

The Purpose of Government Ethics



**Carla Miller, Network Fellow, 2013-5**

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Carla Miller

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Author

Carla Miller earned a law degree from the University of Florida and is a member of the Florida Bar and the Australian (NSW) Bar. She is a former Federal Prosecutor for the Middle District of Florida. Carla is the Founder and President of "City Ethics", a non-profit that provides ethics resources for governments across the world, including China, Africa and the Middle East. Carla was a Network Fellow at the Edmond J. Safra Center for Ethics at Harvard from 2013-2015 where she researched best practices in ethics training for local governments. She is the Ethics Director for the City of Jacksonville, Florida and has built that program from the ground up over the last 15 years.

THE PURPOSE OF GOVERNMENT ETHICS

**(The ethics of the organization)**

**Before doing this course, write down your answers to the following questions**:

(This can be done individually or in a group. If in a group setting, have people discuss their answers.)

1. What does the term "government ethics" mean to you?

2. What is the **purpose** of government ethics?

3. Can ethics be taught, or is it something people have to learn at an early age?

4. How eager are you to learn about the subject of government ethics? (on a scale of 1-5; one is the lowest, 5 is the highest.) Why is that?

5. How much hope do you have that ethics in your government can be improved? (on a scale of 1-5, one is the lowest, 5 is the highest.) Why is that?

**The Purpose of Government Ethics**



**Part 1: HISTORY**

It was the Fourth of July and I was ten years old. Because my dad was president of the local Lions Club, I got to ride on the club's float in our local town parade. I was dressed in red, white and blue and my job was to wave a flag, which I enthusiastically did to the music of the band marching in front of us. I didn't know much about the historical events that we were commemorating, but I knew I was part of something emotional, something that tied us all together. Many of the men in the group had served in World War II and I saw them remove their hats and hold them over their hearts. That is the most intense memory I have of many celebrations, fireworks, picnics and marching bands on the Fourth. It took many decades for me to match those memories with civics lessons and to understand more intimately the reasons for the revolutionary act of the 56 delegates to the Continental Congress on July 4, 1776. I memorized their words in school: "We hold these truths to be self-evident, that [all men are created equal](http://en.wikipedia.org/wiki/All_men_are_created_equal), that they are endowed by their Creator with certain unalienable Rights, that among these are [Life, Liberty and the pursuit of Happiness](http://en.wikipedia.org/wiki/Life,_Liberty_and_the_pursuit_of_Happiness)". Men in white wigs, talking hundreds of years ago. How could that be relevant today? How is it relevant to our work in government? That is what we will discuss in this section.



**EXERCISE.** What patriotic memories do you have? Can you recall a time when you felt very patriotic--proud to be a U.S. Citizen? Write down a time you felt truly patriotic, what happened? what were you thinking? (If you cannot recall such a time, think of 3 examples of why it is good to live in the United States.)

Prior to the Declaration of Independence, there was strong resentment against the actions of King George III of Britain and his appointed "royal governors" who used their offices in America to enrich themselves and the King. Offices were bought and sold and land unfairly taxed. The British and European culture at the time was that you used your public office to make money for yourself, at the expense of the citizens. [[1]](#endnote-1) The English Parliament was not the voice of the people; it was the voice of the King. The American patriots started a revolution to reverse this culture of corruption. They believed that public service required that officials put the interests of the people over their own private interests. A shocking idea at the time!

The Declaration of Independence, signed on July 4, 1776 charged the King with specific offenses, including these clauses that reflect the corruption of the time:

*The history of the present King of Great Britain is a history of repeated injuries..., all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.*

*He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.*

*He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance.*

The Declaration of Independence laid out the charge; the Constitution in 1787 hammered out the details of the checks and balances that would attempt to prevent future corruption and misuse of power in our government. Corruption was the topic of discussion in **25%** of the Convention meetings.[[2]](#endnote-2)

Therefore, we have a long and rich history of over 200 years in the U.S. of attempting to curb corruption and to encourage public officials to be more responsive to the people. **This is our heritage and is the origin of current government "ethics laws".**

