

Reinforcing and Enlarging Duty: The Philosophical Bases of Ethical Behavior and the Ethics Triangle¹

Three major alternative approaches to grounding and organizing ethical thinking are drawn from philosophic traditions. These approaches are based on virtue, principle, and consequences. Each has important advantages and amplifies the understanding of duty, but each has shortcomings as well, especially if used alone and in a limited or distorted way. As noted in a previous chapter, it is possible to develop a robust and highly relevant set of ethical expectations based on examination of the requirements of public duty.

Extending the discussion to consider philosophical approaches, however, is important for three reasons. First, it is not possible to describe the basic responsibilities of public administrators without reference to these traditions, particularly virtue and principle. For example, we have already considered the service orientation, which reflects the virtue of benevolence and the principle of procedural fairness. The values that support the complementary relationship of administrators and political superiors presume that administrators are ethically grounded. Having greater understanding of the perspectives helps to deepen the understanding of ethical choices based on a sense of duty-based responsibility. Second, the duty-based responsibilities are useful as far as they go, but these responsibilities do not attempt to probe the nature of goodness, the meaning of justice, or the weighing of benefits. Understanding the philosophic perspectives helps to broaden the range of ethical choices beyond those that might be identified considering duty alone. Third, using all the perspectives can help to assure that all possible options have been considered in examining a complex ethical decision. The perspectives help to identify and sort out ethical choices.

The major contenders for being the philosophical base of administrative ethics are virtue, principle, and consequences. These approaches have been summarized well by Richter, Burke, and Doig (1990, 2–3) in their essay for the American Society for Public Administration collection of readings, *Combating Corruption/Encouraging Ethics*.² The first, which looks to the qualities of the good person for the standards of ethical conduct, has been advanced by Cooper (1987) and the Josephson Institute (1988), among others. The second, the principle-based approach, applies universal principles to determine ethical choices, as advocated by Ralph Chandler (1994) and by David Hart (1974) drawing on Rawls's theory of justice. Although Kathryn Denhardt (1988, 53) is reluctant to make a clear-cut choice between deontological (principle) and teleological (consequences) approaches to ethics, she acknowledges that she considers the former approach to be "more defensible." The consequentialist approach, a third perspective, looks at the results of actions and seeks to promote some end, such as the greatest good, drawing on utilitarian ethics. It has few proponents but many practitioners. Reviewing the three ethical approaches supports the conclusion that use of all of them helps to avoid the shortcomings and potential misuse of any of the models used singly as well as the shortcomings of using duty alone. One is best grounded when operating within an ethics triangle formed by the three approaches with duty at the center.

Each of the elements has a different kind of "claim" for its validity. As noted, duty has obvious validity because it is derived from the nature of the public service position itself. The virtue-based approach looks inward at the qualities that characterize an exemplary person and claims that these should guide ethical thinking. The principle-based approach looks to external standards of behavior and claims that these standards should always be observed. The consequentialist approach looks at the results of actions and claims that achieving the best outcome is the most ethical action.

In the next three sections, we will examine each approach and consider their advantages and disadvantages as guides to ethical analysis and behavior. For each approach, the central idea will be identified. It represents the "ideal" quality, behavior, or condition associated with each approach, just as public interest is the central idea of the duty-based approach. In the concluding section, we will combine the three approaches, along with the duty-based approach, in a model of administrative ethics. Using the model, we will present ways to use the perspectives together.

VIRTUE AND INTUITION

Two distinct but related elements are included in this approach. First, the basis of ethics is a set of qualities that defines what a good person is. The virtuous person manifests and acts on the characteristics that mark

one as a person of character and integrity. Second, the nature of ethical decision making is intuitive. One grasps in a holistic way what a good person would do in a given situation. The sense that “I know what I have to do” comes from one’s being, instead of coming from reflection or from an analysis of the situation (which are necessary in the next two approaches). Charles Garofalo and Dean Geuras (1999) present these two as separate approaches, but they are so closely linked that separation seems artificial.³ Intuition may provide the spark of recognition that an ethical issue is being encountered, and it may provide the initial impulse for action. Insofar as there is critical examination, it is guided by the question “What would a good person do?” This in turn may lead to considering how different aspects of one’s nature might impel one to choose alternative courses of action. The guiding impulse, however, is the feeling that one should act based on one’s character. Dobel (1999, 217) acknowledges that ethics based on character does not address the larger issue of “the right” (the principle), but he believes that “focusing on integrity does illuminate many powerful obligations of officials.” Thus, in his view, one can rely on a virtue-based approach alone to achieve ethics, and it will lead one to consider other approaches to ethical action as well.

For administrators to be virtuous, they must develop their personal traits and put them into practice. To Aristotle, the ultimate good is an active life in accord with excellence, and virtue is required to achieve excellence.⁴ Virtues are within us, but their utilization is not automatic. “Virtues exist innately, as potentialities, within each individual,” David Hart (1994, 113–14) argues, “and they push for actualization in the life of the individual.” The expansion of virtue is based on practice and the development of habits of goodness (Wilson 1991). Speaking about the virtue of courage, James Toner (2005, 111) offers this explanation of how practice contributes to virtue:

Aristotle believed that we become brave by doing brave acts. At the time of an act, *we are*; we do the act and *we become*. We become, we are. The next time we encounter a challenge, we are better than we were before. This is a virtuous circle in much the same way that a vicious circle means failure leading to failure, resulting over time in a character of failure.

The result is not simple mechanical habits, but “habitus” or a disposition to lead a moral life (Toner 2005, 120).

Some debate exists about which virtues are most important or are essential to other virtues (the cardinal virtues), and Hart (1994, 118) acknowledges that the cardinal virtues must be “intentionally cultivated.” Some argue for the minimal number of virtues with others being derived from these cardinal virtues. Frankena (1963, 50) takes this approach and uses benevolence and justice as the essential virtues. Toner (2005), who focuses on the ethics of military officers, stresses prudence, justice, courage, and temperance. The Michael Josephson Institute (2002, 7–14), on the other hand, identified six pillars of character (ethical values to guide choices), some of which are associated with additional virtues:

1. Trustworthiness
 - Honesty
 - Integrity
 - Reliability (promise keeping)
 - Loyalty
2. Respect
 - Civility, courtesy, and decency
 - Dignity and autonomy
 - Tolerance and acceptance
3. Responsibility
 - Accountability
 - Pursuit of excellence
 - Self-restraint
4. Fairness
 - Process
 - Impartiality
 - Equity
5. Caring
6. Citizenship

Beyond these, Cooper (1987, 324) adds rationality, prudence, respect for law, self-discipline, civility, and independence.

