

Why Civil Servants Must Maintain Impartiality: An Ethical Justification

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Abstract

There is a strong tension which civil servants face between their official duties which ask them to be impartial and their natural tendencies to favour their family members and friends. This paper addresses a moral dilemma, which is an example of a conflict of interest, where a civil servant is faced with a choice to either remain impartial or to favour a friend in awarding a contract. An inductive argument is made for why it is the case that the civil servant in the moral dilemma must remain impartial. This argument is supported through the analysis of three ethical theories, deontology, virtue ethics, and consequentialism, which are then applied to the moral dilemma and which it is shown all three theories reach the same conclusion that a civil servant must remain impartial. An ethically based argument is therefore presented to justify the current conflict of interest regulations which prohibit civil servants from acting partially.

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“Ninety percent of the politicians give the other ten percent a bad reputation.”

Henry Kissinger (1923 -)

Table of Contents

SECTION 1 INTRODUCTION	6
SECTION 1.1 MORAL DILEMMA, ARGUMENT, AND THEORETICAL FRAMEWORK	6
SECTION 1.2 OVERVIEW	7
SECTION 2 MORAL DILEMMA	8
SECTION 2.1 MORAL DILEMMA	8
SECTION 2.2 ARGUMENT	9
SECTION 3 IMPARTIALITY AND PARTIALITY	10
SECTION 3.1 IMPARTIALITY	10
SECTION 3.2 PARTIALITY	11
SECTION 3.3 EXAMPLES IN THE ARGUMENTS FOR PARTIALITY AND IMPARTIALITY	14
SECTION 3.4 RESOLVING THE ROLE OF IMPARTIALITY AND PARTIALITY	15
SECTION 4 CORRUPTION AND CONFLICTS OF INTEREST	16
SECTION 4.1 CORRUPTION	17
SECTION 4.2 CONFLICTS OF INTEREST	20
SECTION 5 DEONTOLOGY	24
SECTION 5.1 DEONTOLOGY EXPLAINED	24
SECTION 5.2 DEONTOLOGY AS THE ETHICAL FOUNDATION OF CONFLICTS OF INTEREST 26	
SECTION 5.3 RESOLVING THE MORAL DILEMMA	28
SECTION 6 VIRTUE ETHICS	29
SECTION 6.1 VIRTUE ETHICS EXPLAINED	29
SECTION 6.2 WHAT ARE THE VIRTUES?	31
SECTION 6.3 VIRTUE ETHICS IN ACTION	33
SECTION 6.4 MINIMIZING CONFLICTS OF INTEREST AND WITH THAT THE MORAL DILEMMA	34
SECTION 6.5 IMPARTIALITY AND FRIENDS	35
SECTION 7 CONSEQUENTIALISM	35
SECTION 7.1 CONSEQUENTIALISM EXPLAINED	36
SECTION 7.2 CONSEQUENTIALISM AND THE GOOD TO BE MAXIMIZED	36
SECTION 7.3 RESOLVING THE MORAL DILEMMA	40
SECTION 8 CRITICAL ASSESSMENT	42
SECTION 8.1 NEPOTISM	42
SECTION 8.2 IS THERE A NEED FOR MORE THAN ONE THEORY?	43
SECTION 9 CONCLUSION	44
SECTION 9.1 MORAL DILEMMA AND ARGUMENT	44
SECTION 9.2 IMPARTIALITY AND PARTIALITY	44
SECTION 9.3 CORRUPTION AND CONFLICTS OF INTEREST	45
SECTION 9.4 DEONTOLOGY	45
SECTION 9.5 VIRTUE ETHICS	46
SECTION 9.6 CONSEQUENTIALISM	46

SECTION 9.7 CONCLUSION..... 47
BIBLIOGRAPHY 48

Section 1 Introduction

Conflicts of interest are an ongoing problem within governments. Just recently in Canada there have been allegations that Conservative supporters and friends are winning an excessive amount of government contracts. Finance Minister Jim Flaherty's office in 2006 awarded a \$122,000 contract, without a competitive tendering process (which violates the government's own guidelines) to a Toronto-based firm whose owner supported Flaherty with his attempts to win the leadership of the Conservative Party.¹ This is not an isolated incidence which can be attributed solely to the practices of the Conservative Party. Indeed, such cases of conflicts of interest can be found when one looks at any of the major parties in Canada or the U.S.A. Clearly civil servants, even at the highest levels, seem either ignorant or unwilling to uphold their duty to be impartial when conducting themselves professionally.

Section 1.1 Moral Dilemma, Argument, and Theoretical Framework

This paper examines the underlying dilemma between a civil servant's tendency to be partial towards family members and friends and their official duty to be impartial when conducting themselves within the scope of their office. The question, why it is that engaging in conflicts of interest is ethically wrong, will also be discussed and it will be argued that civil servants have an ethical responsibility to refrain from being partial and must adhere to regulations which ask them to be impartial.

In this paper, it is taken as a point of departure the role of the individual in cases involving conflicts of interest. With this in mind though, there are clear values imposed upon the individual from within society. The theoretical framework, within which I will be working, is one which presumes several values which play a role in shaping the conduct of the individual and which can be said to come from society, and ought to be maintained. The first is that there should be a competitive and fair process in awarding contracts and hiring individuals. Secondly, that trust in government on the part of the civilian is something which is valuable even if it can be tenuous at times and therefore one goal of government should be to strengthen this. Thirdly, that the spirit of individualism and the importance of intimate

¹ Akin, D 'Flaherty grilled over untendered contracts' *Canada.com* (May 24, 2008), URL = <<http://www.canada.com/topics/news/story.html?id=2433b07d-6da1-4895-86bf-bb52e3d70374>>

relations have important meaning for individuals and should be superseded as minimally as possible. Forth, when referring to government it should be taken as a democratic government.

Section 1.2 Overview

This paper has eight sections which explain, and argue for, an ethical ground in maintaining the demand of impartiality when civil servants perform their official duties. The breakdown of the following chapters is the following: Section 2 Moral Dilemma, introduces the moral dilemma which this paper focuses on and the argument which will be made in resolving the moral dilemma in favour of impartiality. In Section 3 Impartiality and Partiality, the moral ideas of impartiality and partiality will be discussed. What role each of these ideas has in moral thought today will be shown. It will be maintained throughout this section that although impartiality is a main tenet in moral philosophy, such a notion does not adequately explain or account for the value which we derive from partiality within relationships to those we have as family members or friends. Section 4 Corruption and Conflicts of Interest, begins the discussion regarding corruption and specifically conflicts of interest, of which the moral dilemma is an example. Why conflicts of interest are wrong will be examined, as will the difficulties and heavy burden we place upon civil servants who are asked to behave “unnaturally” through impartiality. Section 5 Deontology, is the first of three sections which argues that in combating corruption and minimizing conflicts of interest, civil servants must remain impartial even under the heavy burden that it imposes. Deontology will be explained and reasons for why this theory should be the one our current approach to conflicts of interest rests upon will be put forth. In Section 6 Virtue Ethics, the second ethical theory which supports the argument put forth in Section 2 will be looked at. What such a theory entails will be explained along with what we should take a virtue to be. How virtue ethics would resolve the moral dilemma is outlined as are ways in which such an approach to the topic could help minimize conflicts of interest in the future. Section 7 Consequentialism, is the final section regarding the argument that there is no justifiable basis, under the three major ethical theories used today, for allowing civil servants to be partial and therefore, must adhere to the regulations in place which prohibit them from being partial. The ethical theory of consequentialism will be explained as will how such an approach to conflicts of interest would differ from the current deontological approach. Section 8 Critical Assessment, is devoted to two particular objections that could be raised against the purpose of this paper and

secondly, the extensiveness of it. Section 9 Conclusion, will be a summary of the argument made in this paper and the findings that have been established.