***The Professor's Words:***



*Larry Lessig, Harvard Law School, Director Safra Center for Ethics:*

*The Framers viewed corruption as one of the greatest threats to government. They considered anti-corruption measures essential to an enduring republican system of government. As George Mason warned his fellow delegates at the Constitutional Convention,* *“I admire many parts of the British constitution and government, but I detest their corruption; and, if we do not provide against corruption, our government will soon be at an end.”[[3]](#endnote-3)*

**Part 2: ETHICS TRAINING**

The word "ethics" is full of emotion and misunderstandings. Have you ever been accused of doing something "unethical"? This cuts to the heart of who we are and the image we have of ourselves. So people start their ethics training with a bit of history on the subject and perhaps a fear of being wrongly accused of doing something "unethical". (Some officials view government ethics as a "gotcha" system; complicated rules that are used for political purposes.) There is also an "[overconfidence bias](http://en.wikipedia.org/wiki/Overconfidence_effect)" in that most people already think they are ethical. ("I don't need this training--I am a good person and I am sure I will make the best decision when faced with an ethical problem".) In fact one study showed that most people thought they had a better chance of getting into heaven than Mother Theresa![[4]](#endnote-4) This false or overrated sense of security keeps people from really taking a look at the situation right in front of them--it can set people up to make mistakes. It is important to know about and discuss biases and traps that we can all fall into, as well as useful tactics and levers so you have tools to develop better strategies for challenges that come up at work, as they always do.

**EXERCISE.** Can you remember a time at work when you were wrongly accused of doing something unethical? What did you do about it?

In order to "voice and enact your values" on ethical principles, you have to first think about what your values are--what do you believe in? That can take time and thought. Sometimes it is easier to assume we know what our values are and that when we are hit with a situation, we just will automatically know what to do. When asked to define ethics, people usually use words like "honesty", "truthfulness", "courage" and "fairness". These are positive character traits or values and are part of our day to day interactions with other people. Certainly, we want to have public service employees that have these values, but when we are talking about government ethics, we are talking about a different (but related) idea. We are talking about the values of the institution itself--is it fair, transparent and free of conflicts of interest?

***The Professor's Words:***

*Dennis Thompson, the founder of Harvard's Center for Ethics, has stated[[5]](#endnote-5) that government ethics involves the integrity of the institution, and that ethics is key to the functioning of government. If there is an "ethics issue", it can drown out discussions on everything else; it can stop policy decisions and day to day work from getting done. Everyone becomes focused on the "ethics" issue. That's why it is more important than any other issue in government.*

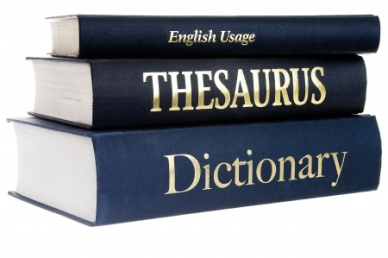
An example of a key issue in government ethics is the receipt of gifts. On a personal level, we receive gifts and then we give gifts in return. That is considered the polite thing to do. But in government, the reverse is true, and the receipt of gifts by government employees and officials can hit the front page of the newspaper and violate gift laws. Why is this? Many times, the person never meant to do anything wrong, they just did not consider the broader issues they were dealing with. The concept is that government officials have to be fair; they have to do their duties without any influence of gifts. Violation of this principle has led to "pay to play" situations where businesses think they have to pay money (tickets, gifts, trips) or provide a benefit in order to be one of the favored companies that wins contracts. This can exclude minority businesses or new businesses that don't have the money to play that game. People like to play on a level playing field and of all institutions we expect to be level, it's our government.

So personal **ethics** is a different topic than **government ethics**. No matter how well you were taught ethics by your parents at a young age, you most likely did not learn about conflicts of interest in government service and the right thing to do when they occur. That is the reason for learning the actual rules and laws that have developed to prevent conflicts in government, like travel laws and gift laws.

