responsibility would be largely empty. (p. 316)

In this context, we should understand public administrators as moral agents who cannot but face dilemmas as they meet them. Although an awareness and commitment to the professional principles through which their organizations are run, and an awareness and commitment to the concrete others that they encounter, will guide them, they will not guide them in a consistent or predictable manner. In fact, as we

will explain below, many dilemmas are precisely conflicts between the various worthwhile attachments that public administrators face.

The WMD Debate in British Government.

Although these dilemmas are played out on a daily basis, they are often very difficult to document. After all, for the most part, the normative negotiations of everyday life happen in unmemorable, unrecordable ways. Some documented events, however, are defined by these dilemmas. The UK debate over the existence and status of Iraq's weapons of mass destruction (WMD) program was one such event.

In this section, we will provide a brief overview of the events surrounding the run-up to the invasion of Iraq.[15] Then we will examine the dilemmas faced by various key actors, as well as their possible motivations in responding to those dilemmas.

The American and British decision to invade Iraq was publicly justified on the grounds that Saddam Hussein was in possession of, and was prepared to use, Weapons of Mass Destruction (WMD). Specifically, Iraq had a Chemical and Biological Weapons (CBW) program and was in the process of developing nuclear weapons.

The British government faced a serious crisis in the run-up to the invasion. Many of Tony Blair's Labour Party's Members of Parliament were suspicious of the motives for and the wisdom of going to war and were prepared to vote against Blair on the

[15] We provided a more extensive account of these events in (Dubnick and O'Kelly 2005).

issue. This would possibly have dealt a fatal blow to Blair's administration, and might have prevented a US-led military engagement with Iraq.

These suspicions led the government, in September 2002, to publish a dossier – 'Iraq's Weapons of Mass Destruction' – outlining the intelligence assessment of the threat that Iraq posed.[16] This step was unprecedented. It was the first time that the Joint Intelligence Committee (JIC) was to make public a report.[17] Conventionally, intelligence assessments were kept strictly separate from direct interventions in political life. They were certainly not generally made public.

The foreword, signed by Blair, set out the government's case for tackling Iraq, while the executive summary, though it listed the central claims about Iraq and WMD, "took the form of a judgment. It was not a summary of the main points in the text" (Scarlett, 2003a, 101:10-13, 79:10-21). One central allegation, contained in both the foreword and the executive summary, however, was the revelation that Iraq could activate its WMD within 45 minutes of an order to deploy.[18]

Although much of the evidence in the dossier was not new, the new information was sufficiently compelling to persuade many of the dissenters in Parliament, thus bringing a majority of MPs behind Blair. Just as importantly, the 45 minutes claim

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[16] A second dossier was published in February 2003. It quickly came to light that parts of this dossier had been plagiarised from a 12 year old PhD thesis.

[17] The JIC's task is to make high level intelligence judgments. It is the interface between Britain's intelligence community and political actors.

[18] The Dossier, Iraq's Weapons of Mass Destruction, and all other material presented to the Hutton Inquiry, is openly available; see http://www.the-hutton-inquiry.org.uk; the Dossier is available at http://www.the-hutton-inquiry.org.uk/content/evidence-lists/evidence-dos.htm.

was carried as the lead story in a number of British newspapers the day after the publication of the dossier.

The following year, in May 2003, the BBC's early morning news program, *Today*, broadcast a report on the dossier by Andrew Gilligan, their defence correspondent. [19] Gilligan reported a source as having alleged, among other things, that the 45 minute claim had been inserted despite the government and intelligence communities knowing that it was inaccurate and that Alistair Campbell, Tony Blair's director of communications and strategy, had intervened in the intelligence agencies' drafting of the dossier with a view towards making it provide a more compelling case for war.

This report led to a long and serious rift between the government and the BBC. The government, especially Alistair Campbell, put enormous pressure on Gilligan to name the source for his story so that his or her veracity could be tested. At the same time, the Foreign Affairs Select Committee (FAC) of the House of Commons began investigating the allegations that the justifications for war had been manipulated by the Prime Minister's office.

At the end of June, Dr. David Kelly, an official in the Ministry of Defence (MoD) and an expert on Iraqi WMD, came forward as the possible source. This was good news for the government, who decided that Kelly's being the source worked in their favor. His account of events differed from that of Gilligan. As Alastair Campbell wrote in

[19] Transcripts of this and other broadcasts relevant to the Inquiry are available at http://www.the-hutton-inquiry.org.uk/content/evidence-lists/evidence-bbc.htm.

his diary, "it would fuck Gilligan if that [Kelly] was his source."[20] Within a few weeks his name had been leaked to the media.

