Taking Tough Choices Seriously: Public Administration and Individual Moral Agency[1]

Originally prepared for presentation at 66th Annual National Conference, American Society for Public Administration, April 2-5, 2005, Milwaukee, WI.

Revised for presentation at Conference on Ethics and Integrity of Governance: The first transatlantic dialogue, June 2-5, 2005, Leuven (Belgium) and Institute of Governance Seminar, 18 May 2005

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Abstract:
Using the concepts of thick and thin relationships as the basis for ethical behavior, this paper critiques the emphasis on discretion in the mainstream administrative ethics literature and argues that moral and other dilemmas facing public administrators provides a more useful frame. Two examples drawn from the UK Hutton Investigation into the death of David Kelly are used to demonstrate the relevance and usefulness of this approach.

The thoughtful bureaucrat is the subject of this article. 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.[2] 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 its 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."[3]

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 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 twelve 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 article we claim, pacé Thompson, that administrative ethics, defined simply 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 (Dubnick and Romzek 1993). 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, relying on examples drawn from the UK Hutton Investigation into the death of David Kelly, 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. 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 broadly defined normative endeavor.[4] 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[5] 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 not typically associated with questions of administrative ethics 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 Governing Prisons (DiIulio 1987).[6] While not explicitly focused on issues of ethical choice and moral agency,[7] 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 incomplete and 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 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.[8] 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 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 the five authors discussed above, the distinction is implied in the approaches of other contemporary moral theorists who have explored the role of morality and ethics beyond the traditional focus on universal standards and impartiality. Responding to the challenges posed by Anscombe (Anscombe 1997/1958), Gilligan (Gilligan 1993) and others (Hinman 1998, esp. chapter 8), moral theory has increasingly attended to the issues posed by context, pluralism and the demands for (and some would argue, necessity of) partiality that confront moral agents.

Just as many students of modern moral theory have given more attention to contextualized arenas that stress particularity and partiality,[9] so the field of administrative ethics must refocus its attention to the level of real world dilemmas a move that will require a reconsideration of the research agenda from its current focus on examining and prescribing implicit and explicit public service values and norms. Instead, greater attention should be paid to the relevance of those many studies of dilemma-facing bureaucracies with the intent of evaluating their actions as moral agents in challenging contexts.

[FIGURE 1 HERE]

Fortunately, that project has the advantage of a well established and qualitatively rich literature that has generated a range of models of administrative behavior under varying contexts. Figure 1 provides an means for framing these various studies and associated models within two dimensions that define dilemma-facing behaviors: the moral viewpoint assumed by the agent (as an individual subject, as an actor within a relationship, and as one committed to some transcendent standard), and the form of agency the agent applies (reactive, reasoning, rationality).

The first dimension that of moral viewpoint highlights the role that perspective plays in the confronting of dilemmas. Moral theories have assumed a range of existential viewpoints, from the intuitivist focus on the individual subject (Audi 2004, Audi 1997), to the ethics generated by relating to others (Strawson 1962, Wallace 1994), to

the perspective of the 'ideal observer' (also proffered as the 'view from nowhere') (Firth 1952, Nagel 1986). The second dimension focuses on types of agency[10] highlighted in contemporary moral theories, ranging from reactive (intuitive, attitudinal or emotive) (Elster 1999, Moldoveanu and Nohria 2002, Nussbaum 2001, Schoeman 1987, Zigler 1999), to reasonable (reflective, deliberative, thoughtful) (Toulmin 1950, Toulmin 2001) or rational (largely calculative, instrumental or strategic) (Simon 1978, Wallace 1999).

Within these two dimensions we are able to capture many of the major models of bureaucratic behavior in the general literature of public administration as they might apply to the dilemma-facing situations we regard as central to administrative ethics. The noted models in figure 1 are provided as examples for present purposes, and there are possible alternatives for each.

Some of the models noted are well known. For example, Herbert Simon's view of the administrative decision maker as an individual capable of "bounded rationality" (Simon 1957, Simon 1978, Simon 1959) has been the subject of considerable rethinking in recent years, some of it critical (Griesinger 1990, Langley, et al. 1995, Mumby and Putnam 1992) but most of it aimed at exploring the model's applicability to issues beyond organizational and economic decision making (Gigerenzer and Selten 2001, Jones 1999, Jones 2002, Jones 2001, Knudsen 2003). Niskanen's "budget-maximizing bureaucracy" model (Niskanen 1971, Niskanen 1980), applied here as the "strategic bureaucrat" model, has more often been cited for ideological purposes, but it has proven useful for analyzing administrative behavior in strategic contexts (Bendor, et al. 1985, Blais and Dion 1991, Dolan 2002).[11] Wilson's often

cited study of bureaucratic behavior under multiple constraints (Wilson 1989) generated a model noted here as the "adaptive bureaucrat" that is related to a number of related formal and empirical efforts (Bendor and Moe 1985, Moe 1985, Wood and Bohte 2004, Wood and Waterman 1993). In addition, Schön's well known model of the reflective practitioner (Schön 1983) applied here as the "reflexive bureaucrat" is closely related to his work with Argyris on "learning organizations" and other efforts to make reflection a key factor in administrative and policy decision making (Argyris and Schön 1978, Schön 1971, Schön and Rein 1994)