As an employee, you know how it can feel if someone at work is personally being unfair or disrespectful. It can keep you up at night and ruin your quality of life. So those problems also need to be addressed, and typically fall under the Human Relations departments of most governments. This is also reflective of the leadership of your department; good leaders ensure an ethical climate in their area; bad leaders contribute to an unhealthy ethical climate. Sometimes these situations can be resolved, and sometimes the organization is too weak to address them in an honest way. There are tools that can be used to change the ethical environment of a group, which we will talk about, but there are times when you have done everything you can and the bottom line is that you need to consider leaving that employer and finding one that is closer to matching your values. But before you do, you should feel that you took all reasonable steps to correct the situation.

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**Part 3: DEFINTIONS [[6]](#endnote-6)**

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In studying ethics, many terms come up that are somewhat clumped together which can cause misunderstandings. If we are to be successful in creating institutions with more integrity, we have to have a common language. There are books written on each of these topics, but for our purposes now, it might be helpful to have a short, working definition of some of the key concepts you will observe and work with as a public service employee.

**1. Ethics:** the study of morals, what is right and wrong; how to act in personal relations. Here are some basic ethics traits: wisdom, courage, truthfulness, respect, fairness, loyalty. If you are treated unfairly at work, or someone tells you a half-truth, it is stressful; we know it's not right, but what can we do about it? Successful organizations handle internal ethics problems quickly; groups with poor leadership have constant issues with staff and ethics.

**EXERCISE.** Write down a time when you witnessed an ethics problem in your department. What happened? Then, write down 3 examples of observing someone acting "ethically" at work. (If in a group, discuss these examples.)

**2. Government Ethics**: these are the ground rules on how to act to avoid conflicts of interest and abuse of power in your role as a government employee or official. Conflicts of interest occur when your personal life and your government job intersect and conflict. Abuse of power occurs when you use your position in a way to benefit yourself. Let's look at some examples of issues in government ethics:

*Issues*

* many people are in need of help in a flood zone--the Mayor's aide sends the City work crews to the homes of important government officials first;
* after a contract is awarded to a company, an employee involved in the process quits and goes to work for the company;
* after voting in favor of a football team's request for funding, two City Council members leave the meeting early to have dinner with the football team's lobbyist and executives;
* elected officials receiving free trips and tickets from lobbyists;
* a city employee working part time for a company bidding for a contract from the City;
* the city manager hiring a family member to be her assistant;

**EXERCISE.** Write down 3 examples of a local government ethics issue you have observed. (If you can't think of any real ones, then list 3 potential ones that could happen.)

**3. Corruption**: the abuse of public office for private gain. Corrupt acts, depending on where you live and what laws apply, can be legal or illegal. If citizens see a government employee or official doing something through their office to get themselves special benefits, they will (along with the newspaper) consider that "corrupt", even though technically, it may not violate any existing law.

*Examples of Corruption:*

* an official taking a $500 bribe to vote a certain way (the classic example of illegal corruption);
* a Department Head having a retirement party for himself; his staff collects $20,000 from vendors doing business with the agency for the party (technically legal in some jurisdictions; but many would think it was corrupt, regardless);
* theft of government equipment (illegal corruption);
* failure to widely advertise a bid so that a favored company can get the contract;
* the Mayor of the City asking a company that just won a city contract to hire her nephew.

**EXERCISE.** Write down an example of legal corruption.

**4. Institutional Corruption[[7]](#endnote-7)**: This is a situation where the integrity of the entire organization is affected. It is defined as influences (power and money) in an economy of influences (not just one person doing it--the whole group operates this way); it must also decrease the effectiveness of the organization and decrease public trust. What is interesting is that the acts are LEGAL. If there is institutional corruption in your government, there can still be many good people working there, but the structure of the government is set up so that there is not complete loyalty to the citizens--powerful influences act on the government and shift priorities away from the citizens.

To illustrate, imagine that a government employee's purpose should be focused 100% on the needs of the citizens, the "people". This will be shown as "north" on this compass:



But instead, powerful influences come into play, like a magnet, and get the official or employee to shift their loyalty to these other influences, pulling them off of true north--their commitment to the citizens:



This can be completely legal and good people can participate in it. ("It's just the way things are done around here.")

It's just that instead of serving the citizens, the loyalty of the government employees and officials is now primarily focused on helping these more powerful influences.