Advantages of the Virtuous Approach

As just noted, one of the advantages of ethics based on virtue is that ethical choice is intuitive. Essentially, one asks the question “Who shall I be?” This gives what Bernard Mayo (in Sommers 1985, 175) calls a “unity to our answer.” It is not the logical unity that a set of principles would purport to provide, but rather “the unity of character. A person’s character is not merely a list of dispositions; it has the organic unity of something that is more than the sum of its parts” (175). Thus, whether one’s list of virtues is short or long, it should have coherence if one has developed the habits and dispositions that help one achieve an active life in accord with excellence.

From one perspective, it is hard to fault this approach because of its emphasis on goodness. Wouldn’t it be desirable to direct an agency full of virtuous employees? Posing the question in this way may, in fact, produce some reservations. For this approach and the others, there are advantages and disadvantages in using the approach in “pure” form, as well as some problems that might come from using the model too much—overutilization—and using it too little—underutilization.

The chief advantage is easy accessibility to ethical standards. Virtues commonly draw on the core societal values that are inculcated from childhood. Thus, the administrator does not have to learn how to be virtuous, although his or her virtue must be practiced and honed. Hart (1994, 114) reminds us that one pursues virtue rather than ever achieving it. An additional advantage is that acting virtuously reflects an intention by the individual to be good. Unlike the other approaches that stress reflection and analysis, the virtuous approach is based on positive motives. It is also clearly an individual choice to be virtuous; there is less inclination to rely on or defer to external authority or sources of guidance in resolving ethical issues. In the best sense of the term, virtue can become one’s “second nature.”

Disadvantages of the Virtuous Approach

Disadvantages of the virtuous approach are several. An administrator may want to *be* good, but does he or she know how to *do* good; in other words, he or she may not know what actions are appropriate for each of the virtues. Definitions of virtues may be circular. For example, Mayo (in Sommers 1985, 172) defines the virtue of justice as “a quality of character, and a just action is one such as a just man would do.” To decide what a just person would do without consulting a principle of justice is difficult. In addition, how does one choose among alternative virtues that may lead one to act in different ways (choosing between competing “goods”)? The very simplicity of virtues and their proximity to values of everyday living make them poor guides if used exclusively in dealing with complex situations in which the special conditions of the public sector must be taken into account. For example, is it right to participate in an urban renewal project that harms some in the short run—those displaced and relocated even if “fairly” compensated—and destroys some features of the built and natural environment in order to produce change that brings greater benefits to more people in the long run (assuming for the sake of argument that the project actually does accomplish these ends)?

Related to this problem is the question of where the ethical private person ends and the ethical administrator begins. Hart (1994, 116) asserts that “virtue requires that followers *always* question the ends to which their actions are to be directed, and never allow their virtue to be used to advance morally wrong causes.” From what perspective, however, does one question the end pursued if one’s own ideological preferences or personal (nonmoral) values differ from the values that have been authoritatively and legitimately established through the political process? How does the administrator balance appropriate accountability and respect for political supremacy with being virtuous?

In sum, the truly virtuous administrator may be good but not know how to do good, not know which way to be good among alternative virtues, and not know how to distinguish being good as a private person and as an administrator. It is hard to resolve these issues without reference to other sources of moral guidance that could come from other ethical approaches; that is, by referring to principles or consequences.

Problems with Over- and Underutilization

Other problems occur when an administrator over- or underuses virtue. We cannot dismiss the possibility that

an administrator will think that he or she is “too” good. Self-righteousness can lead the administrator to believe that only he or she knows what is right. A sense of moral superiority can follow. Another potential pitfall is confusing being and doing. If an administrator is convinced that he or she is good, then it is not hard to believe that what he or she does is good and right as well: “My goodness makes my actions good” or “My pure motives make my actions pure.” The “Robin HUD” case during the Reagan administration that involved a person who misused government funds out of a misplaced definition of goodness is an example (Lewis 1991, 42–43). An independent test of whether one’s good-intentioned actions are right based on principles or consequences may be an important corrective.

If the habits of virtue are not firmly established or well-honed, then the problem of drawing guidance from virtue in the choice of action is exacerbated. Relying on virtue potentially permits wide variation in interpretation and action. In addition, one might choose a virtue that works even though it is not the best for a situation, for example, being benevolent when one ought to be just or being loyal when one should be courageous. When virtue is weakly developed, the intuitive approach to decision making can be simplified to the point that ethical content has been lost. The newspaper or mirror tests rely on questions such as “Would I want my mother or my children to know I did this?” These tests promote “virtue” only to avoid punishment or embarrassment. If an administrator could convince him- or herself that no one would ever know about an action, then there is no reason not to do it. The gut reaction that can become very sensitive to wrongdoing by developing the habits of virtue can also be desensitized as well by weakly developed virtues and poor habits.

In conclusion, administrators should be virtuous, but not only virtuous. They should be intuitive, but also reflective and analytical. The central idea that can be taken from this approach is character.⁵ It goes beyond separate virtues that guide facets of behavior (being honest in communication with citizens or being loyal in dealings with the organization) and unifies them into a coherent and comprehensive commitment. Character also links values to action. Character is the “predisposition to behave consistently with one’s espoused values and principles” (Cooper 2004, 398). The Josephson Institute (1988) views values as the “pillars” of character. To Edwin DeLattre (1994), the hallmark of ethical police officers is excellence of character. To Toner (2005, 144), “character is about habitus, settled dispositions toward the good.”

DEONTOLOGY AND THE PRINCIPLE-BASED APPROACH

If administrators are principled rather than virtuous, they base their ethical decision making on the application of principles. Deontologists use agreed-upon or settled values to determine one’s moral obligation to act. Virtue and principles are not in conflict and may reinforce each other. According to the Josephson Institute (1988), “we translate values into principles so they can guide and motivate ethical conduct. Ethical principles are the rules of conduct that derive from ethical values.”⁶ Still, the principle-based approach would refer to and rely on the rules rather than the virtues. To use this approach, administrators need to have knowledge of a set of principles and the deductive capacity to appropriately apply those principles to actual situations.

Principles identify “kinds of action that are right or obligatory” (Frankena 1963, 49). Rule-deontologists seek to establish principles that will apply to a variety of situations.⁷ This approach is closely related to the duty-based approach to ethics.⁸ The distinction made is in the source of the expected behavior. The principle-based approach emphasizes what is right in a universal or objectively verifiable sense, whereas the duty-based approach emphasizes obligations derived from the nature of the public service role.

