

Political Ethics

Political ethics (sometimes called political morality or public ethics) is the practice of making moral judgments about political action, and the study of that practice. As a field of study, it is divided into two branches, each with distinctive problems and with different though overlapping literatures. One branch, the ethics of process (or the ethics of office), focuses on public officials and the methods they use. The other branch, the ethics of policy (or ethics and public policy) concentrates on judgments about policies and laws. Both draw on moral and political philosophy, democratic theory and political science. But political ethics constitutes a free standing subject in its own right. Most writers on the subject do not try to apply foundational moral theories but rather work with mid-level concepts and principles that more closely reflect the considerations that political agents could take into account in making decisions and policies.

Political Ethics of Process

The central question is the extent to which the ethical principles that govern political office differ from those that govern moral life more generally (Hampshire 1978; Thompson 1987). To what extent are politicians permitted to take actions that would otherwise be wrong? Ethics requires political leaders to avoid harming the innocent, but it may also obligate them to sacrifice innocent lives for the good of the nation. A President may be morally obligated to order military action even while foreseeing that civilians will be killed. (The question of immoral means arises even if the war itself is just: See JUST WAR THEORY).

Although similar problems arise in professional and corporate roles (see e.g. PROFESSIONAL ETHICS), they are likely to be more extreme or more frequent in political life. The scope and structure of modern politics multiply the occasions on which they arise, and magnify the consequences that they produce.

The ethical problems that public officials confront arise from two general features of public office—its representational and its organizational character. Officials act for us, and they act with others. Because officials act for us, they assume rights and obligations that ordinary citizens do not have, or do not have to the same degree. For the sake of those for whom officials act, the duties of office may permit and even require officials to use force, lie, keep secrets, and break promises in ways that would be wrong in private life. These and worse violations of our shared moral principles create what is known as “the problem of DIRTY HANDS.” The problem originates in the world of kings and princes, who for reasons of state transgressed the conventional morality of their time (Parrish 2007). MACHIAVELLI provided the classic formulation. The problem reappears in our time most dramatically in the dilemmas that revolutionaries confront, as in JEAN-PAUL SARTRE’s play that gives the problem its modern name.

More recently, some political theorists have suggested that the leaders of established democratic states may have hands that are no less dirty. In the most influential formulation, Michael Walzer (1973) argues that “a particular act of government may be exactly the right thing to do in utilitarian terms and yet leave the man who does it guilty of a moral wrong.” In Walzer’s view, the problem creates a paradox: the politician must do “wrong to do right” (p. 164). The complete moral judgment we make of the politician combines at the same time elements of CONSEQUENTIALISM and DEONTOLOGY. It should not be surprising that this unstable mixture has been criticized from both sides (Rynard and Shugarman 2000). Consequentialists object that if the action is justified, then the politician is not guilty of anything (though it might be useful for him to feel guilty). Deontologists object that if the action is truly wrong, the politician should simply not do it.

Democratic theorists object that neither Walzer nor his philosophical critics recognize that the problem takes a different form in democratic politics (Thompson 1987:11-39). Walzer and others suggest that the key question is how to punish or hold the dirty-handed official accountable. But the leader who gets his hands dirty does so in the name of citizens and with their implicit approval. (If his decision is not democratically legitimate, the problem is an abuse of power, not a moral dilemma.) In the context of a democracy, the question is not what citizens should do to the leader but what citizens and the state should do to compensate the victims of the decision, or how citizens can hold leaders accountable for decisions that are legitimately made in secret. (See e.g. COMPENSATORY JUSTICE; LEADERSHIP ETHICS; PUBLICITY)

A generalized form of the problem of dirty hands persists in politics regardless of whether the dilemmas are considered paradoxes, and regardless of whether the agents facing them are individual leaders or democratic citizens. In the general form, the problem becomes the time-honored question: to what extent does the end justify the means in politics? The most productive literature focuses on particular means, such as VIOLENCE, deception, and secrecy that are morally questionable but may be justified in some circumstances. Some argue that certain means are never justified. Torture is their most plausible example. (See TORTURE; TERRORISM.) But few theorists (though perhaps some politicians) are prepared to follow Machiavelli to the other extreme and claim that “when the end is good...it will always excuse the means” (Machiavelli 1883, Bk. I, ch. IX).