The FAC and the more secretive Intelligence and Security Committee (ISC) summoned Dr. Kelly to appear before them in July. During his testimony he attempted to stick with the line he had told his handlers in the MoD. He was unaware, however, that Andrew Gilligan had leaked to members of the FAC a transcript from another news program that had used Kelly as a source. This transcript completely exposed Dr. Kelly's story. By denying under oath that he was the source on the leaked transcript, he committed perjury.

Sadly, after appearing before FAC and ISC, Dr. Kelly committed suicide. The Hutton Inquiry, was established with the remit to investigate 'the Circumstances Surrounding the Death of Dr. David Kelly.' The Inquiry, while seeking to establish these circumstances, placed an enormous number of documents into the public realm. These documents provide a unique insight into the workings of government and intelligence agencies in the run-up to the invasion of Iraq.

Dilemmas: Public Administration and the Political Melée.

Final decisions about policy are not within the remit of the intelligence analyst's job. Instead, analysts are asked to apply their expertise to bear on sources and information, using them to construct neutral and objective assessments in the context of, as Dr. Brian Jones said, 'collateral evidence' (Jones 2003, 92:8).. This is easier said than

[20] Alastair Campbell's diary, 4 July 2003 submitted in evidence to the Hutton Inquiry, available at http://www.the-hutton-inquiry.org.uk/content/cab/cab_39_0001to0002.pdf..

done. According to one Central Intelligence Agency official, "The CIA is neither a policy nor a law-enforcement agency":

> Analysts do not have policy preferences. Analytic products do not lean in specific policy directions. The Agency produces intelligence free from political bias….
>
> Remaining relevant but neutral is a noble goal, but not an easy one. The lure of conforming to the view of reality held by interested players in the [political] Branches is strong, although our culture in the Intelligence Community alerts us to resist (Armstrong 2002).[21]

This 'lure of conforming' seems to have manifested itself in the intelligence community's drafting of the WMD dossier. Controversy within the community was put aside by the JIC when they approved an almost-final version of the dossier. Members of the committee, especially the chair, John Scarlett,[22] seemed torn between commitments to the central principles of intelligence work and his relationships and commitments to the senior politicians with which he worked. This sort of division, between 'thin' principles and 'thick' relationships, established the very category of dilemma that we outlined above.

A significant amount of pressure was placed on the intelligence community during this period. As Lord Hutton wrote in his report, "I consider that the possibility cannot be completely ruled out that the desire of the Prime Minister to have a dossier which, whilst consistent with the available intelligence, was as strong as possible in relation to the threat posed by Saddam Hussein's WMD, may have subconsciously influenced Mr Scarlett and the other members of the JIC to make the wording of the Dossier somewhat stronger than it would have been if it had been contained in a normal JIC

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[21] On the traditional and changing professional models for conducting intelligence, see (Ward 2002; Medina 2002).

[22] Since promoted by Tony Blair to the directorship of MI6, effectively Britain's equivalent of the CIA.

assessment" (Hutton 2003, p. 320). The continuous returning of dossier drafts when Downing Street[23] was not satisfied is likely to have put pressure on the JIC to adjust the document in accordance with political preferences. Additionally, on the 17th of September, John Scarlett received a 16 point memo from Alastair Campbell, seeking changes to the dossier. This and other contacts were justified on the grounds that the political actors wanted the dossier to be as clear as possible. At times, however, the line between clarity and changes in meaning was somewhat blurred. On the 19th of September, for example, Jonathan Powell (Downing Street's chief of staff) suggested changes to a claim that Saddam Hussein would use WMD if he felt threatened. Powell feared that this claim "backs up the… argument that there is no CBW threat and we will only create one if we attack him. I think you should redraft the para[graph]."[24] In the final draft, the claim states simply that "as part of Iraq's military planning, Saddam is willing to use chemical and biological weapons."