Section 2 Moral Dilemma

In this section a moral dilemma, which will be the focus of this paper, will be presented and the argument for how this dilemma should be resolved will be outlined.

Section 2.1 Moral Dilemma

A moral dilemma is essentially an instance where an individual must make a decision regarding at least two actions of which there are moral reasons for doing either of the two but which only one can be done. The agent is required to do both of the actions but cannot. Therefore, a moral dilemma can be said to be a conflict where regardless of which action is chosen, a moral agent will fail to do something which they ought to do.²

An example of a moral dilemma, which must be resolved and will be the focus of this paper, is the following. Civil servant A has found herself in a situation which enables her to benefit a friend by awarding a consulting contract to the company which the friend owns. In this case, civil servant A can be said to have a moral obligation to both not award the contract and to award it. We can say she has a moral obligation not to award the contract because she must be impartial when conducting her official duties. Such impartiality is essential in maintaining public trust in government. It can also be said however, that she has a moral obligation to award the contract because as a friend, it is essential to be partial. The partial preference to a friend is a vital quality of such a relationship and it is what gives it value. Broadly, this moral dilemma will be looked at as a conflict between one's impartial duties as a civil servant which forbids him to benefit a family member or friend and his duties as a family member or friend to show partial treatment. Because a friend is involved in this moral dilemma, it is also an example of a conflict of interest where, because the friend is involved, it is an interest which hinders the ability of the civil servant to perform his duties in an objective, unbiased manner. As such, this moral dilemma is a case of a conflict of interest. It could also be said that in

² McConnell, T "Moral Dilemmas", *The Stanford Encyclopedia of Philosophy (Summer 2006 Edition)*, Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2006/entries/moral-dilemmas/>>.

resolving this dilemma we are resolving the larger issue of how to avoid conflicts of interest and corruption in general.

Section 2.2 Argument

It will be argued that Civil servant A must remain impartial and adhere to the current regulations that prohibit a civil servant from benefiting a family member or friend. This will be argued from the fact that under the three major approaches in ethics, deontology, virtue ethics, and consequentialism, there can be found no justification for partial treatment. The moral argument put forth in this paper used to resolve the moral dilemma, is an inductive argument with the following premises and conclusions.

P1: If three of the main ethical theories currently used today for ethical deliberation support an ethical basis for upholding the duty of civil servants to be impartial, rather than allow for them to be partial, then impartiality ought to be upheld.

P2: Deontology, virtue ethics, consequentialism are three of the main ethical approaches currently being used today in ethical deliberation.

P3: Deontology, virtue ethics, and consequentialism all support upholding the duty of civil servants to be impartial.

Therefore,

C1: Civil servants ought to uphold their duty to be impartial.

P4: Civil servant A is a civil servant.

Therefore,

C2: Civil servant A must be impartial.

In making this argument, I will show that although the current regulations prohibit partiality, this prohibition should not be seen as a foregone conclusion since partiality is fundamentally a very strong human tendency and that the burdens placed on civil servants are unnatural. After the discussion on partiality and impartiality in Section 3, it will be shown how the different ethical theories mentioned would approach and resolve the moral dilemma and in general resolve conflicts of interests in favour of impartiality.

Section 3 Impartiality and Partiality

The role which both impartiality and partiality have in moral philosophy today will be discussed in this section. I intend to show that although impartiality is a central tenet in morality, this does not explain or allow for our natural tendency to be partial towards our family member and friends. Furthermore, I will explain how such disagreement over whether one should be impartial or partial could be resolved and at what levels of moral thought each one has a role to play. I take impartiality to be a decisional framework which extols objectiveness and selflessness, and I take partiality to be a decisional framework which necessarily favours a person, or group of persons, because of the special relation they have with us.

Section 3.1 Impartiality

Impartiality is one of the most central and perhaps strongest tenets of moral philosophy. Nearly all moral theories incorporate some measure of impartiality into their doctrines and often espouse it as a key component. This has led some to recognize universally, that impartiality is an essential feature of morality itself.³ Impartiality asks us to remove ourselves from “self-interest, privileged personal relationships, the demands of the moment, and a fully situated first-person point of view, in favour of aggregate or common good, equal and universal relationships, long-range considerations, and the point of view of the disinterested, omniscient observer.”⁴ It seems apparent that impartiality requires us to put aside many of our more human emotions and interests in favour of a more detached interest. Although I will not fully explore the idea, I wonder if already we may see some problems with an impartialist stance on morality. Can we truly escape some of these fundamentally human characteristics such as self-interest and privileged personal relationships and become a disinterested, omniscient observer? Although this may be very difficult to do, moral theories regularly argue that one’s own characteristics (such as selfishness and other purely personal interests) are indistinguishable, morally speaking, from those of other people and that the reasons for treating similar cases similarly, overrides our own self-interest.⁵ It is not that your own self-interests and personal relationships are irrelevant, it is just that we all have such claims and

³ Gert, B (1998) ‘Moral Theory and Rationality’ in J.P. Sterba (ed), *Ethics: The Big Questions* (Oxford, Blackwell Publishers Inc). pg.84

⁴ Becker, LC (1991) ‘Impartiality and Ethical Theory’ *Ethics*, Vol.101, pg.698

⁵ *ibid*

because of this a moral theory must not play favourites and we must not be permitted to manipulate rules or make ad hoc exceptions for our personal advantage. Although you are entitled to self-interest and personal relationships, everyone has an equal claim on such things, and we must therefore express morality in such a way as to treat everyone similarly as everyone is in relevant ways, similar.⁶ It is in this sense that morality requires us to be impartial. Since everyone has friends, families, etc., impartiality requires us to treat these facts as morally irrelevant. Such impartiality must not be confused with the idea that all people are to be treated in the same manner. “Of course, here again, basic principles that are perfectly impartial can (indeed, usually will) play themselves out in particular applications in such a way as to allow (or even require) us to treat different people differently. But the ultimate principles of morality must not themselves play favourites.”⁷ For instance, those who fall within the group of persons who are poor or hungry must be treated differently from those who are wealthy and well fed. We have obligations to those who are poor not because we have a special relation to them which generates the moral obligations, but simply because they are poor and in need of assistance unlike others. More specifically, impartiality requires that relational characteristics be viewed as morally irrelevant.⁸ In addition, this requirement of impartiality and universality is not a mere “quirk” of what is now fashionable in moral doctrines.⁹ Rather it is arguably something which any moral code must embody for it to be considered as a moral code at all.¹⁰

Having said all this, it seems as though I am in favour of impartialist aspects in moral doctrines. Although I am neither for nor against impartiality, I do recognize its importance to morality. I also however recognize, as many do, that partiality also plays a very important role in morality and I now turn this discussion in that direction.