The more common view is that whether the means are justified depends on several different factors including, but not limited to, the value of the end. For example, in judging whether political deception is justified, we should consider the importance of the goal of the deception; the availability of alternative means for achieving the goal; the identity of the victims of the deception (other officials, other governments, all citizens); the accountability of the deceivers (the possibility of approving the deception in advance or discovering it later); and the containment of the deception (its effects on other actions by officials). (See LYING AND DECEIT.) In a democracy, the vices of concealment (secrecy, MANIPULATION as well as

deception) require special attention. (Also see CONFIDENTIALITY.) They prevent citizens from reaching a collective judgment about the other wrongs of government—including the vices of violence (Thompson 1987).

The representational character of office creates another problem that has a similar logical structure to the ends/means question but is usually treated separately. Should a representative follow the will of constituents or the dictates of conscience? To win and retain office (a democratically desirable end), the representatives must sometimes act against their judgment about what is right or what the general interest requires (a morally questionable means). The problem is more complex than this simple opposition suggests, because the constituents do not have a single will, and representatives have many different responsibilities (Urbanati and Warren 2008).

While the problem of means and ends deals with actions that are permitted in public office but not in private life, the problem of higher standards refers to actions that are more strictly regulated in public office than in private life (Thompson 1995). Ethical principles may, for example, require public officials to disclose information about themselves that would violate their PRIVACY if they were ordinary citizens. They may be prohibited from using their office for personal profit in ways that would be acceptable in private occupations. They may be held responsible for consequences over which they had little or no control, and for which they would be excused if they were in private life.

The most extensive work on higher standards deals with the rules governing public office, usually referred to as government ethics (Madsen and Shafritz 1992). The main issues center on the regulation of CONFLICTS OF INTEREST, revolving doors, lobbying, nepotism, outside income, and WHISTLEBLOWING. Most of the work deals with the content of the rules, and some is legalistic and quite technical. However, there are a number of theoretical problems that are beginning to receive attention, such as the difference between individual and institutional CORRUPTION (Thompson 1995). The paradigm of bribery in which individual motives are corrupt is now seen as an unsatisfactory way to understand more complex forms of corruption that arise in the practices of campaign finance. More generally, the connections between democratic theory and political ethics are especially important in government ethics. For example, the demand for greater transparency rests on a recognition that democratic accountability requires public officials not only to act in the public interest but also to show that they are doing so.

The *organizational* nature of public office creates the second general set of problems for the ethics of process—difficulties in ascribing RESPONSIBILITY. Here the difficulty is not which principles to apply, but which agents to apply them to. Like any kind of morality, political ethics assumes that the persons whom it judges can be responsible for the actions for which they are judged. But the structure of public office threatens this assumption. Because many different individuals in an organization contribute in many ways to the decisions and policies, it is difficult even in principle to identify who is responsible for the results. This is known as “the problem of many hands.” (Thompson 2005:11-32)

Two general approaches to this problem have been prominent. The collectivist approach (holding only the organization itself responsible) is more common in the philosophical literature. (See COLLECTIVE RESPONSIBILITY.) It is claimed to have two principal advantages: if we target only the organization, we have identified an agent that we can hold responsible without unfairly blaming individuals, and also the agent that has the greatest capacity to provide compensation and undertake reforms. However, even if collectivities are regarded as moral agents just like persons (and what that means seems obscure), it is still the individual members of the organizations who suffer the consequences that follow from the ascription of responsibility, and individual officials who will have to respond. Thus even on this approach we cannot completely avoid dealing with individual responsibility.

Other theorists have argued that with some modifications in the standard criteria of responsibility, the individualist approach (holding individuals responsible for collective outcomes) can be preserved (Bovens 1998; Thompson 2005:11-32, 33-49). Excuses that might be valid in private life are less plausible in political organizations. To reject an excuse of ignorance, for example, we do not have to show that a public official should have foreseen the specific act of particular subordinates. It is sufficient that the official should have known that mistakes of the kind that occurred were probable. (For example, when there are strong incentives to complete the job as fast as possible, the risk that safety may be compromised increases). In organizations, certain patterns of fault are common enough that any competent official should anticipate them and take reasonable precautions to avoid them or at least minimize their harmful consequences. Officials can be held responsible for the design of institutions (van den Hoven 2012).