A critical issue in this approach is from where the principles come. At a basic level, we look to law as the source of direction for how to act. For administrators to be accountable and responsible, they must be bound by law. A central feature of democratic governments is that they are based on laws, not the personal preferences of the men and women who work for government (Marx 1949). To act according to the law, however, does not necessarily mean that one understands the principled basis for the law nor the principles that might raise questions about whether the law is sound. To look only to the law as a source of principle is to remain at Kohlberg’s Stage 4 of moral development (Kohlberg 1981).

One way to identify universal principles is to identify overarching guidelines from which the principles can be derived. There are two important systematic approaches to identifying principles that are commonly cited in the literature on public administration ethics. One is Kantianism. In Immanuel Kant’s approach (adapted from Chandler 1994, 149), consequences or the ends attained by actions are not what determines moral obligation. The moral worth of an action is determined by the principle from which the action is performed. As a guide to developing principles, Kant provided the categorical imperative: “one should act only as if one were legislating a universal law for everyone to follow in a preferred world” (Richter and Burke 2007, 24).

There are two principles that Kant derived from the categorical imperative that stand out. First, people are

never to be treated in an instrumental way as a means to an end, but only as ends in themselves. Second, one should never lie. The Kantian position is that principles are universally and invariably applicable.⁹ Thus, one should never deviate from principle regardless of the consequences. This injunction points to the likelihood of tension between the principle-based and the consequentialist approach, which we will examine later.

A second major contender for a systematic framework for deriving principles is John Rawls's *A Theory of Justice* (1971, 302). Rawls's starting point is to create a hypothetical situation. It assumes that the "original position" of persons is behind a "veil of ignorance" that prevents them from knowing their age, sex, religious beliefs, social standing, and so on. In this situation, when they make rational calculations about principles of justice, they will choose two principles:

- First principle: Each person is to have an equal right to the most extensive total system of equal basic liberty compatible with a similar system of liberty for all.
- Second principle: Social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged.

These principles provide a philosophical justification for definitions of equity that target benefits to individuals in need or redistribute resources to reduce social and economic inequalities. The recognition of the need to examine the social basis of inequality in society has been a major theme in public administration since the New Public Administration movement (Marini 1971), and principle-based arguments for advancing equity have contributed to the development of administrative ethics (Hart 1974). The ASPA Code of Ethics approved in 2013 adds the requirement to "strengthen social equity" (American Society for Public Administration 2013a).

Denhardt (1988, 45) argues that certain principles are widely accepted in western society, including the following:

- Truth telling
- Promise keeping
- The sanctity of the individual
- The sanctity of life
- Justice

Additional sources of principles for American public administrators include basic cultural, social, and political values that define a society and its system of governance (called regime values) such as democracy, freedom, property, and the like (Rohr 1989).

David Rosenbloom (1992) has identified the Constitution's protection of substantive rights (freedom of speech, due process, and equal protection) as ethical guides. He also points out, however, that the Constitution—which once supported slavery, still permits capital punishment, and has limited protections for women's rights—cannot be relied on exclusively as a source of ethical principles. Important principles imbedded in Constitutional amendments include the following:¹⁰

- All persons have the right of free exercise of religion, freedom of speech and the press, and the right to assemble.
- Every person should be accorded "equal protection of the laws."
- No one will be "deprived of life, liberty, or property without the due process of law."
- Private property can be taken only for public use and with just compensation.
- Persons should not be subjected to unreasonable searches and seizures.
- No person shall be subject to cruel and unusual punishments.

In your view, what are the most important principles that should guide the work of public administrators? To some extent, the answer will vary with the nature of one's work and responsibilities and with work in government and nonprofit organizations. Other principles will apply to all those who serve the public. How would you answer this question?

Issues in the Principle-Based Approach

Several issues need to be resolved regarding the deontological approach before proceeding to an assessment. One is the source of principles, which we have already considered. In addition, conflict among principles and exceptions to principles are additional issues.

A commonly cited problem with the deontological approach is conflict among principles. Not only may these instructions that counter each other immobilize the administrator as he or she ponders which principle to follow, but the conflict casts doubt on the universality of principles. If one does not always follow a principle, how can it be universally applicable? Frankena (1963, 23) explains that a distinction can be made between actual duty and *prima facie* duty, “between what is *actually* right and what is *prima facie* right.” The latter refers to a principle that is a “duty other things being equal, that is, it would be an actual duty if other moral considerations did not intervene” (24). One should always try to act in terms of a *prima facie* duty but on occasion it may be outweighed by another duty that has greater weight. For example, one has a *prima facie* obligation to keep a promise to meet someone but has a greater obligation to help a person in need, even if it means missing the meeting. According to the Josephson Institute (1988), it is ethically proper to violate an ethical principle when it is clearly necessary to advance another true ethical principle. The National Association of Social Workers (NASW 2008), which builds its code of ethics around a set of principles, does not specify an ordering of principles or which ought to take precedence over others when they conflict. Their code of ethics states that “ethical decision making in a given situation must apply the informed judgment of the individual social worker and should also consider how the issues would be judged in a peer review process where the ethical standards of the profession would be applied” (NASW 2008). To some, the deontological approach requires a set of principles that constitute “a system and not merely an aggregate,” as Mayo (in Sommers 1985, 175) argues, and “the attempt to construct a deductive moral system is notoriously difficult.” Public administrators can draw on a number of sources of principles, as we have seen, but is there coherence and internal logic among these principles?

A related issue is how to handle exceptions. If one allows for exceptions to be made, does this not also call into question universality? Once again, Frankena (1963) offers a straightforward solution. If an exception is built into the principle, it is not an exception but part of the principle. Sissela Bok (1989, 30) essentially does this when she identifies carefully limited exceptions to the principle that public officials must tell the truth to the public. Dealing with exceptions complicates the deontological approach but does not invalidate it.

These issues all raise questions about the extent to which one must be universally directed by a coherent system of principles in order to behave ethically. Although this is a perplexing intellectual question, in practice, we will not rely only on the principle-based approach to provide such complete guidance. The logic of the three-perspective approach is that principles alone do not determine ethical choices.

A pragmatic approach can be taken to determine which principles to follow. Like Denhardt (1988), it seems likely that administrators will commonly look first for a principle-based answer to an ethical problem, although this reliance should not mean that one is trapped in a Stage 4 dependence on following the rules (Kohlberg 1981). The logic of using virtue and consequences as well as principles negates the idea that principles are universally applicable. For public administrators, one may suggest the following approach to sorting out principles:

1. Determine what other principles are relevant to the situation.
2. If there is a constitutional principle involved, it should take precedence over other principles.
3. Apply the *prima facie* versus actual duty test to the other principles.
4. If the appropriate choice is still not obvious, turn to the other ethical perspectives for guidance, as we shall see later in this chapter.