We must still must rely on individuals (either internally as employees or externally as citizens) to reverse this institutional corruption. But first you must recognize when it is happening. Have you ever seen a decision that was good for the citizens, the people, reversed or cut back for political reasons? Many times, if people voice objections to what is happening, they are told "we have checked with the lawyers and this is completely legal"; yes, but is it the right thing to do?

*Example of Institutional Corruption*:

U.S. Congress. It was the intention of the Framers of our Constitution that Congress would be "dependent on the people alone"[[8]](#endnote-8). But instead, members of Congress are playing a fundraising game that makes them dependent on big money donors and lobbyists. This shifts their focus as a group away from "the people". When a person gets elected to Congress, they are trained on their main priority: raising money to get re-elected.[[9]](#endnote-9) (Members of Congress were told by their political parties to devote at least 4 hours a day to fund raising.) When the financial crisis occurred in 2008, the people looked to Congress to enact laws to protect their money and their savings. Instead, billions of money flooded into Congress from the banking and financial industries. The laws were weakened to favor the banks. [[10]](#endnote-10)

**EXERCISE.** Watch this You Tube Video (6 minutes): [Legalized Corruption of Government Exposed by Abramoff](file:///C:\Users\carla\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\HGTA7JPC\Legalized%20Corruption%20of%20Government%20Exposed%20by%20Abramoff) Have you observed any institutional corruption in your government? Write down what you have observed and your ideas as to whether or not it could be prevented and how.

**Part 4: THE PURPOSE OF GOVERNMENT ETHICS**

Now that we have defined the difference between personal ethics and government ethics, let's talk about the **purpose** of government ethics. The purpose revolves around fairness. If we feel that our government, because of its rules or lack of rules, lets government officials and employees take advantage of their position and be able to personally benefit from their job, this leads to people feeling like their government is not fair. The government officials are taking advantage of their position--taking more than their fair share. And, we have seen that this was at the root of the American Revolution and the overthrow of the British Government in the late 1700's.

***The Professor's Words:***

*Dennis Thompson, has stated that the purpose of government ethics is to educate public employees about their important role in American Democracy. If they personally benefit from holding a public position, it leads to unfairness and a breakdown of our Democracy. [[11]](#endnote-11)*

If citizens see their elected officials going on golf outings with lobbyists; eating steak dinners with potential contractors or being employed by companies with city contracts, it is predictable that they would look at that and think that their government only works for those in the "inner circle" and that they are cut off from the full benefits of their tax dollars.

People expect that their government will be fair. Ideally, all of us want to be treated equally and see that no one gets special treatment, especially government employees and officials. If we speak in favor of a bill in front of our City Council, we want to win or lose on the merits, not because the person on the other side has more money or plays golf with the decision maker. If we want to apply for a government contract, we want an equal chance to win the business; again, we don't want our government to be arbitrary by giving valuable contracts to those who make the highest campaign donations to officials. Government officials who "cash in" on their office with tickets, trips, steak dinners, lucrative job contracts and other "perks" tend to make citizens trust them less; trust their government less.

Fairness is the key concept in thinking about government ethics and corruption. If government officials or employees are using their office in a selfish way to benefit themselves, they surely will be criticized, even if "technically", a rule or law has not been broken. Citizens have a "gut feeling" that the official is taking advantage of their position; if this goes on, the citizens feel like it is not "their" government anymore; it is for the privileged ones in office. Voting participation goes down, criticism and hopelessness goes up. This puts our form of government in jeopardy.

There is an interesting study that shows the depth of how we feel about fairness. In this study, monkeys were trained to give a rock to a person in exchange for food--a piece of cucumber. After a while, they were all trained to do this. Then, the researchers started giving just a few of the monkeys a grape as a reward, instead of the familiar cucumber pieces. Monkeys love grapes. The monkeys who did the same work (giving the rock) and who only got a piece of cucumber for their efforts, had a strong reaction to this unfairness.

**Lesson**: Watch the [Monkey video](https://www.youtube.com/watch?v=-KSryJXDpZo)



A sense of what is fair and unfair is a universal trait--and the monkey's reaction in the video is certainly a gut reaction we all have experienced when confronted with unfairness. This negative reaction is what can be observed when citizens feel their government (through its employees and officials) has acted unfairly. This directly affects citizens trust in their government.