Section 3.2 Partiality

Although I will not be making the claim that impartiality is at all times a bad thing, it is important to note that there are several philosophers who maintain the position that the importance impartiality has with ethics is exaggerated and furthermore, the emphasis it places

⁶ Becker, LC (1991) pg.698

⁷ Goodin, RE (1988) ‘What is So Special about Our Fellow Countrymen?’ *Ethics*, Vol.98, pg.664

⁸ Baron, M (1991) ‘Impartiality and Friendship’ *Ethics*, Vol. 101, pg.838

⁹ Goodin, RE (1988) pg.664

¹⁰ *ibid*

on ethics is detrimental.¹¹ Most people acknowledge that despite the strong attachment to impartiality we do have various special duties that are different in content and form, and that we have these special duties to some people which we do not otherwise have to all people.¹² We have these special duties to some people because of the special relation they have with us. An example would be the special duties parents have to their children specifically that they do not have to other people's children in general. For instance, I would have a special duty to ensure that I spend time with my child. This is a duty that I have, not because it is a child but because it is my child. I do not have to spend time with all children, or a random child, but rather I must spend time with my child. This does not mean that we have no duties to others or their children, it simply means that because of the special relationship a parent has to his child there are duties which go beyond the general duties we all share. The particular individuals who are commonly associated with special duties are the members of our family and friends. We have these special duties because of the fact that they are our friends and not merely someone's friend.

Special duties bind particular people to particular other people.¹³ How such special duties to particular people in light of their relationship to us can be problematic is through the way it fits with the commonly held position that morality in general requires universality and impartiality. It simply does not seem to correspond. There have been suggestions that partiality and special duties are actually a "whole other branch" of moral law which is not found within existing standard canons.¹⁴ Some have gone even further in stating that particularism "marks the limits of our psychological capacities for living up to the harsh standards that general moral law sets for us."¹⁵ I tend to agree with this more extreme analysis of partiality that explains its existence as a kind of mechanism for us to ground, or extend morality, in such a way as to find it more acceptable to what many find intuitively agreeable.

The partial claim that a parent has a special duty to his child that others do not have for instance, is just one example of how we often gravitate towards certain aspects of morality which we "know" are correct, even when more general laws of morality may exclude such special duties. Furthermore, I tend to think that such special duties and partiality are not the

¹¹ Baron, M (1991) pg.836

¹² Goodin, RE (1988) pg.664

¹³ *ibid* pg.665

¹⁴ *ibid*

¹⁵ *ibid*

limit of but more of a base by which we determine if a moral theory is valid. If we cannot live up to the “harsh” limits of general moral law it is because, I believe, that we intuitively think that such a law is immoral or is not in tune with our more natural behaviour. Thus it should be seen less as a limit and more as a grounding principle to parallel our natural tendencies with moral law.

Generally we can say that partialists are not defending partiality for its own sake, rather it is the function which is being served by partiality that makes it valuable maintaining close personal relationships for instance.¹⁶ Impartialism is at odds with these personal relationships as it seems that being in such a relationship requires partiality and that the special duties bestowed in such a relationship would be unfair by nature as it requires that some people, in light of being in a relationship, will be treated differently and perhaps preferentially from other people. Thus impartialism does not leave room for, or adequately explain, close relationships as such relationships “thrive” on partial treatment.¹⁷ Personal relationships require that we not view the other in such a relationship as just one person among many, as an impartialist would have us do, and for this reason we can see one problem with impartialism, i.e. that it does not sufficiently take into consideration some of the most important relationships we as social beings have to one another. Recently, partiality has grown in appeal, as it attempts to tackle the issue of favouring our loved ones and tries to explain how such theories fit into our general understanding of morality.¹⁸ Close relationships require as a fundamental principle, partiality. Those closest to us are entitled to special attention, responsiveness, and favouritism. Keeping such responsibilities is essential to the integrity of what we commonly view as a good life and there is intrinsic value in benefiting loved ones and friends.¹⁹ The special duties which we have in relation to those closest to us come from what we see as valuable to the good life and it is common-sense morality which, in large part, consists of these obligations. Not only are these obligations and duties present but they are particularly strong ones capable of overriding (at least at the margins) our general duties to aid strangers.²⁰

¹⁶ Friedman, M (1991) ‘The Practice of Partiality’ *Ethics*, Vol. 101, pg.826

¹⁷ Baron, M (1991) pg.837

¹⁸ Friedman, M (1991) pg.818

¹⁹ *ibid*

²⁰ Goodin, RE (1988) pg.666

Section 3.3 Examples in the Arguments for Partiality and Impartiality

An example which is often cited and used in support of partiality was actually first used by a well known impartialist by the name of William Godwin. Although the example has had many variations over time the basic scenario goes as follows. Imagine that a house is on fire and there are two occupants inside, of which only one can be saved. One of the occupants is a great philanthropist who has contributed greatly to society, and will conceivably continue to do so in the future, if saved from the fire. The other occupant is your mother. Originally Godwin used this example in an attempt to explain why the one who has, and will in the future, contribute the most to society should be the one saved. However, this example is now most often used by partialists to show an example in which we are expected to save our own mothers and a failure to do so would be contradictory to morality. Such an example is used to criticize impartial morality, emphasize the need for morality to adequately address the issue of our obligations to those close to us, and make a case for partiality to be further included in morality.²¹

Just as we can imagine scenarios which will lead us to accept some partiality in morality, there are just as many, if not more, examples which will lead us to maintain the strong tradition of impartiality. A good example of this which comes up when discussing conflicts of interest is nepotism among government officials. If for example, there is a government official who decides to hire a son or daughter not because of their talent and ability but rather because it is their child, this is nepotism. In such instances it is widely held that we are supposed to be impartial. On the issue of conflicts of interest such special duties, as mentioned that we may have to those closest to us, family, friends, etc., are completely prohibited. In prohibiting such duties however, conflict of interest laws, rules, acts, and other regulatory mechanisms disregard our common sense morality and what we take to be “particularly strong” obligations. It is important to note that in discussions regarding partiality there are many who acknowledge that partiality can in some instances be inappropriate.²² It is generally accepted that nepotism should not be allowed in government offices.

I am not trying to make the claim that these strong partial obligations should be allowed for civil servants. I agree that there are reasons and instances for not allowing such partiality but I

²¹ Goodin, RE (1988) pg.665

²² Friedman, M (1991) pg.820

also take a very pragmatic approach and recognize something which most restriction mechanisms used to prevent conflicts of interest do not. This is that such obligations are very ingrained in us and create a strong tension within civil servants, which is resolved at times, by them in favour of partiality. There is a very real tension which exists between this strong sense of obligation to those close to us and the demands of impartiality which come with holding a public office.

There seems to be good reasons for accepting in some instances partiality on the one hand and impartiality on the other. It is my sense that we would like to keep the notion that we have special duties to those closest to us, while at the same time recognize, and hold as equally strong, that there must be certain aspects of impartiality.

Section 3.4 Resolving the Role of Impartiality and Partiality

There have been attempts to resolve the issue regarding this tension between whether we should be impartial or partial or when, in either case, it is acceptable to do so. Although few go against the appropriateness of partiality toward loved ones, the debate grows about its theoretical justification.²³ The central issue in this debate is whether partiality can be justified by the dominant theoretical traditions of morality which call for impartiality.²⁴ The first step here is to ask whether impartiality requires that no one be seen as special. The answer to this is no. For example, if there is a judge in a music competition who sees a very young competitor he can very rightly recognize such an individual as special. The important aspect is not that the individual not be seen as special, but rather that in awarding a prize such considerations not sway the judgement.²⁵ The judge remains impartial if the decision is made regardless of who it may benefit or harm. Furthermore, it should be noted that not all judges need to prefer the same style or ranking system to remain impartial.²⁶ There could be a wide array of varying preferences regarding performances. One judge may prefer complicated pieces while another may prefer originality. The judge remains impartial to the different types of playing so long as no individual is favoured. In a similar fashion, moral impartiality “allows for differences...as long as one would be willing to make these rankings part of the

²³ Friedman, M (1991) pg.818

²⁴ *ibid*

²⁵ Baron, M (1991) pg.837

²⁶ Gert, B (1998) pg.88

moral system and one does not favour any particular person.”²⁷ Thus, partiality seems to be acceptable if it can be universalized impartially and become acceptable to everyone.