Within the field of public administration ethics, the work of Frederickson, Hart and others on social equity (Frederickson 1980, Frederickson 1990, Harmon 1974, Hart 1974, Marini 1971, McGregor 1974) can be associated with a model of the "just bureaucrat", and the related model of the "virtuous bureaucrat" emerges as well from the work of Hart and Frederickson (Frederickson and Hart 1985, Hart 1984, Hart and Smith 1988).

The two additional models are related to the growing literature on accountability. After more than two decades of experimental research on the behavior of individual on varying conditions of answerability, social psychologist Philip Tetlock and his colleagues (Lerner and Tetlock 1999, Tetlock 2002) have developed what he terms the "intuitive politician" (adapted to the intuitive bureaucrat here) model in which individuals tend to related to their perceived audiences. Working with concepts and approaches to accountability developed by Strawsonian moral theorists (Strawson 1962, Wallace 1994) and in the sociological study of excuse making and account giving behavior (Benoit 1995, Read 1992, Riordan, et al. 1983, Scott and Lyman

1968), Dubnick and colleagues have been developing a model of the "blameworthy bureaucrat" whose behavior reflects a distinct approach to contending with the expectations of daily routines under varying contextual conditions (Dubnick 2003, Dubnick 1996, Dubnick and Justice 2004, Dubnick and Justice 2002).

A final model, surprisingly less well developed empirically or theoretically than most of the others,[12] is that of the "moralistic bureaucrat" the public administrator who assumes a principled approach to his or her job on a regular basis. The sharpest renditions of this model are found in literature,, from the fanatical devotion to duty of Inspector Javert in Victor Hugo's Les Miserables to certain characters in detective fiction (Gormley 2001). In real life, what we know about the moralist comes from studies of whistle blowers which provide insight into individuals who have typically assumed their status in a heroic moment, but whose behavior prior to blowing the whistle may have been less than exemplary. In characterizing those individuals, the studies used phrases such as "the committed" (Jos, et al. 1989), "secular saints" (Grant 2002), and "ethically autonomous" (Alford 1999). In a study aimed at examining the predispositions of individuals to blow the whistle, there was evidence of strong "public service norms" (Brewer and Selden 1998), but little in the way of characterizations that can be applied to constructing a more nuanced model for the moralistic bureaucrat. Nevertheless, and as the study below indicates, there is considerable evidence that such a "type" exists beyond the logical elaboration of this framework.

The hypothesized relevance of these various models to the thick-thin social relationship distinction stressed here is reflected in the diagonal line drawn from top

left to lower right in the figure. The arrows on both ends of that line represent the tensions manifest in the lives of public administrators as they confront the dilemmas posed by pressures to simultaneously contend with the demands and expectations of thick and thin relationships. Viewed in this way, the focus of attention in the study of administrative ethics should not be exclusively or even primarily on choices between ethical or unethical (or moral or immoral) behavior, but rather on the behaviors and mechanisms (institutional, social, etc.) applied in the constant effort to deal with the push and pull of ethical and moral claims. The study of "right" behavior with the intent of establishing and assessing ethical standards and codes has its place on the agenda of concerns (Bowman 2000, L'Etang 1992, Van Wart 1996), as do issues related to the examination of corrupt and criminal behavior in the public realm (Anechiarico and Jacobs 1994, deLeon 1993, Meier and Holbrook 1992, Philp 2001, Rose-Ackerman 1999, Zimmerman 1994). But the long-standing preoccupation with these projects has obscured the lessons for administrative ethics implied in the research on bureaucratic behavior reflected in the models highlighted in the figure. In the words of the late Stuart Hampshire, we need to be less concerned with the work of the moral judge and more concerned with the life of the moral agent (Hampshire 1949).

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.[13]

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 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 dlemmas. 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.[14] 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 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. [15] This step was unprecedented. It was the first time that the Joint Intelligence Committee (JIC) was to make public a report.[16] 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.[17]

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 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.[18] 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

his diary, "it would fuck Gilligan if that [Kelly] was his source."[19] 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 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).[20]

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,[21] 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 assessment" (Hutton 2003, p. 320). The continuous returning of dossier drafts when Downing Street[22] 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]."[23] 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 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 interrelated 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.[24]

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).

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."[25] 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."[26] 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 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.