Advantages of the Principle-Based Approach

The advantages of this approach are fourfold. First, it provides an external source of ethical guidance. The principles are greater than oneself, one's organization, and one's society. Rather than relying on what any of these sources might say about how one should behave, there is the guidance of universal ethical principles to apply to specific situations. Second, the principles are by their nature good reasons to act—not because of the consequences, but because they are independently valid. Third, the deontological approach reinforces the sense of duty to be ethical. If administrators are public servants, they have an obligation to adhere to basic principles whether it is convenient or advantageous or because it accords with one's sense of virtue. Finally, the principles on which this approach is based offer guidance about how to act or what to do. They are stated in terms of required actions rather than traits one should manifest. They compel action without the distraction,

uncertainty, and pitfalls of considering the consequences.

Disadvantages of the Principle-Based Approach

There are, however, problems with the approach. The source issue cannot be ignored. Even though one assembles a comprehensive compendium of Constitutional and universal principles, is it certain they are valid and complete? If a situation arises for which there is no principle, administrators must either adopt a new principle or inappropriately fit the situation to an existing one. Second, the principle-based approach requires knowledge of the principles; they are not intuitive. Third, although a *prima facie* principle may have to give precedence to another, there is still no guidance about the ordering of principles. Which is *prima facie* and which is actual? The more the principles are a collection of discrete instructions as opposed to a coherent set, the less clear it will be which should give way to another. Fourth, the deontological approach has been criticized as lacking in positive motives or a spirit of ethical commitment. Stewart and Sprinthall (1994, 344) note the objection that principled reasoning could represent “an extremely ‘thin self,’ much disembodied from feelings and operating as a cold, calculating version of Immanuel Kant.” It can be an essentially analytical approach to ethics unless humanized by virtue. Finally, principles, although they instruct, are not so precise as to preclude disagreements over interpretation and application. Observing a principle could frequently be accomplished by alternative possible actions. How is an administrator to decide? Choosing among alternatives might need to be guided by virtue and/or identification of stakeholders and consideration of the consequences. In sum, even if administrators seek diligently to base their actions on principle, they may be poorly guided or even misguided by using this approach alone.

Problems of Over- and Underutilization

The possible flaws of underutilization of this approach are mistaking rules and laws for principles. The administrator may rigidly adhere to rules without recognizing that they do not incorporate universal principles. Similarly, the administrator may focus on the letter rather than the spirit of the principle. Overutilization can also produce rigidity if the administrator uses a principle as the basis for unfairly sitting in judgment of the behaviors of others.

In conclusion, the deontological approach offers the ethical anchor that public administrators need. It is more challenging to choose a single central idea that can be taken from this approach compared to the other approaches, but the most appropriate choice seems to be justice. Not all principles that should be followed by ethical public administrators are directly linked to justice, but many are. A commitment to acting with justice embodies fairness in the treatment of individuals and social equity across groups.

Using this approach to the exclusion of others, however, may fail to provide clear guidance and may produce differing degrees of aloofness and inflexibility. Public administrators should act in a principled way but also be virtuous and consider consequences (without allowing consequences to trump principles). They should be analytical but also be intuitive. The issues of source of principles, universality, ordering, and exceptions do not invalidate the use of principles in making ethical decisions, but these issues remind us that principles must be used with care, taking into account the other ethical perspectives.

CONSEQUENCES-BASED ETHICS: THE UTILITARIAN APPROACH

Teleology contrasts with deontology because of its emphasis on ends, purposes, and goals that result from actions rather than principles that precede actions. Consequentialism—one form of the teleological approach—generally, and utilitarianism specifically, holds that there are no moral principles that provide justification for an action *a priori*. An action is right or wrong depending on its consequences.

Mill (quoted in Richter, Burke, and Doig 1990, 23) rejects the other two approaches when he criticizes applying a “sense of instinct, informing us of right and wrong” or a general principle to a specific case. An action is good insofar as it contributes to good ends. Although there are various ways of calculating benefits depending on whether the individual or society as a whole is the referent, it is generally “ethical universalism,” as Frankena (1963, 14) has called it, or utilitarianism that is incorporated into thinking about administrative ethics. When examining utilities for society as a whole, the preferred choice is that which produces the

greatest good for the greatest number. One can either assess the consequences of each separate act or assess the consequences of rules that will persist as long as they produce the greatest net good. The problem with the first of these approaches—act utilitarianism—is that one cannot learn from experience in order to formulate general rules (Frankena 1963, 51). Still, it is presumably this form that is typically the focus in discussions of administrative ethics, and I will use act utilitarianism in assessing the consequences-based approach.

The approach appears to be a practical, even savvy, way to prepare our administrator to make tough ethical choices. Its values are pervasive and it is widely practiced. Gerald Pops (1994, 159) observes that the public-choice model is largely derived from utilitarianism: “maximizing individual preferences is the major teleological value.” What is sought is “a maximum amount of individual choice (presumably leading to a maximization of satisfactions that citizens can enjoy) in a society” (Pops 1994, 159). H. George Frederickson (1993, 250) notes that in university studies of public administration and public policy, “the teleological perspective holds the high ground.” Because of the emphasis on efficiency, cost-benefit analysis, the market model and theories of games, and public choice, “what is right or wrong, what is moral or ethical is to be judged in terms of utility of consequences” (Frederickson 1993, 250). It is certain that this rationale is used to determine what is more or less preferable, for example, in choosing among policy alternatives, but the use of consequentialist ethical analysis may be more limited. For example, we noted earlier that students rarely include tenets based on consequentialist thinking in their implicit codes of ethics. Is there a distinction between using consequences as the basis for making a decision, on the one hand, and for explicitly making an ethical decision, on the other hand? We shall return to this issue after considering advantages and disadvantages.

Advantages of the Utilitarian Approach

Public administrators, like their political superiors, are committed to producing positive outcomes. Improving the welfare of society and increasing the happiness of citizens are worthy goals. The utilitarian approach is based on the premise that the action that produces the best outcome is ethically acceptable. Instead of being oblivious to results, as could be the case with a virtue-based approach, or bound by principles that lead to bad consequences, the approach has the advantage that it looks beyond the act to the consequences of the act in determining whether it is right or wrong. It also permits flexibility. One might argue that it is not right to treat all people who differ in individual characteristics in the same way. Rules are rigid, and flexibility is needed to respond to changing situations. It is what one accomplishes that is important—the results—rather than how it is done, taking into account the interests of all concerned.