Allowing, for instance, everyone to favour their loved ones more so than strangers, can be permitted so long as such a moral rule does not place a value on who it is that can favour their loved ones. This is often seen as an example of allowing partiality at the level of living one’s life while still maintaining impartiality at the level of moral codes and doctrines.

Partialists and impartialists do not need to be in conflict over showing bias to those with whom you have a close relationship with. It can be agreed that it is part of friendship to want to favour those who you stand in a special relationship with and it can also be agreed and acknowledged that there are times when we should not allow “proper bias” to influence decisions.²⁸ Thus, it has been said that impartiality is part of an ideal which is open for general debate regarding moral principles and values and is not a recommended way of life.²⁹ I’m not saying partiality is acceptable. I am merely showing in depth the issues surrounding partiality and impartiality and making clear the case that there is a tension which exists that civil servants exhibit when they are asked to be impartial, while their very nature is telling them to be partial.

It should now be clear that although impartiality is a central theme in moral theory, partiality also has an essential role in explaining the value we derive from intimate relationships and that this role comes from a more naturalistic foundation of who we are as social beings. There is a legitimate need therefore, to provide evidence for when a claim is made that we ought to be impartial. In Sections 5, 6, and 7 I intend to show such evidence.

Section 4 Corruption and Conflicts of Interest

The moral dilemma mentioned in Section 2 is a clear example of a conflict of interest and depending on how it is resolved, also an example of corruption. Thus, it is important for our discussion on resolving the dilemma that we also discuss conflicts of interest which are a form of corruption. This section looks at both corruption in general and conflicts of interest in

²⁷ Gert, B (1998) pg.88

²⁸ Baron, M (1991) pg.855

²⁹ *ibid* pg.842

particular. The reasons why we take conflicts of interest to be wrong will also be discussed with reference to the Tragedy of the Commons as an explanatory mechanism.

Section 4.1 Corruption

How corruption is viewed and the way in which it has been defined has evolved over time. Originally there was a very, what I would call, naturalistic view of corruption as being something which consists of evil and dishonest men obtaining positions of power, and that corruption itself was to be dealt with in a moralistic manner.³⁰ Corruption in the simplest sense was merely attributed to evil people behaving in immoral ways. It is within this understanding of what we may view as corruption that there has been “remarkable universal agreement over the centuries as to which specific acts fall within its rubric.”³¹ Corruption was seen as the antithesis of morality.³² Because of this naturalistic view of corruption which focused on the individual and his moral character rather than possible structural faults in government, the term corruption in the past covered conduct which was inappropriate for public officials and not necessarily to an entire system of governance where we may see the term used today. As corruption was a phenomenon of evil men reaching positions of power, the solution focused on attempts to expel and filter out bad behaviour. Having said all this, the way in which corruption was viewed did change over time, particularly after the French Revolution. During and after the French Revolution reforms did away with the private monarchical government and brought in representative government from which our current understanding of corruption, broadly put, stems.³³ Public trust became crucial to the office of administrators as they became servants of the community, thus separating public from private.³⁴ A revisionist approach was adopted which defined, classified, and explained corruption’s existence through social, economical, and political deficiencies in the systems.³⁵ This classification of corruption occurs whenever “a power holder...i.e., a responsible functionary or office holder, is by monetary or other rewards not legally provided for,

³⁰ Caiden, GE and Caiden, NJ (2001) ‘Administrative Corruption’ in W Bruce (ed), *Classics of Administrative Ethics* (Boulder, Westview Press). pg.178

³¹ Caiden, GE (2005) ‘An Anatomy of Official Corruption’ in HG Frederickson (ed), *Ethics in Public Management* (New York, M.E. Sharpe, Inc). pg.281

³² Caiden, GE (2005) pg.283

³³ Caiden, GE and Caiden, NJ (2001) pg.183

³⁴ *ibid*

³⁵ *ibid* pg.177

inducted to take an action which favours whoever provides the rewards, and thereby does damage to the public and its interests.”³⁶

I define corruption as any occurrence that deviates from accepted norms of behaviour for government officials and which generates a benefit at the expense of one’s formal duties to the public. This definition shows that post-French Revolution ideas of corruption, unlike pre-French Revolution ideas, are tied to notions of a representative government. It also contains within it pre-French Revolution elements when referring to norms of behaviour. When I say pre-French Revolution what I really mean is that I take corruption to be a personal matter which can be specifically attributed to the moral character of the individual in question. Pre-French Revolution corruption was not seen as something which jeopardized public trust in government; as such trust in a monarchical state was not viewed as something with any significant value as government was not representative of the people. Rather, the focus was on “bad” men who ruled the land in a tyrannical fashion, and who were seen to have been corrupted in some way. Now this does not mean that I do not also believe that some post-French Revolution elements should be included. This is especially true of the fact that in a representative government, such as those founded after the French Revolution, there was a move towards maintaining the public trust. This idea that civil servants who do not promote the public good (and therefore begin to lose the public trust) are corrupt is something which I intend to maintain. As can be seen, I hold that the moral character of the individuals involved is important, as it has been when determining corruption for centuries. I have also included the importance of one’s duties to the public, recognition for which stemmed from the French Revolution and brought about the importance of public trust.

Central to the moral dilemma is the idea that there is a tension, or conflict, between the duties placed on the civil servant by official government expectations and the duties placed upon them through nature. The former asks civil servants to behave impartially while nature would have them act partially towards friends and family. This is a dilemma which has been to a great extent recognized and written about. It has been said by Lincoln Steffens that incentives fostering corruption “provide ‘ordinary men’ with ‘extraordinary temptations’”.³⁷ Chapman writing in 1988 noted that both Plato and Rousseau thought that administrators needed to be shielded in a way so that they would not pursue private interest and would instead protect the

³⁶ Caiden, GE and Caiden, NJ (2001) pg.178

³⁷ *ibid*

interests of the common good.³⁸ Jack, writing ten years later, states that “Paradoxically, for public administration to work properly, leaders need to behave ‘unnaturally’.”³⁹ What these writers have shown is that the tension between one’s official duties and that of their more natural duties is very real and has often been recognized in the past. Furthermore, this shows that the moral dilemma is not as simple as it may appear to be. It is true, and has been for many years, that the duties imposed on and required of the civil servant from his position in society, conflicts with his duties and requirements imposed upon him from human nature and leads to unnatural behaviour. This dilemma is best paraphrased by Caiden.