The main players in the process all faced dilemmas from different positions and perspectives. In the analysis below, we describe the positions of two main players: John Scarlett and Brian Jones. Scarlett, as we mentioned above, was chair of the JIC. Brian Jones was the former branch head in the Scientific and Technical Directorate of the Defence Intelligence Analysis (DIA) staff. Scarlett and Jones's testimonies at the Hutton Inquiry provide insights into how differing impressions of what was expected

[23] The colloquial name for the informal executive around the Prime Minister.

[24] Email from Jonathan Powell to John Scarlett, submitted in evidence to the Hutton Inquiry, available at http://www.the-hutton-inquiry.org.uk/content/cab/cab_11_0103.pdf. Don McIntyre, chief political correspondent of The Independent – he had argued that Saddam would only deploy WMD if attacked.

of them as intelligence professionals impacted on their responses to the dilemmas posed by the Iraqi WMD Dossier.

Dilemmas are, of course, a function of the conflicting bases for calculation vis-à-vis any action. We suggest three inter-related bases for these calculations: the individual's thoughts about the consequences of certain actions, their sense of self-interest in the context of their environment and the possible consequences they foresee and finally, their membership in a moral community.

This moral community can be characterized as based on thick relationships between individuals, with colleagues and clients developing reciprocal arrangements in pursuit of common goals. Alternatively, the moral community can be delineated through the thin principles upon which the institution is founded, with actors seeking to uphold and adhere to the fundamental norms that they regard to be the core of their roles. Of course, it is most likely that most individuals work within moral communities that are simultaneously characterized by both moral traits. It is the tensions between these traits that are the subject of our study. Specifically, we ask how the actors in the run-up to the invasion of Iraq resolved the tensions between the different morally valuable forces that they experienced.

This specific case is useful in part because, unusually, it forced people to choose between thick and thin relations. Given the circumstances and the pressures coming from the political level, the middle ground was completely eroded. With this in mind, we suggest that, faced with tough choices, Brian Jones chose to follow a thin ethical outlook and John Scarlett his attachment to thick relationships. David Kelly, who we will discuss briefly, attempted (fatally, as it turned out) to hold to both at the same time.

Dr. Brian Jones

In the weeks before the dossier's publication, Brian Jones attempted to raise some issues with his line manager. Members of Jones's department had raised concerns about the manner in which the intelligence was being presented. He had also attended meetings which included David Kelly (who, in general, seemed to approve of the dossier) at which people aired their worries about the manner in which the dossier was being presented. In a memo to his manager, Jones wrote, especially with regard to the executive summary, that

> Although we have no problem with a judgement based on intelligence that Saddam attaches great importance to possessing WMD we have not seen the intelligence that "shows" this to be the case. Nor have we seen intelligence that "shows" he does not regard them only as a weapon of last resort, although our judgement is that it would be sensible to assume he might use them in a number of other scenarios. The intelligence we have seen indicates rather than "shows" that Iraq has been planning to conceal its WMD capabilities, and it would be a reasonable to assume that he would do this.[25]

The manager attempted to address Jones's concerns by citing intelligence that corroborated the more troubling elements of the dossier. However, Jones was not allowed to see this 'further intelligence' and was not placated. At the same time, Jones's concerns, though raised with the JIC, were put aside because, the committee judged, the preponderance of the evidence provided a sound basis for the dossier. According to Anthony Cragg, the former deputy chief of defence intelligence, it seemed that John Scarlett, the head of the JIC, "was taking on-board the comment from Mr Campbell but not necessarily taking on-board the comment from the Defence Intelligence Staff" (Cragg 2003, 27.8-12).

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[25] Memo from Ministry of Defense official (Jones) to MA/DCDI etc., subnmitted as evidence to Hutton Inquiry, available at http://www.the-hutton-inquiry.org.uk/content/mod/mod_22_0001to0002.pdf.

Jones's memo was crucial to an understanding of events, giving as it did the lie to the government's claim that there was no dissent over the memo in the intelligence community. For Jones, though he wanted to see Saddam Hussein toppled, political advantage was not relevant to the construction of intelligence analysis. He certainly felt liable for the quality of intelligence, and did not want his department to come into the spotlight if the claims in the dossier were found to be unwarranted. This is surely part of the motivation for his memo. At the same time, however, he favored an attachment to truth, meaning the application of expertise to intelligence with the intention of producing as accurate a report of any situation as possible, caveats and all.

We should not underestimate the motivating strength of such thin principles. It provided the framework of meaning for Jones and others. When Lord Hutton asked Jones if his concerns were "matters of language," Jones answered that "they were about language but language is the means by which we communicate an assessment so they were also about the assessment" (Jones 2003, 76.4-15). For intelligence to maintain its value, the founding principles of analysis must be adhered to.