Administrators often encounter situations in which action seems to be stymied by constraints that appear to be consistent with ethical requirements. “It wouldn’t be right to...,” “You are not permitted to...,” or “You don’t have the authority to...” are examples of such arguments. The utilitarian approach offers the possibility of an alternate ethical basis to justify action. For example, does one break a promise that turns out to have unacceptable consequences? Does one lie to a criminal suspect in order to get a confession? Does one break rules to get good results; for example, spend money in the current budget year for work that will be done in another year, or authorize that work commence to keep a crucial project on schedule even though all reviews of the project have not been completed? The question is whether these rationales can be used in an ethically responsible way.

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Disadvantages of the Utilitarian Approach

The problems with the approach are numerous. Rosemary Tong (1986, 82) notes that the approach seems appealing until one starts asking questions such as the following:

- What is happiness?
- Why should it be pursued?
- How is it measured, now and in the future?

- How does one weigh the utility of the many with the harm to the few?
- Are some things intrinsically wrong?

The difficulty in calculating utilities stems in part from the obvious fact that it is not possible to foretell the future nor be aware of all the ramifications of an action. The more complex the act, the more difficult it is to produce convincing comparisons of their consequences (Bok 1989, 51). Applying the reasonableman test about the future, as Pops (1994, 158) suggests, is acceptable in judging the policy choices made by administrators on nonethical grounds (administrators should be accountable for only those consequences that could “reasonably have been predicted”). Can one justify as *ethically acceptable*, however, an action that would not otherwise have been chosen on the basis of a necessarily imprecise and incomplete calculation of costs and benefits?

A second major flaw is the absence of any intrinsic worth of actions. Bok (1989, 51) objects to the idea of considering telling a lie and telling the truth to be equivalent as if the rightness or wrongness of each depended entirely on the consequences. As Richter, Burke, and Doig (1990, 2) note, it is “absurd to imagine that a malevolent act which turns out to have beneficial effects might be considered more ethical than a benevolent one which fails to do so.” If an administrator is amoral with regard to means, considering only the ends of his or her actions, there is great potential for abuse. On the other hand, if one says that some means will not be acceptable because they are ethically objectionable, then one presumes that there are some ethically superior ways to behave based on virtue or higher ethical standards derived from principles that override or precede the calculation of utilities. This concession and the other concerns raised preclude a complete reliance on the utilitarian approach.

Third, the information costs of the utilitarian method are high and the analytical capability required is considerable. Knowledge of the impact of decisions declines as one moves to more distant stakeholders. Even without intending to be biased, it is difficult not to give undue weight to the personal or agency impact of a decision. There is likely a “self-bias” that results from knowing best how a decision impacts one’s self and one’s agency. One also cannot rule out other forms of intentional and unintentional bias. Certain stakeholders may be excluded because of prejudice or their values and preferences may not be adequately understood. A hidden bias that is shared by cost–benefit analysis generally is giving greater weight to costs and benefits that can easily be given a monetary value. For example, the costs of acquiring property and relocating residents in an upper-income neighborhood will be greater than in a low-income neighborhood but the psychological impacts are the same. Indeed, the impact of disrupting the social networks of the poor may be greater than for the wealthy, who have more social connections.

Fourth, Bok (1989, 51) argues that some actions are wrong and engaging in them does harm to the perpetrator. Therefore, the impact of committing the act itself must be considered, not just the consequences of the act.

A final fundamental problem is balancing the good of the few and the many. The utilitarian approach could be used to justify benefiting the majority at the expense of the minority. It also could justify a decision because the benefits for the few are so great that they outweigh the costs to the many. As Frankena (1963, 33) put it, “the operation of a rule may be beneficent, that is, it may maximize the sum of good in the world, and yet be unjust in the way in which it distributes this sum.”

Problems of Over- and Underutilization

Overutilization of the consequentialist approach does not raise additional concerns. The problems already identified all reflect an excessive reliance on a calculation of net utilities to the exclusion of other tempering or offsetting factors. A number of difficulties, however, are magnified by underutilization. One form of slippage from the ideal would be failing to consider the good for the greatest number. A fallible administrator might give precedence to some stakeholders over others or fail to identify all stakeholders in considering consequences. Now the likelihood of giving too much weight to one’s own interest is much greater. It is easy to fall into a Machiavellian perspective, which equates the good of the agency with the good of society without calculating all of the consequences of an action. It would not take long moving down a slippery slope to justify expediency and self-serving behavior in the name of utilitarianism. Clearly, such a justification is a perversion of utilitarianism, but there is an inherent risk that an administrator might resort to such thinking if he or she relies exclusively on the utilitarian approach.

The shortcomings of each ethical approach can be offset by using multiple approaches. Public administrators should consider consequences, but not reject the considerations of virtue, which can guide and constrain utilitarian thinking. As Dobel (1999, xii) reminds us, “integrity helps to ensure clarity of reflection

and to resist temptation to self-deception.” Furthermore, promoting good consequences cannot be allowed to override the clear dictates of principle; some would say this can never be allowed, and others would argue it can be allowed only with clear-minded and intensive scrutiny and overwhelming benefits on the side of the utilitarian alternative.

In view of the disadvantages of utilitarianism and the risks associated with using it, should the consequences-based approach be part of an ethical model for public administrators? We can return to the puzzle of reconciling the widespread utilization of consequentialist thinking in decision analysis with its less common use in ethical analysis. One possible explanation is that consequentialism is viewed as *counterethical* thinking. There are the good reasons for an action based on duty, virtue, or principle, and then there are the realistic considerations (the need to get results and/or the attractiveness of the benefits that can be obtained). This view, put simply, is that one should not confuse ethics and results. Based on the response of students in my classes, I would contend that most people do not accept the argument that the ends justify the means as an *ethical* argument. Consequently, it is not subjected to rigorous scrutiny in the same way ethical arguments would be. Given the problems with using utilitarianism, perhaps it is best to let this sentiment prevail without challenge and abandon the use of consequentialism as an ethical approach. It is important, however, to bring utilitarianism into an ethics model in order to identify the requirements that must be met to support an action on utilitarian grounds. That is done here. In the concluding section, we examine how to constrain it by also using the other ethical approaches.

The ideal standard promoted by the utilitarian approach is the greatest good for the greatest number. This is a very demanding test, and ground rules should be followed to ensure that self-serving and expedient perversions of the greatest good test do not occur.¹¹ First, as noted earlier, the assessment of benefits should be “universal” and insofar as possible take into account the consequences for all persons, not a select group. Second, equal consideration should be given so that *all who count, count equally*. Finally, the assessment should be done as if one were a *neutral* observer—consequences for one stakeholder in a decision should not be given higher value than consequences for others. The ideal of achieving the greatest good may require self-sacrifice.