“The individual who assumes a public role is: ...torn between two social forces operating in his world. Because of the rational, impersonal and universalistic norms of the bureaucracy, he must accept that a public office is a public trust, not a personal domain. He must therefore commit himself to serve the national and community’s need ahead of his personal and family interests. But there, too, are strong kinship bonds which compel him to look after the needs not only of the immediate members of his family but even those of his extended family system, otherwise he violates a stronger norm which is deeply rooted in the personalistic and familistic outlooks which characterize traditional cultural values.”⁴⁰

It is difficult to say just how hard the existence of this tension is on the civil servant and how difficult it may be to act in this unnatural way. Rousseau recognized that to ask for public servants to behave “without personal ambition or the desire for personal gain is to expect the unnatural.”⁴¹ Knowing this, Rousseau still maintained however, that officials should put aside personal interests and act unnaturally. What is meant by unnatural is the submission of themselves to the general will over their own personal interests.⁴² From the continued existence of corruption which stems from this tension, I believe it is fair to say that, although it may not be the most difficult thing to act in this unnatural way, it is at the very least difficult when faced with such a choice as having to put personal interests aside. Problems do exist culturally when we try to pin down this tension and how difficult it may be for people to act unnaturally. For instance, there is no tension, or at least less of it, in the Middle East where it is common for individuals to benefit their families through their public office. I will not go

³⁸ Jack, M (1998) ‘Revisiting the Art of Darkness’ in M Hunt (ed), *Reform, Ethics and Leadership in Public Service* (Aldershot, Ashgate Publishing Limited). pg.70

³⁹ *ibid*

⁴⁰ Caiden, GE and Caiden, NJ (2001) pg.180

⁴¹ O’Toole, BJ (1998) ‘We Walk by Faith, Not by Sight: The Ethic of Public Service’ in M Hunt (ed), *Reform, Ethics and Leadership in Public Service* (Aldershot, Ashgate Publishing Limited). pg.87

⁴² *ibid*

into cultural differences but maintain my focus on a primarily North American or Western European perspective.

Section 4.2 Conflicts of Interest

It has been said that throughout history, particularly American history, maintaining public trust in government is essential in the fight to control political corruption. Due to this, public administrators at all levels are restricted both in their on-the-job conduct and in their out-of-office conduct. This is directly related to minimizing conflicts of interest in attempts to reduce corruption by maintaining public confidence in the integrity of public servants.⁴³ What is being restricted and monitored are situations where ones personal interest is conflicting with obligations held by the public office.⁴⁴ What we are really seeing are attempts to minimize and closely monitor conflicts of interest so that public trust in government (which is crucial for a well-functioning democracy) can be maintained.

When dealing with conflicts of interest, we are at its core challenging an “inescapable tension between interest and duty, between the inclinations of the private life and the obligations of the public role.”⁴⁵ We can define conflicts of interest as situations in which a public employee has a private or personal interest sufficient to influence or appear to influence the objective exercise of their official duties.⁴⁶ When we speak of “interest” this includes all influences, loyalties, concerns, emotions, etc. that can make it possible for a competent judgement to be less reliable than it would otherwise be.⁴⁷

Personally, I take the obligations and interests we have towards family and friends to be the strongest. It is for this reason that I take as a focus for this paper, conflicts of interest which have as a conflicting interest those partial obligations we have toward family and friends. Such conflicts of interest involve using one’s influence to provide preferential treatment in the hiring, promoting, awarding of contracts, and other business practices in attempts to benefit a relative or friend.⁴⁸ The gain is therefore neither direct nor does it find its roots in economic

⁴³ Roberts, RN (1992) ‘Conflict of Interest Regulation, Employees’ Rights, and the Constitution’ *Public Administration Quarterly*, Vol. 16, pg.347

⁴⁴ Cooper, TL (1990) *The Responsible Administrator* (San Francisco. Jossey-Bass Publishers) pg.107

⁴⁵ *ibid* pg.108

⁴⁶ *ibid* pg.114

⁴⁷ *ibid* pg.107

⁴⁸ *ibid* pg.139

interests.⁴⁹ For instance, in the moral dilemma outlined in Section 2, the reason for rewarding the friend the contract would not be for personal financial gain although there certainly is a financial gain for the friend. In this case, the civil servant receives a different kind of gain which is not economic but rather one which is derived from the friendship itself and the strengthening of that bond.

Not only is the moral dilemma a conflict of interest where the conflict is rooted in one's partial interest towards a friend, but it should also be assumed in considering the scenario that a reassignment of the matter to another employee is not possible. This ensures that the broader tensions which arise can be properly addressed and examined. In a United States government pamphlet on the issue of conflicts of interest which was released in 2002, it was stated that if the matter cannot be reassigned, the office for which you work for can ask you to "get rid of" the interest which is causing the conflict. However, I ask can we really "get rid of" our interest in family, or similarly our interest in the job?

Having defined what a conflict of interest is and outlined the type of conflict of interest which involves the moral dilemma, I would like to now turn the attention to why conflicts of interest when they are not properly addressed are wrong. This will really be a look at the importance of public trust in government.

The idea that our fiduciary relationship as trustees of the public interest can be jeopardized by a loss of trust in our professional judgement is one of the ethical problems which are presented by conflicts of interest.⁵⁰ Since it is crucial to maintain the public trust at all costs, merely the appearance of a conflict of interest may be enough to jeopardize the public faith in the integrity of government. Thus, possible public perceptions of the actions taken by civil servants (in addition to the acts themselves) must be considered when facing a situation that is ethically problematic.⁵¹ It is important to not only be free of conflicts, but it must also be true that one appears to be free of a conflict. One of the main reasons therefore for why conflicts of interest are wrong is because of the fact that civil servants are in a trust relation with the public and when a civil servant has a conflict of interest, or even appears to have one, that trust relationship is broken. Knowing this, why, it should be asked, do civil servants still

⁴⁹ Cooper, TL (1990) pg.139

⁵⁰ *ibid* pg.107

⁵¹ *ibid* pg.140

involve themselves with conflicts of interest? The simplest of answers is that, as Small concluded in 1976; it is “part of the human condition” to attempt to acquire money and power from public sources for private gain.⁵² The occurrence of conflicts of interest may be attributed to the human condition because of the fact that the public sphere has become no different from other common property resources.⁵³ This means that if the common resources of the citizenry are seen to have less importance than private interest, it is likely to be exploited and a conflict of interest will have arisen. Cooper provides a great explanation of how this “commons” of the public sphere is exploited. Using Hardin’s Tragedy of the Commons, Cooper highlights the problem of what the exploitation and erosion of this “commons” will lead to.

Hardin asks us to imagine a pasture that is open to all the village herdsmen for grazing livestock. Each herdsman quite rationally seeks to maximize his gain; this is the logical consequence of individualism. In attempting to acquire the greatest benefit for himself, the herdsman considers, more or less consciously, what the utility would be of adding one more animal to his herd....The result is that when these positive and negative partial utilities are added together, there is a clear net gain, and “the rational herdsman concludes that the only sensible course for him to pursue is to add another animal to his herd. And another...”⁵⁴

The problem with this reasoning is that each herdsman comes to the same conclusion that adding another animal to graze is the best choice. This leads to an increase of animals grazing without limit, and the pasture becomes over grazed to the point of being useless for everyone.⁵⁵ The purpose of Cooper using the Tragedy of the Commons example is to use it as an analogy for explaining why resolving conflicts in favour of private interest will lead to the ruination of the government, what he takes to be the “commons”. The public sphere is also a “commons” which is subject to abuse, and the pursuit of individual interest has become so ingrained in Western ideology that we, in a sense, “overgraze” the public sphere which is the government. This ruins the whole of government by taking away public trust through the either very real or merely perceived idea that those in power are working towards private interest and gains, rather than working for the public and promoting their interests above their own.