***The Professor's Words:***

*Dr. Bill English, the Director of the Safra Center for Ethics at Harvard, has written a paper[[12]](#endnote-12) on the future of our form of government in the United States and that the forces of corruption can destroy it. He states that our "democracy is more fragile than we have been led to believe. Neither its triumph or demise is inevitable; but, at the moment, the latter appears more likely".*

Government ethics is the pushback to this widespread corruption that can destroy our form of government and that is why we have to learn the existing rules on the books and work to get better ones in place. Our current laws and structures are not sufficient to stop growing corruption and we cannot assume the viability or stability of our government in the future. We also cannot assume that "others" will do something about it; it is up to all of us in government service to give voice to our values, to the values fought for in the American Revolution of 1776; the fight against corruption.

**EXERCISE.** Pick an example in your local government of someone who stood up for the values of the organization. What did they do? (discuss or write up your example.)

**EXERCISE**

Essay. Have you observed an example of **unfairness** in your department that would affect citizen trust in their government? When you observed this, did you do anything about it? Did you speak up? Why or why not? What would have made it easier for you to say something?

Have you observed an example of **fairness** in your department that increased citizen trust? Did you have anything to do with this incident? What made this example work?

*End of Course. Congratulations!*

**POST SURVEY/EXERCISE**

**After** reading the course on the "Purpose of Government Ethics", write down your answers to the questions you answered in the beginning; were there any changes?

(This can be done by individually or in a group discussion.)

1. What does the term "government ethics" mean to you?

2. What is the **purpose** of government ethics?

3. Can ethics be taught, or is it something people have to learn at an early age?

4. How eager are you to learn about the subject of government ethics? (on a scale of 1-5; one is the lowest, 5 is the highest.) Why is that?

5. How much hope do you have that ethics in your government can be improved? (on a scale of 1-5, one is the lowest, 5 is the highest.) Why is that?

Thank you for completing this course on the Purpose of Government Ethics. Please email Carla with any comments or suggestions on the course. cmiller@cityethics.org

Endnotes

1. For an in depth review of the Framers intent in fighting corruption, see "Corruption in America", Zephyr Teachout. [↑](#endnote-ref-1)
2. Zephyr Teachout, *The Anti-Corruption Principle*, 94 Cornell L. Rev. 341, 352 (2009). [↑](#endnote-ref-2)
3. The Records of the Federal Convention of 1787, 392, (Max Farrand ed. 1966) (“Farrand's Records") [↑](#endnote-ref-3)
4. Shermer, Michael, The Science of Good and Evil 174 (2004) [↑](#endnote-ref-4)
5. Thompson, Dennis F. , Ethics in Congress, The Brookings Institution, 1995. [↑](#endnote-ref-5)
6. These definitions are obviously simplified. Entire books have been written about each topic. This gives us a basic framework that makes some important distinctions between these concepts. [↑](#endnote-ref-6)
7. For a comprehensive article on Institutional Corruption, see <http://www.lawschool.cornell.edu/research/JLPP/upload/Newhouse-final.pdf> [↑](#endnote-ref-7)
8. The Federalist No. 52, at 294 (Madison) (Clinton Rossiter ed. 1961) [↑](#endnote-ref-8)
9. Tracy Jan, “For Freshmen in Congress, Focus Is on Raising Money,” *Boston Globe*, May 12, 2013. <http://www.bostonglobe.com/news/politics/2013/05/11/freshman-lawmakers-are-introduced-permanent-hunt-for-campaign-money/YQMMMoqCNxGKh2h0tOIF9H/story.html> [↑](#endnote-ref-9)
10. <http://www.nytimes.com/2015/01/14/business/economy/in-new-congress-wall-st-pushes-to-undermine-dodd-frank-reform.html?_r=0> [↑](#endnote-ref-10)
11. Thompson, Dennis F. , Ethics in Congress, The Brookings Institution, 1995. [↑](#endnote-ref-11)
12. English, William, Institutional Corruption and the crisis of liberal democracy. [↑](#endnote-ref-12)