Analysis and Conclusion

In the study of public administration, much has been made of Miles Law that posits that "where you stand depends on where you sit" (Miles 1978), and to a considerable extent that adage applies to the differences between John Scarlett and Brian Jones as reflected in the Hutton inquiry evidence. It is clear from the evidence that each man was subject to substantial pressures and both understood what would be defined as a desirable outcome from the viewpoint of 10 Downing Street. In addition, it is also clear that on a personal level both believed there actually was sufficient cause to launch an action against Saddam Hussein and his regime. The questions they faced

related to the specifics of the intelligence being presented and how it was presented. On this point, each approached their dilemma differently, and how one regards those different approaches is also subject to Miles Law.

If we were to assume the position of moral judge, the very nature of our task would be to assess the morality or ethicality — the rightness or wrongness — of the respective approaches and decisions. Doing so necessarily begs the question of what we are to regard as right or wrong behavior, and detracts from the more important task of understanding the exercise of moral agency.

Focusing on the issue of moral agency — how each of our protagonists contended with the dilemmas of the situation — leads to a more fruitful analysis. Much can be made, for example, of Scarlett's place high in the agency hierarchy relative to Jones' position. But even more significant in the case of these two intelligence officers was their respective proximity to certain groups that formed the basis of the social relationships characterizing their jobs. Jones worked among specialized analysts whose views likely reflected the professional norms highly regarded within the intelligence community. The relationships among professional peers can be as "thick" as any social group, as evident in the "band of brothers" phenomena found among military and other uniformed services. But the power of collective commitment to standards that stress principle above partiality can prove to have a "thinning" influence, especially when those standards are perceived as "morally" correct.

Scarlett, in contrast, worked at the interface between the intelligence community and the political officials tasked with making decisions in the highly charged atmosphere of international relations. While professional norms were clearly important in his

considerations, he operated in an environment where the relationships were not merely thicker but also quite diverse, with a range of legitimate claims and expectations emerging from the public policy milieu surrounding the JIC. In such a context a strident moralist is likely to prove dysfunctional, and it is unlikely that such an individual would be found sitting at that table. It is more probable that those who advance to positions higher in the intelligence community will be more adaptive in their approach. Pressures created by the unique circumstances of 2003 could have pushed an adaptive bureaucrat toward the more thin (principled) approached of Jones, but it is understandable how an intelligence professional like Scarlett was pulled toward the more intuitive responses given his exposure to thicker relationships.

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 – the kind of behavior associated with the intuitive bureaucrat model.

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 in different ways 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.

Notes:

1 This article was originally prepared for presentation at 66th Annual National Conference, American Society for Public Administration, April 2–5, 2005 (Milwaukee) and revised for presentation at Queen's University Brown Bag seminar, May 18, 2005 (Belfast) and the Conference on Ethics and Integrity of Governance: The first transatlantic dialogue, June 2–5, 2005, Leuven (Belgium). The authors would like to thank the participants at all those venues, but especially Domonic Bearfield, Kathe Callahan, Jonathan Justice, Robert Schwartz, Frank Fischer, Cillian McBride and Jenny Muir.

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

3 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)

4 A similar situation existed in the study of moral philosophy generally for most of the past century. The dominance of the Kantian perspective on moral theory a view that stressed the development and assessment of moral judgment was so pervasive that it all but eliminated concern for moral agency that was central to Aristotelian traditions in the study of ethics. This was a critical point in MacIntyre's critique of moral philosophy (MacIntyre 1984) and was stated earlier in Anscombe 1997 (1958) and Hampshire 1949.

5 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.

6 More generally, see Wilson 1989.

7 However, see DiIulio 1994.

8 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.

9 On efforts to contend with the challenge of particularism, see Gewirth 1988, O'Neill 1996, and O'Neill 1997. On the challenge of partiality, see Friedman 1989, Stark 1997, Walker 1991, West 2000, Wolf 1992.

10 On the concept of agency, see Emirbayer and Mische 1998.

11 Closely related is the "bureaucratic politics" model made famous by Graham Allison in his study of the Cuban missile crisis (Allison 1969, Allison 1971, Allison and Halperin 1972), but it has proven to have significant logical and empirical flaws (see Bendor and Hammond 1992). However, for an effort to revise the model, see Welch 1998 and Weldes 1998.

12 At first it might seem that DiIulio's concept of the "principled agent" might be suitable for this type. But as he develops the model, it is more relevant as a form of adaptive or reflexive bureaucrat; see DiIulio 1994.

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

14 We provided a more extensive account of these events in Dubnick and O'Kelly 2005.

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

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

17 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.

18 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.

19 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..

20 On the traditional and changing professional models for conducting intelligence, see Ward 2002; Medina 2002.

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

22 The colloquial name for the informal executive around the Prime Minister.

23 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.

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

25 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.

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

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