⁵² Cooper, TL (1990) pg.132

⁵³ *ibid*

⁵⁴ *ibid*

⁵⁵ *ibid* pg.133

A real life example of widespread corruption such as that which exhibits the characteristics of a tragedy of the commons is with the African country, the Democratic Republic of Congo (DRC) which has one of the highest levels of institutionalised corruption. In countries such as DRC the government is completely in ruin as those who hold public office have taken such a position, in many cases, to further their own private interest rather than that of the public. In such a country there is little, if any, trust in government as it has over many years now been viewed that those working within the government are not doing so to further the interests of the public, which is the intended purpose of a democratic government. Rather, as already mentioned, the driving motivation is to further the interests of a small elite who use the government for personal interest and benefits.

Writing in 1960 Tussman very clearly pointed to a cause for the propensity to seek individual interest. He believed that such motivating factors are rooted in the Western “spirit of individualism.”⁵⁶ Going along with this “spirit of individualism”, to satisfy one’s personal desires and take steps to enhance one’s own life are seen as a legitimate form of conduct and that the right to behave in this manner is generally what is meant by the phrase “respect for the individual.”⁵⁷ Thus when we are faced with problems due to conflicts of interest we are, in a sense, confronting this tension between interest and duty. This tension cannot be escaped as it is “inherent in the structure and dynamics of modern society” and the way in which this tension is to be resolved, depends a great deal on the values we attribute to the private and public spheres of one’s life.⁵⁸ I agree very much with the assertion that the tension present in conflicts of interest is bound up with notions of individualism but I also believe there is another cause for some of the tension public administrators are faced with regarding conflicts of interest. Coupled with, and stemming from the spirit of individualism, we find the core tension of partial versus impartial duties.

In this section it has been discussed and shown that the moral dilemma at issue in this paper is an instance of a conflict of interest and that depending on how it is resolved, also potentially a case of corruption. It has also been discussed that the reason for why conflicts of interest are wrong is because they lead to a deterioration of public trust which can only be avoided through the demand of impartiality for civil servants.

⁵⁶ Cooper, TL (1990) pg.130

⁵⁷ *ibid*

⁵⁸ *ibid* pg.131

Section 5 Deontology

This section examines deontology which, it will be shown, is what the current regulations prohibiting partiality, rest upon. How the moral dilemma should be resolved will be addressed and it should be of no surprise that deontology would take the position of impartiality, as it is the case that a deontological approach is what the current regulations stem from in the first place.

Section 5.1 Deontology Explained

When speaking on the issue of conflicts of interest, which the moral dilemma in Section 2 is an example of, the ethical foundation which the current understanding rests upon is discussed very little in the literature. It seems clear to me, however, that such a foundation must rest upon deontological ethical reasoning. Although this is not explicitly made clear in any of the texts which have been examined for this paper, I believe there would be little objection to the idea, especially if we understand laws as things which it is our duty to follow, which some do in fact believe to be one of our deontological duties.⁵⁹ Speaking of the relevant laws associated with conflicts of interest is not enough however to grasp the full scope of conflicts of interest. Cooper wrote:

Thus, although much attention about conflicts of interest is focused on economic interest and legal remedies, it is important to remember that there are other important dimensions of this kind of conflict of responsibility...Once the moral judgment of the community has been crystallized in the form of law, we tend to narrow our considerations to the question of whether some course of action is legal. Legality becomes our fixation, and whether it is ethical tends to be forgotten or devalued. It is essential that we resist that tendency. Conflicts of interest are broader than economic ones and require ethical assessment as well as legal regulation.⁶⁰

It is with this in mind that I now begin the discussion on the ethics of conflicts of interest.

⁵⁹ Alexander, L and Moore, M "Deontological Ethics", *The Stanford Encyclopedia of Philosophy (Spring 2008 Edition)*, Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/spr2008/entries/ethics-deontological/>>.

⁶⁰ Cooper, TL (1990) pg.136

The word deontology stems from the Greek word for duty (*deon*) and science (*logos*).⁶¹ Deontologists are ethicists and philosophers who hold that the morality of the choices we make are in no manner determined or justified by the effects (consequences) of such choices.⁶² The right (what we morally ought to do) for deontologists, has priority over the good and in addition, the two are separate from one another.⁶³ This means that no matter what good may come from a certain action it is not the determining factor of whether such an action is ethically correct. Rather, the entire determination of an action's moral worth is whether it is in accordance with the right. Even if there is a good outcome from an action, it is not that the good was created, but that the right was followed. A deontologist would say that there is no clear relation between doing what is right and doing what is good.⁶⁴

This goes directly against consequentialist doctrines who see the moral worth and rightness of an action dependent upon the creation of the good.⁶⁵ Deontological theories also distinguish themselves from virtue ethics in that, while deontological theories guide and evaluate our actions of what we ought to do, virtue theories guide and evaluate the kind of person we should be, and the characteristics we should make efforts to obtain.⁶⁶

In the determination of how one should act, Kant provides a categorical imperative which is a theoretical tool for determining right actions. The categorical imperative is the following: act only in accordance with that maxim through which you can at the same time will that it become a universal law.⁶⁷ From this we arrive at moral norms which is any action that we can will for it to become a universal law. The factor for determining whether an action is right is if it conforms with a moral norm such as 'Do not commit murder', a moral norm which many deontologists would claim to be an absolute one.⁶⁸ Committing murder is seen as a moral absolute and wrong in itself, and is therefore, a "morally unacceptable means to the pursuit of any end, even ends that are morally admirable, or morally obligatory."⁶⁹ Here we can see

⁶¹ Alexander, L and Moore, M (Spring 2008 Edition)

⁶² *ibid*

⁶³ *ibid*

⁶⁴ Davis, NA (1993) 'Contemporary Deontology' in P Singer (ed), *A Companion to Ethics* (Oxford, Blackwell Ltd.). pg.206

⁶⁵ Alexander, L and Moore, M (Spring 2008 Edition)

⁶⁶ *ibid*

⁶⁷ Kant, I (2003) 'From Groundwork of the Metaphysics of Morals' in S Darwall (ed), *Deontology*, (Oxford, Blackwell Publishing). pg. 12

⁶⁸ Davis, NA (1993) pg.205

⁶⁹ *ibid*

again that deontologists distinguish themselves from consequentialist by separating the right and the good.

Consequentialism has been criticized as being unrealistic and impracticable because it is difficult, if not entirely impossible, to determine the consequences which will follow from a chosen course of action. We simply cannot foresee all of the consequences and therefore, would be unable to make a proper assessment regarding which action will lead to the greatest good.⁷⁰ Deontologists however, do not face such a criticism as they hold the position that acts are wrong because of the sorts of acts they are, not the good that they may generate, and therefore, we do not need to consider the projected consequences and attempt to calculate their value. Deontological ethics is much easier. We can say in advance what acts are wrong, i.e. those which violate deontological constraints.⁷¹ In practice, deontologists follow Kantian maxims which are used to guide ethical actions. Again, Kantian maxims are general principles which are adopted only if at the same time we can state that everyone should adopt the same principles and make them universal law.⁷² One reason given for following such maxims is that we cannot, as rational beings, make exceptions in our own case that cannot be extended to everyone else.⁷³

Having just described some of the main characteristics of deontological theories, I will now provide reasons why I think conflicts of interest are founded upon deontological theories, rather than consequentialist or virtue ethics theories.