Political Ethics of Policy

Nearly all of the topics discussed in practical or APPLIED ETHICS turn up here but with a distinctive twist (Gutmann and Thompson 2006; Bluhm and Heineman 2007). Instead of asking only what conclusion is morally justifiable (as a philosopher or citizen should initially), political ethics further asks what conclusion should be adopted as policy and coercively enforced as law when citizens reasonably disagree about the values at stake, or when they belong to different communities and nations. In addition, some work in political ethics criticizes the methods of policy making such as COST BENEFIT ANALYSIS.

The key problems in policy ethics are not conflicts between ends and means, or between the process and outcomes, but rather between the values of the ends or outcomes themselves. Many of the salient issues in policy ethics are driven by the general tension between partial and impartial claims or obligations. (See IMPARTIALITY.) This can be seen clearly in the work on what has become one of the most active areas, GLOBAL DISTRIBUTIVE JUSTICE. On the one side, the partialists (holding a doctrine sometimes called social liberalism) give priority to the nation state, and require international transfer only to sustain domestic institutions.

On the other side, the impartialists (holding a doctrine known as COSMOPOLITANISM) give the interests of each individual equal respect regardless of their citizenship, and requires more extensive distribution of resources and more demanding international obligations. (See Beitz 1999). Others are international in outlook but resist identification with either of views. (See e.g. Nussbaum 2011.) Similar conflicts arise in another policy area that has stimulated important contributions—IMMIGRATION. (See also Macedo 2007) The cosmopolitans tend to favor open borders while the social liberals justify restrictions to protect domestic institutions.

The conflict between ends arises in other areas but the entities are different. In the case of environmental policy, the conflict is in part between current and future generations. A salient political question is how can future generations be represented (especially in light of the fact that current policy will determine who they will be). (See INTERGENERATIONAL JUSTICE; POTENTIAL PERSONS.) In the case of ANIMAL RIGHTS, the conflict is between human and other species. Here too one group must necessarily speak for the other. Some theorists frame the question of ABORTION as a conflict between the rights of women and the right of the unborn child, though this question is obviously more complex and even how it should be framed is contestable. A critical political question is whether the absence of legal prohibition is a morally neutral position as some liberals argue, or whether the government takes a moral position whether it acts or declines to act.

Many other areas present conflicts between different principles or theories of JUSTICE: retributive v. consequentialist (criminal PUNISHMENT); EGALITARIANISM v. LIBERTARIANISM (HEALTHCARE RESOURCES, welfare, education, taxation); non DISCRIMINATION v. EQUALITY OF OPPORTUNITY (racial and gender AFFIRMATIVE ACTION). Other policy areas are seen as creating conflicts between different liberties: government support of religious institutions; regulation of protests and demonstrations; law enforcement. (see RELIGION AND POLITICS; SPEECH, FREEDOM OF; POLICE ETHICS). Another conflict—between the market and morality—is receiving renewed attention from philosophers, who emphasize the limitations of economic approaches (see Satz 2010). Finally, there are new technologies where we are only beginning to identify the values that are stake in public policy (see e.g. EMBRYO RESEARCH; GENETIC TESTING; REPRODUCTIVE TECHNOLOGIES; NANOTECHNOLOGY.)

Political ethics in a democracy examines all of these policy areas with this question in mind: what difference should the circumstances of democratic politics make? Those circumstances include the need to make collective decisions that are binding on all citizens, and the diversity of moral and political views in modern societies. Citizens have a right to an equal voice in deciding policies but in a pluralist society they disagree fundamentally about what policies are right. That suggests that even if we believe a policy to be right, we have to consider whether in light of the disagreement it should be modified, an alternative policy adopted, or exemptions allowed. This consideration leads to several important but sometimes

neglected subjects of inquiry: the ethics of COMPROMISE (see Gutmann and Thompson 2012), the justifiability of CIVIL DISOBEDIENCE, the exercise of official discretion (Appelbaum 1992), the scope of CONSCIENTIOUS OBJECTION, the rights of cultural and linguistic minorities (see MULTICULTURALISM), and the legitimacy of SECESSION.