John Scarlett.

Of course, life was somewhat more difficult for John Scarlett. He had day-to-day contact with politicians and policy-makers and it is likely that he had some (justifiable) commitment to the policy aims of the government in addition to his intelligence obligations. Moreover, he was in a more sensitive position than Jones, with far less room for manoeuvre between the various pressures and attachments that he experienced. A person in Scarlett's position cannot avoid the tension between their

professional responsibilities and being answerable to politicians, with whom they are in daily contact.

This tension was inadvertently made explicit in a memo from Campbell to Scarlett, dated 9 September 2002. Campbell told Scarlett that the dossier "must be, and be seen to be, the work of you and your team, and…its credibility depends fundamentally upon that."[26] The implication that part of the JIC's role was to confer legitimacy on the dossier may have been intended as a means to emphasize the fact that the JIC had ownership over it. Nevertheless, it highlights the divergent pressures that Scarlett faced, standing as he did at the juncture of political will and the more sceptical intelligence community.

Scarlett could have taken a strict line on the role of the JIC, akin to that described by the CIA analyst above. He could have claimed that the JIC's role did not extend to assisting the government with the presentation of materials, given the obvious hazards involved. Unfortunately, as the 2004 Butler review of "Intelligence on Weapons of Mass Destruction" found efforts to maintain neutrality while simultaneously serving the aims of government "put a strain on them in seeking to maintain their normal standards of neutral and objective assessment."[27] The report recognised that

> there is a real dilemma between giving the public an authoritative account of the intelligence picture and protecting the objectivity of the JIC from the pressures imposed by providing information for public debate. It is

[26] Note of meeting from Campbell to Scarlett, September 9, 2002, submitted in evidence to Hutton Inquiry, available at http://www.the-hutton-inquiry.org.uk/content/cab/cab_6_0002to0004.pdf.

[27] See the The Butler Inquiry Report, 2004, London: The Stationary Office, available at http://www.butlerreview.org.uk/

> difficult to resolve these requirements. We conclude, with the benefit of hindsight, that making public that the JIC had authorship of the dossier was a mistaken judgement, though we do not criticise the JIC for taking responsibility for clearance of the intelligence content of the document (p. 114).

In the end, faced with these dilemmas, Scarlett seemed to shift towards a thick ethic, favoring the aims and political will of government over the thinner principles of the intelligence community.

Conclusion

It is of course tempting to speculate as to the motives of David Kelly in the affair. Nothing is possible, however, apart from speculation. It may be that Kelly was torn in the eroded middle ground, maintaining a loyalty to principles of good intelligence analysis and simultaneously to his colleagues. Or Kelly may simply have suffered from a certain naivety towards the media and a propensity towards informality in inappropriate circumstances. In other words, it would be reasonable to suggest that Kelly's words with Gilligan were, at least in part, motivated by some degree of moral reasoning. It would also be reasonable, however, to argue that Kelly might have been better served to exercise restraint in the conversation. His words do not come across as a purposeful leak but as an inadvertent engagement in gossip.

Nevertheless, it is reasonable to assume that all the key players in the affair approached their choices seriously. That is to say, we might surmise that they took themselves to be in morally significant situations and attempted to balance the various demands that were being made of them as best they could. At the same time, however, it would be reasonable to suggest that the main players were responding to significant institutional pressures in coming to their decisions. These pressures, whether mediated by careerist concerns or by fear of coercion or (perhaps in the case of Kelly) the

threatened loss of privileges, must have had a bearing on the decisions that people made.

Although the specific case in hand is more stark than might arise in most public administrators' lives, it does highlight the manner in which institutions can try to address agency in the face of dilemmas by bulldozing moral agency itself. Instead, institutional arrangements in the preparation of the dossier, whether formally or through less transparent channels, seem to have been designed to encourage an approach that was compatible with the result that Downing Street wished to see.

The fact that people may have included non-moral concerns in their calculations is not particularly significant. What we should note, however is that incentive systems were built around them that specifically discouraged dissent and perhaps even reflection. If we are to take choices seriously, forcing people to behave in pre-determined ways, or to subsume their moral reasoning, will not lead to more ethical decisions. It will only lead to less thoughtful ones.

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