Section 5.2 Deontology as the Ethical Foundation of Conflicts of Interest

The first reason for holding the position that deontology is the current foundation of conflicts of interest is tied up with the ability of deontological theories to potentially explain the idea that people have moral standing to complain and to hold accountable breaches of moral duties.⁷⁴ The moral duties which are thought to be typically deontological are duties to particular people and not towards states of affairs which no particular person has an individual

⁷⁰ Davis, NA (1993) pg.210

⁷¹ *ibid*

⁷² McNaughton, D and Rawling P (2007) 'Deontology' in H LaFollette (ed), *Ethics in Practice*, (Oxford, Blackwell Publishing Ltd.) pg.35

⁷³ *ibid*

⁷⁴ Alexander, L and Moore, M (Spring 2008 Edition)

right to have realized.⁷⁵ For instance, the deontological duty not to lie is a duty to a specific individual, the person who you must not lie to. Under consequentialist theories you must bring about the greatest state of affairs, or good, from your actions. So although a consequentialist, such as a rule utilitarian, may have the same kind of duty to refrain from lying, the reason for this is because it will lead to the greatest outcome not because of a particular relation you may have to another person. Civil servants must promote the public good over their personal interests because they have a direct responsibility to each and everyone they represent, and must not betray that trust. This type of relation which deontologists hold to another person through duties is something which we do not see under other theories such as consequentialism and virtue ethics. Under consequentialist theories it is the state of affairs which will be brought about through one's actions (not the relation one may have to another person) which is in focus when considering a right action and at the very least, not to the same extent as it is under deontological analysis. The same is true with virtue ethics which focuses on the character of the individual when determining the ethical value in a specific action, not the relation one has to another. It is because of the relation of deontological duties to other people, which is not seen in other theories, that I use it to show one reason why we can state that conflicts of interest, with the duties that are prescribed to civil servants in relation to those they represent, rests upon a deontological foundation. For instance, under deontological theories a person is doing what is right not with regard to an abstract notion such as maximizing the good (which is the case for consequentialist doctrines) but rather they are doing what is right to a specific person. Not lying for example is done in relation to a specific person, the one not being lied to. This is different than consequentialism as we can still say one should not lie but this is to no one specifically and is instead an obligation held to maximize the good.

The second reason for thinking that conflicts of interest are founded upon deontological ethics is because of the similarity between conflicts of interest regulations and deontological duties. Both require that the agent must refrain from doing things which are known to be wrong before any calculation is made. When dealing with deontology and conflicts of interest, no such calculation is necessary. What is right and wrong is already known and is known independently from the consequences of acting upon such knowledge. Such requirements, to uphold certain duties, clearly do not consider the consequences of an action in the evaluation

⁷⁵ Alexander, L and Moore, M (Spring 2008 Edition)

of the moral standing of such an action. In fact, both under deontology and the current conflict of interest regulations, agents must refrain from acting against their duty or in breach of regulations even if they can foresee that acting in such a manner will lead to a greater harm or a lesser good.⁷⁶ An example of when a person under deontological ethics cannot break their duty even though adherence to that duty would cause a greater harm is when a person who knows the whereabouts of a bomb which will go off in several days killing thousands of lives, is not tortured and the information is then not revealed. Thus, following one's absolute deontological duty in this case means that the end result of the harm caused by the death of thousands of lives is superseded by the duty not to torture someone. Because calculations involving the consequences of possible outcomes are not made when dealing with conflicts of interest, I believe that the second reason for holding that conflicts of interest are founded upon deontological ethics, namely that it is more in line with how conflicts of interest are assessed and regulated than other ethical theories, is sound.

Section 5.3 Resolving the Moral Dilemma

In resolving the moral dilemma from Section 2 a deontologist would begin by taking one of the two possible actions and determining through the categorical imperative if it is possible that one could make such an action a universal law which would then be an absolute moral norm. Let us begin by looking at whether we can say that civil servant A should be partial towards her friend. Can it be said that we would want a universal law stating that under the conditions of the moral dilemma we ought to allow for partiality? To this I would say that we cannot. The reason for this is because if we found ourselves competing with the friend for the contract we would want the decision to be made on the basis of the objectively better company, rather than based on the relation that one has with civil servant A.

A second reason to think that we cannot allow partiality under deontological thought is that in allowing for partiality, public trust in the government would be diminished and this is not something that we could will as a universal law since as civilians we would always want to maintain a justified trust in the government. For these reasons partiality must be rejected. On the other hand we can will that our action to remain impartial ought to be an absolute moral norm because of the fact that we can will it to become a universal law applicable in all

⁷⁶ Davis, NA (1993) pg.206

instances. This is because such a law allows us to compete in a fair manner with others for a position and does not preclude the awarding of the contract based on partiality which would in many instances mean that even if a good product or service was offered, it would not be the one chosen. It can also be said that impartiality does not exclude anyone, while partiality does, and so because no one would want to be excluded, and impartiality does not exclude anyone, a scenario where someone would not want such a position as impartiality solidified into moral law is difficult to imagine.

After outlining the main characteristics of deontology and explaining how ethical decisions are made under such a theory, it was stated that the current approach to conflicts of interest rests upon a deontological foundation and that in resolving the moral dilemma, a deontologist would side with impartiality over partiality. This supports the argument that a civil servant is ethically mandated to follow current regulations of remaining impartial. To further strengthen the impartiality argument, virtue ethics and consequentialism will also be brought into the argument and it will be shown that both theories will echo the position deontology takes.

Section 6 Virtue Ethics

This section focuses on the theory of virtue ethics and will both explain what such a theory entails and analyze its usefulness in both resolving and minimizing the moral dilemma of this paper, outlined in Section 2.

Section 6.1 Virtue Ethics Explained

It has been pointed out correctly by Terry Cooper, that virtue ethics has been out of vogue for quite some time now but in recent years has been increasingly seen as a viable means to improve upon ethical behaviour.⁷⁷ This can be attributed to an equally increasing frustration with what can be described as the narrow and impersonal form of the more dominant moral theories of consequentialism and deontology.⁷⁸ We have discussed in Section 3 how both partiality, and to an even stronger extent impartiality, play an important role in morality often being a corner stone for such theories as utilitarianism in the case of impartiality, but virtue, integrity, and character, also clearly play a central role in ethics. We see this when we analyse

⁷⁷ Lynch, TD and Lynch CE (2002) 'Virtue Ethics: A Policy Recommendation' *Public Administration Quarterly*, Vol. 25, pg.464

⁷⁸ Pence, G (1993) 'Virtue Theory' in P Singer (ed), *A Companion to Ethics* (Oxford, Blackwell Ltd.). pg.249

a person's character by asking the questions what a 'good person' would do in a given situation. Virtue ethics can thus be said to be one of three major approaches to ethics amongst consequentialism and deontology.

Virtue ethics is essentially an ethical theory concerned with the moral character of the individual and one which is focused on emphasizing the teaching and training of the virtues within us all to achieve a proper moral character. This is a departure from the modern ideal of morality which sets forth norms and laws which moral agents are obligated to follow. The re-emergence of virtue ethics indicates, as some philosophers have argued, that the Judaeo-Christian-Islamic morality of divinely-ordained law is "seriously defective in various ways", and that we may have reason to change the way in which we reflect upon ethics, by looking at other forms (such as virtue ethics) which ask questions such as what is the goal of human life and what kind of life is best for human beings.⁷⁹ One problem that immediately presents itself with virtue ethics is the often broad and undefined expression of it. More modern versions however attempt to clarify its focus which states that it is an approach to ethics "according to which the basic judgements in ethics are judgements about character".⁸⁰ When referring to virtue ethics, it should be taken as referring to an approach to ethics with this focus on character.