Criticisms of Political Ethics

Critics have raised objections to the whole enterprise of political ethics. Two have been especially prominent. First, some (political realists) argue that ethics has no place in politics (e.g. Acheson 1965: 228; Korab-Karpowicz 2010). Politics takes place in a rough-and-tumble world where individuals and nations pursue power in their own interest. If politicians are to be effective in this world (especially in international relations), they cannot be bound by rules that would constrain this pursuit. To the extent that ethics places limits on the pursuit of power, it is seen as useless or even harmful.

The proponents of political ethics point out first that the most conceptions of ethics allow for the pursuit of less than universal interests and less than absolute principles. Second, the proponents observe that most people who claim to avoid ethics end up making ethical judgments at least implicitly. If the realists are asked to justify their claims, they will almost always appeal to moral principles of their own (for example, to show that certain kinds of ethics are harmful or counterproductive). (See Walzer 1977: 4-13).

A second group of critics object that political ethics focuses too much on particular policies and policymakers, and thereby ignores the causes of larger injustices, which lie in the structure of society and government (e.g. Barry 2005). For example, the political ethics debate on affirmative action often centers on the question of whether groups, or only individuals, may properly be considered victims of discrimination. But the real opposition to affirmative action, these critics emphasize, originates in racist and sexist structures in society that exclude many groups from participating at all. (See e.g. RACISM; and Young 2000.)

The proponents of political ethics reply first that principled arguments for and against particular policies cannot be ignored. If we are to design a justifiable a policy on affirmative action, it matters whether the subject of justice is taken to be individuals or groups. But second political ethics does not in fact focus only on particular policies. Indeed, its use of general principles naturally leads to judgments that go beyond the evaluation of any particular policy. If we invoke a principle of justice to assess a policy on affirmative action, we will soon find ourselves noticing implications of that principle for health care policy, and then looking at the occupational structure of the society. There is in political ethics an impulse toward the general even while its judgments are directed toward the particular.

As for the focus on policymakers, the critics object that most of the dilemmas that public officials face are largely created by the structures in which they act. There is not much that even very powerful individuals can do about the major injustices

and immoralities in society. Proponents of political ethics reply that examining the decisions and character of individual politicians can help identify the structural constraints on their action, and point the way toward reform. In general, political ethics resists the trend toward a view of a politics as structure, which its proponents suggest leads to a conception of politics devoid of human agency. The excessive emphasis on structures leaves citizens without any way to connect their criticisms of the structures of politics with the actions of the persons who should be most responsible for trying to change those structures.

Cross References

ABORTION; AFFIRMATIVE ACTION; ANIMAL RIGHTS; APPLIED ETHICS; CIVIL DISOBEDIENCE; COLLECTIVE RESPONSIBILITY; COMPENSATORY JUSTICE; COMPROMISE; CONFIDENTIALITY; CONFLICTS OF INTEREST; CONSCIENTIOUS OBJECTION;; CONSEQUENTIALISM; CORRUPTION; COSMOPOLITANISM; COST BENEFIT ANALYSIS; DEONTOLOGY; DIRTY HANDS; DISCRIMINATION; EGALITARIANISM; EMBRYO RESEARCH; EQUALITY OF OPPORTUNITY; GENETIC TESTING; GLOBAL DISTRIBUTIVE JUSTICE; HEALTHCARE RESOURCES; IMMIGRATION; IMPARTIALITY; INTERGENERATIONAL JUSTICE; JEAN-PAUL SARTRE; JUST WAR THEORY; JUSTICE; LEADERSHIP ETHICS; LIBERTARIANISM; LYING AND DECEIT; MACHIAVELLI; MANIPULATION; MULTICULTURALISM; NANOTECHNOLOGY; POLICE ETHICS; POTENTIAL PERSONS; PROFESSIONAL ETHICS; PUBLICITY; PUNISHMENT; RELIGION AND POLITICS; REPRODUCTIVE TECHNOLOGIES; RESPONSIBILITY; SECESSION; SPEECH, FREEDOM OF; SPEECH, FREEDOM OF; TERRORISM; TORTURE; VIOLENCE; WHISTLEBLOWING

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