Thinking about all three approaches with their respective advantages and disadvantages, it is evident that the most difficult ethical dilemmas occur when the perspectives are in conflict, in particular the choices derived from principle versus those based on consequences. For example, should one bend the rules to help an individual who is truly in need but does not meet normal eligibility requirements for an assistance program? The same issue presents itself at the level of national and international policy: Should the president set aside international law and treaties in order to advance national security? Considering the nature of professional independence and the need for accountability, is an administrator ethically bound to resist the use of extreme tactics in interrogation of suspected terrorists—tactics that FBI agents viewed as improper at the detention facility in Guantanamo?

USING THE APPROACHES TOGETHER

In common practice, we use more than one perspective to clarify and justify our ethical judgments. For example, in the Guantanamo situation, an FBI agent objected that the practices he observed violated principles that ban torture but were also questionable in terms of effectiveness (Zernike 2005).¹² Many proponents of using multiple perspectives among scholars conclude that public administrators should actively utilize the key ideas of each of the three major approaches. Denhardt (1988, 53) concluded that if philosophers cannot agree on a choice between the competing ethical models, why should public administrators try to do so? She suggests that using various approaches can be helpful.¹³ Bok (1989, 55) sorts out her position on the practice of lying by starting with the “principle of veracity.” Telling the truth is preferred, and one is expected not to lie. The ethical weight is on the side of truthfulness because telling the truth normally requires no justification, whereas lying does require justification. For a lie to ever be justified, it needs to produce a clear balance of benefit over harm. Thus, a consequentialist ground for making an exception is offered. Stewart and Sprinthall (1994, 344–345) advocate “principled” ethical reasoning consistent with the highest stages of moral development, but they recognize the importance of both principle and virtue to ethical reasoning.

Such a balance is reflected in Kohlberg’s definition of Stage 5 of moral development, which seeks to promote benefits for all (consequentialist), and Stage 6, which refers to an “orientation to conscience [i.e., virtue] or principles, not only to ordained social rules but to principles of choice appealing to logical universality and consistency; conscience is a directing agent, together with mutual respect and trust” (in Stewart and Sprinthall 1994, 327). Rest et al. (1999, 42) also refer to the “principled” postconventional stage

based on the following “ideals for society”: creating the greatest good for all (consequence), mandating fair treatment and guaranteeing minimal rights and protection for everyone (principle), engendering caring and intimacy among people (virtue), and furthering the common good (duty).

The merging of philosophical perspectives in describing the postconventional level creates some confusion over the use of the term *principled* to label the P stage, as Rest and colleagues (1999) and Stewart and Sprinthall (1994) do. Thinking at this level may be based on principle, but it may also be based on virtue or utilitarian thinking, as they make clear. To avoid confusion between one of the ethical approaches and all of the possible bases for the highest stage of ethical reasoning, we shall refer to the postconventional level as the *universal-values stage* because it may draw on any one or a combination of the approaches.

Logic of Combining Approaches

Garofalo and Geuras (1999, 95–130) propose a “unified ethical theory” that combines teleological, virtue-based, deontological, and intuitive approaches to ethical thinking. They argue that deontology and teleology are two different ways of seeing the same thing, or in the case of ethics, of explaining or justifying the same action. For example, advocating a program to promote social equity across racial groups may reflect both a commitment to the principle of justice and also the intent to improve the living conditions of a minority group. To Garofalo and Geuras, a correct teleological act is also correct deontologically and vice versa, even though the actor may not be aware of the other aspect of his or her decision. Furthermore, virtue and intuitively “good” actions contribute to social happiness. Garofalo and Geuras (1999, 125) offer this summary argument:

Human reasoning, love of happiness, benevolence, respect for moral character, and intuitive reactions are almost certainly parts of a unified, evolved human nature. If so, deontology, teleology, character theory, and intuitionism must be in a unified harmony.

In later work, they suggest using questions associated with each approach to help determine how to resolve ethical problems (Geuras and Garofalo 2002, 60–67). The approaches sometimes lead to different conclusions, but they each help to illuminate the problem.

With three major parts to his argument, Frankena (1963) provides a convincing argument for the complementarity of all three approaches. First, utilitarianism is not acceptable without a deontological mooring. If we would agree that “a less beneficent rule which is more just” is preferable to one that produces greater net utility but is less just, then the criterion for determining the rules of morality combines justice and utility (33). Second, he argues that the deontological approach, though superior to others, depends as well on utilitarianism. Deontologists are not sufficiently concerned about the “promotion of good” (29). He prefers a “mixed deontological theory, since it recognizes the principle of utility as a valid one, but insists that another principle is required as well” (35). In other words, one should not act on the basis of consequences alone. Third, Frankena sees principle and virtue as interdependent. It is not necessary to choose one or the other.

It is hard to see how a morality of principles can get off the ground except through the development of dispositions to act in accordance with its principles, else all motivation to act on them must be of an *ad hoc* kind, either prudential or impulsively altruistic. Moreover, morality can hardly be content with a mere conformity to rules ... unless it has no interest in the spirit of the law but only in its letter. On the other hand, one cannot conceive of traits of character except as dispositions and tendencies to act in certain ways in certain circumstances. (53)

It would be hard to know what virtues to develop “if we did not subscribe to principles” (Frankena 1963, 53). Thus, he views these two approaches not as competitors but as “complementary aspects of the same morality” (53). For every principle there is a supporting virtue. Thus, the commitment to utility and the principles of benevolence and justice are supported by the cardinal virtues of benevolence and justice.¹⁴

Examples from Ethics Guidelines

Guidelines offered by organizations that work with practitioners also illustrate how the different approaches can be blended. A major examination of ethics in nonprofit organizations culminated in the publication of the *Statement of Values and Code of Ethics* by Independent Sector in 2004.¹⁵ The key values identified in the study are presented here grouped into the categories of duty and the three philosophical approaches:

1. Obligations/duty: Behavior expected of public servants as trustees or stewards
 - Commitment beyond self
 - Obedience of the laws

- Accountable to the public
 - Commitment to public good; service orientation
 - Responsible stewardship of resources
2. Virtue
 - Openness and honesty
 - Benevolence
 3. Principles
 - Respect the worth and dignity of individuals
 - Tolerance, diversity, and social justice
 4. Benefits to society
 - Commitment to the public good

Thus, all four elements provide a comprehensive and mutually reinforcing set of expectations.

Similarly, the decision-making model of the Josephson Institute (Josephson 2002) contains three guidelines that draw on all the approaches. First, all decisions must take into account and reflect a concern for the interest and well-being of all stakeholders (duty and consequentialism). Second, ethical values and principles always take precedence over nonethical ones (virtue and principle). Third, it is ethically proper to violate an ethical principle only when it is clearly necessary to advance another true ethical principle (principle). These guidelines address the problem of establishing an ordering among principles. The criterion used to make the choice is as follows: the principle to be followed is the one, which, according to the decision maker's conscience (virtue), will produce the greatest balance of good in the long run (consequentialism). Rather than being caught up in the differences among the approaches, the Josephson Institute advocates using them to support each other.

THE ETHICS TRIANGLE

Following the lead of scholars and professional associations who have supported the combined use of all ethical approaches, it can be argued that each of the three depends on and is supported by the others. Furthermore, the responsibilities derived from duty give a focus and direction to the ethical commitments of public administrators. Drawing on the philosophical perspectives, what virtues, principles, and consequences are in the public interest? The elements can be combined to form a triangle with duty at the center. Using this graphic representation of the model suggests that the four elements are interconnected and contained within a common space. The central ideal is the public interest, and the ideals at each point of the triangle are character, justice, and the greatest good. The model of administrative ethics is presented in [Figure 4-1](#). The ethics triangle conveys the idea that administrators should act on their duty to promote the public interest by seeking a balance of virtue, principle, and good consequences.

Using the ethics triangle helps to prevent the problems associated with using any of the models alone. The examples of overutilization discussed earlier illustrate the problem of stressing one approach excessively to the exclusion of other ethical considerations. For example, the possibility that the principle-based approach will lead to rigidity is offset by considering how to achieve the greatest good and thinking about what it means to be virtuous in a given situation. The misguided pursuit of virtue can be informed by principle and refocused by assessing consequences. The pursuit of a beneficial end without considering the ethical implications of means that are being used can be checked by principle and humanized by virtue.

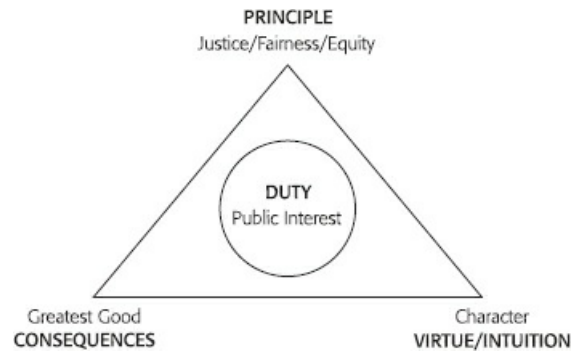


FIGURE 4–1 The Ethics Triangle: Key Elements

Modified from Svava, James H., 1997. "The Ethical Triangle: Synthesizing the Bases of Administrative Ethics." *Public Integrity Annual* .1997. Used with permission of the Council of State Governments.

When used separately and underutilized, the approaches can even appear to justify behavior that is unethical. Narrow adherence to principle might appear to justify blindly following orders. Concern for consequences can become expediency. A self-righteous man who believes himself to be good may assume that his questionable actions are good. Such a man may feel that the normal rules do not apply, as in the rationalization "I can't be bought by a free meal" for ignoring restrictions on gratuities. Moving out from the triangle narrows the basis for ethical choice and may even permit such unethical actions. Operating from within the triangle reinforces the bases for ethical action and helps to prevent the shortcomings of underutilizing any single approach. It is much more difficult to underutilize all three models simultaneously.

The elements of the model serve as distinct filters that reveal different aspects of a situation requiring an ethical choice. This method helps to clarify the options and ethical considerations associated with each approach. Using all the approaches together helps to prevent the shortcomings of using any of the approaches alone. The use of all three approaches also balances different ways of thinking about ethical issues. The virtue-based approach relies on feeling and reflection, the principle-based approach uses reason, and the consequentialist approach stresses analysis. Individual weaknesses in one of these ways of thinking can be offset by strengths in others.

What is the advantage of using duty, virtue, principle, and consequences as organized in the ethics triangle over relying on the basic components of ethics to which persons in public administration commonly adhere? If one examines the tenets listed by students in their implicit codes of ethics, there are differences in level and depth of ethical reasoning compared to the ethics triangle. The student statements based on simple definitions of duty and public service typically do not include references to the relationship to elected officials, promoting the democratic process, or seeking to improve policy, and they give relatively little attention to the overarching goal of advancing the public interest that are part of a refined sense of duty. The student statements based on virtue do not mention benevolence or the pursuit of excellence nor the overarching goal of displaying character. The principle-based statements do not include universal principles such as the sanctity of life, treating each person as an end in him- or herself, basic human rights or Constitutional principles, or challenging improper or illegal orders. Although there is concern for fairness, the broader principle of justice is not included. Finally, the consequentialist perspective is largely missing from the ethical tenets, and there is no reference to promoting the greatest good for the greatest number as a standard. These standards broaden an administrator's professional values and responsibilities.

The ethics triangle reflects a universal-values or postconventional stage of ethical reasoning. For each of the elements, you are challenged to think about what you should do and what qualities you should display based on an assessment of the ideal pursuit associated with that element—the public interest, character, justice, and the greatest good. You are not simply reacting to standards set by authority figures or conforming to prevailing expectations. It is important to consider what you are expected to do or how you are expected to be as determined by others, but the ethics triangle encourages you to go beyond these considerations and form your own judgments that reflect broader considerations. The administrator who deals with an ethical problem caused by an inappropriate order from a superior using the Stage 4 level of reasoning may be uncomfortable with the order and wish there were an alternative, but still carry out the order based on a sense of obligation to obey a superior. Using the ethics triangle helps the administrator to approach the problem at the universal-values level. Thinking in terms of a higher sense of duty and drawing on the three approaches will help the administrator to see alternatives and also to justify using the alternative course of action. This administrator is better able to exercise independent judgment and display ethical autonomy. Kem (2006) demonstrates how

the ethical triangle in ethical problem solving in the military provides a broader range of options than considering military values—that is, virtues—alone.

The following three cases help to illustrate the interaction among the three points of the triangle.

Case 1: A candidate for a city manager's position is asked by the council to agree to fire the public works director and told that the other finalist for the job has agreed to do so. The beneficial consequences of getting a job the candidate really wants and having the opportunity to do good work may tempt her to agree to the condition. Recognizing her loss of integrity if she accepts such a demand, considering the principles of fairness in personnel decisions, and upholding the city manager's authority over management decisions keep her from agreeing to fire the director. Upon further reflection, even the consequentialist approach cannot justify accepting this incursion on her authority and opening the possibility for similar inappropriate demands in the future. The short-term gain of getting the position is offset by the long-term negative consequences to herself, the organization, and the city.

Case 2: Proper sting operations by law enforcement agencies reflect a balancing that is consistent with using the triangle. Although the organizers of the operation may feel uncomfortable about being deceptive, and principles of fairness and due process are stretched by such operations, the beneficial consequences are the deciding factor. Concern for principle helps to ensure, however, that the operation is not carried out in such a way that it represents entrapment.

Case 3: A data analyst in a community college becomes aware that enrollment figures are being padded to increase the state allocation. Although he feels that the college is severely underfunded and that the extra revenue will improve the performance of the college, his personal sense of honesty and concern about violating the professional principles of providing complete and accurate information compel him to disclose the abuse.

In all of these cases, using the triangle helps to modify decisions that might have been made based on a single approach.

Promoting Use of the Ethics Triangle

The ethics triangle suggests that the valuable aspects of each approach should be incorporated in one's own ethical reasoning without ignoring that any of the approaches used alone can produce problems. This broad-based strategy supports what York Willbern (1984, 107) has called the "ethic of compromise and social integration." It helps the administrator determine how far to stray from principle to make a deal and also provides the perspective to help arbitrate between "saints" who, Willbern warns, may be intent on cutting each other's throats over differing interpretations of what is ethical.

In order to draw out key ideas associated with each approach, students and managers should internalize these ideas. Questions to guide the discussion would include the following:

- How can the public interest be advanced in general and in particular situations? What are my responsibilities to the organization, political superiors, and to the public?
- What virtues should public administrators generally or persons working within a specific field or agency have? What do these virtues mean, and how does one act in terms of each? In general, what does it mean to have integrity and character?
- What should one do to promote justice, to ensure fairness, and to expand equity? What are the most important principles that should guide any public administrator or person working in a specific field or agency? How would one prioritize the principles? Are there any that can never be set aside to advance another principle? What does it mean to apply these principles to specific situations?
- How can the greatest good for the greatest number be achieved in making a specific decision? What ends should public administrators or persons working within a specific field or agency seek to advance? How should one ensure that all stakeholders have been identified and that the calculation of benefits and costs is universal, equal, and complete? Can the means to be used be reconciled with the standards of the public interest, virtue, and principle?

Answering these questions promotes the grasp of a wide range of ethical behavior and reasoning. For example, a city manager could develop an ethical profile using the triangle. He would identify those traits that define his character and assess how well they are developed and displayed. He would consider the principles—universal, constitutional, and professional—that must be followed even if unpopular with elected officials or the public. These might include promoting justice, treating each person in the organization and the community as an end in themselves, a commitment to telling the truth, a defense of basic freedoms, support

for the democratic process, and upholding the integrity of professional practice. He would think about how to advance the public interest in the community and how to achieve the most beneficial consequences. Finally, he could think about whether any of these various commitments might conflict with others, and how those conflicts might be resolved.

In conclusion, examination of the bases for administrative ethics is challenging and complex, but it should not confuse the student or the administrator. It should help to broaden learning and self-awareness and, in so doing, promote a renewed commitment to meeting obligations, being good, doing what is right, and promoting the best possible consequences. Whereas debates over why one approach is superior and others are deficient can muddy the ethical waters, using the ethics triangle can help to clarify the different ways to promote ethics and give the public administrator solid, mutually reinforcing, and universal grounds for action.

¹ This chapter is adapted from “The Ethical Triangle: Synthesizing the Bases of Administrative Ethics,” *Public Integrity Annual 1997* (Lexington, KY: Council of State Governments and American Society for Public Administration, 1997), pp. 33–41. Used with permission of *Public Integrity*.

² See also Cooper (2004).

³ Garofalo and Geuras (1999, 57–59) argue that intuition is based simply on a “moral sense” of what is right and wrong without any reasons or reflection. See also Geuras and Garofalo (2002).

⁴ Cooper (1987) stresses virtue when he examines public administration as “practice.” A *practice* is an activity organized to achieve certain standards of excellence. *Internal goods* are produced in pursuit of excellence.

⁵ An alternative is to consider *integrity* to be the ideal of this approach. According to Dobel (1999, xii), who uses integrity to construct a comprehensive ethical framework, “integrity involves the capacity of people to make sense of their life and link belief and practice.”

⁶ As Michael Josephson (2002, 4) observes, “for example, honesty is a value that governs behavior in the form of principles such as: tell the truth, don’t deceive, be candid, don’t cheat. In this way, values give rise to principles in the form of specific ‘dos’ and ‘don’ts.’”

⁷ In contrast, act-deontologists argue that “basic judgments of obligation are all purely particular ones like ‘In this situation I should do so and so’” (Frankena 1963, 15).

⁸ Deontology is defined in *New Shorter Oxford English Dictionary* as “the science of duty or moral obligation.”

⁹ Garofalo and Geuras (1999, 104–5) point out that all principles do not apply to all actions in any situation. For example, the injunction against lying applies to situations when one would advance selfish personal reasons by telling a lie, but not when one is being polite or compassionate, or possibly even defending national security. These are not exceptions to the rule but rather cases in which the rule is not applicable. Bok (1989) takes a much more restrictive approach and does see these as exceptions that must be carefully justified, as discussed later in this chapter.

¹⁰ Chandler (1994) offers an example of how a constitutional protection can be reframed as a principle. Due process is an important value. For it to be an “organizing value, however, we would need a deontological principle which could show us what pattern of action would comply with this value. A common form of the due process principle, for example, is that ‘law must be just, fair, and equal,’ and it should not be ‘oppressive, fanciful, or biased.’ Under this principle, therefore, all accused persons have the protections of the Bill of Rights and the guarantees of the Fourteenth Amendment” (149).

¹¹ The tests that follow are derived from variations in consequentialism outlined by Walter Sinnott-Armstrong (2006).

¹² For a review of the moral and pragmatic arguments against the use of torture, see Adams and Balfour (2012, 20–22), who note that the use of the practice spread from Guantanamo to Afghanistan and then Iraq despite the absence of evidence of efficacy.

¹³ Lewis broadens the range of perspectives in her three-circle approach (1991, 41), which assesses decisions in terms of ethical, legal, and effectiveness considerations.

¹⁴ Toner (2005, 121) argues for the primacy of character, but he views the dispositions based on habitus as a moral arrangement based on contemplation, not simply intuition, and an “ethical constitution, which ... is founded in fundamental principles.” To expand his definition of character given earlier, “character is about habitus, settled dispositions toward the good that are open to truth and grace” (144).

¹⁵ See www.independentsector.org/code_of_ethics#sthash.DKW3N2vM.dpbs