In a general sense, virtues can be said to be beneficial, that is to say that without them we do not get along as well as we would with them.⁸¹ It was Aristotle who thought that virtue itself is a state which promotes an independently definable good, and that the virtuous person was not one who was set on the maximization of anything.⁸² An example would be a virtuous person choosing to be courageous because it is the noble thing to do. In this example we can see that the independently definable good would be the virtuous character of the individual and that the person is not behaving in such a way as to maximize a good which would be derived from courageous actions but rather is doing so because it is the virtuous thing to do. Furthermore, the agent is not choosing to be courageous because a virtuous person would choose to be courageous, but rather is being courageous because the agent is virtuous. Thus some of the defining features of virtue ethics are that the concept of the good is prior, and that

⁷⁹ Darwall, S (2003) *Virtue Ethics* (Oxford, Blackwell Publishers Ltd.). pg.1

⁸⁰ Statman, D (1997) *Virtue Ethics: A Critical Reader* (Edinburgh, Edinburgh University Press Ltd.). pg.7

⁸¹ Foot, P (2003) 'Virtues and Vices' in S Darwall (ed), *Virtue Ethics* (Oxford, Blackwell Publishers Ltd.). pg.106

⁸² Statman, D (1997) pg.10

virtue ethics also does not utilise notions of maximization.⁸³ Since this is true, the determining factor of whether an action is the morally right one is appraisal of the agent's character and the act itself, as a "manifestation" of that character.⁸⁴

Section 6.2 What are the virtues?

With virtue ethics we know that the good is prior to the action itself, the good being the virtuous character of the individual. We also know that when compelled to action through a virtuous character, there is no calculation of what ought to be maximized. This however still leaves the question what exactly is a virtue, unanswered. Stephen Darwall has written that virtues are traits of excellence which make something an excellent instance of its kind and furthermore, that such traits be excellent in relation to either a thing's function, or in the case of a human its characteristic activity.⁸⁵ An example which is used by Darwall is that of a knife. A virtue for a knife would be that it have a sharp edge in order for it to cut well, thus making it an excellent instance of its kind.⁸⁶ When we ask what the purpose of the human is, in order to answer the question what is virtue in relation to a human, we come up with the answer, to flourish. This is an Aristotelian-inspired answer and it is the one which spawned the discussion on virtues in the beginning. If we are to flourish as human beings then we must be courageous, temperate, etc. and it is these things which are virtuous for humans.

We must now address the issue of what exactly would be virtuous for a civil servant. What characteristics would make a civil servant flourish, or in other words, perform his job to a high level of excellence and thus make himself a good example of a civil servant? It is possible to make a list of all the characteristics that make an excellent civil servant but for the purposes of this discussion on how virtue ethics would resolve the moral dilemma, I feel that such a list is unnecessary. What does need to be known though is that any such list of the virtues for a civil servant would include impartiality. The idea that civil servants must be impartial is essential to our current understanding of the ethical obligations of civil servants for various reasons. For our purposes here, the importance of impartiality is with regard to it being seen as promoting equal and fair competition for the contracts, and for the hiring process so that one's family and friends are not unjustly favoured and in turn public trust in

⁸³ Statman, D (1997) pg.10

⁸⁴ *ibid* pg.21

⁸⁵ Darwall, S (2003) pg.2

⁸⁶ *ibid*

government is maintained. While the idea of impartiality is not found within the ethical theory of virtue ethics itself we find that the idea of impartiality is a virtue if one is a civil servant.

Having mentioned that one of the virtues of a civil servant would be impartiality, I now turn to the question of what it means to be a virtuous friend or family member. What can we say makes such a person virtuous? If we look at what makes a friend or family member excellent, we are forced to say that one of the virtues must be that they treat their family members and friends partially. As mentioned in Section 3, relationships involving friends and family members thrive on partiality and we can say with confidence that it is in part partiality which enables humans to flourish with regards to these relationships.

The virtue of the friend and family member then is clearly in conflict with the virtue of the civil servant. It appears as though virtue ethics has a similar conflict of its own to that of the moral dilemma. Essentially this boils down to what is the civil servant first. Is the person a friend, family member, or a civil servant? This duality of roles and the need to put one above the other is perplexing. Can virtue ethics resolve this tension or will we still be torn between conflicting virtues?

I take the fact that virtue ethics is essentially concerned with humans flourishing and the wellbeing of the agent, to provide support for the idea that it should be the virtues of the friend and family member which could take precedence over the virtues of the civil servant. I believe support for making the dominant set of virtues that of the friend and family member can be taken from the idea that virtue ethics places a great deal of importance on human flourishing and wellbeing because there is no social aspect of a human which is more central to wellbeing and flourishing than the relationships we all have to friends and family. Furthermore, Daniel Statman seems to echo these thoughts when he states that “The focus of [virtue ethics] on virtue and character makes [virtue ethics]...congenial...to explorations of the importance of people and their differences, of subjectivity, human relations and emotions.”⁸⁷ There are reasons then to favour the virtues of the friend and family member over that of the civil servant but as I will now show, there are also reasons for just the opposite.

⁸⁷ Statman, D (1997) pg.8

When deciding which set of virtues should be the dominant set I feel it is important to bring in what Aristotle might say on the matter. It is known that Aristotle thought that virtues are about what is difficult for men.⁸⁸ It has also been said that in the service of public office people are subjected to extraordinary temptations.⁸⁹ The demands of public office can be said to be extremely demanding and even at times unnatural as in the case of having to remain impartial when faced with a decision between a stranger and a friend, for example. What is difficult therefore, seems to be to uphold the responsibilities and duties held by a civil servant. I am, therefore, left to conclude that one can find reasons to put either the virtues of the civil servant or the virtues of the friend and family member above the other as the dominant virtues to be cultivated.

If there is to be any progress, however, in resolving the moral dilemma posed in this paper, one must take a stance on which are to be the dominating virtues. I would choose that it be that of the civil servant. I do this because when one chooses to be a civil servant he does so knowing full well that the responsibilities of such a position, and the requirements and duties of such a position, may be at times difficult to uphold. I am therefore on the side of Aristotle in thinking that what is virtuous is what is difficult and what is difficult, seems clear to me, is to remain impartial even in the face of having to choose a stranger over a family member or friend. We can say then that when faced with the moral dilemma of having two conflicting duties, to be impartial in carrying out one's professional duties, and to be partial to your family and friends, virtue ethics tells us that the virtuous thing to do is remain impartial.

Section 6.3 Virtue Ethics in Action

A common criticism brought upon virtue ethics is that it cannot tell us what we ought to do. I would like to explore this criticism a little further and find out if it is actually true. Virtue ethics is primarily concerned with the character of the moral agent rather than the conduct of the agent and as a theory examines "how we should be rather than what we should do".⁹⁰ Rosalind Hursthouse expresses this in the following passage.

A common belief concerning virtue ethics is that it does not tell us what we should do. This belief is sometimes manifested merely in the expressed assumption that virtue ethics, in being 'agent-centred'

⁸⁸ Foot, P (2003) pg.111

⁸⁹ Caiden, GE and Caiden, NJ (2001) pg.178

⁹⁰ Darwall, S (2003) pg.1

rather than ‘act-centred’, is concerned with Being rather than Doing, with good (and bad) character rather than right (and wrong) action, with the question ‘What sort of person should I be?’ rather than the question ‘What should I do?’⁹¹

Although most of the discussion regarding virtue ethics is about the character of the moral agent and how one should be rather than what one ought to do, there is growing literature stating that indeed virtue ethics can in fact prescribe moral duties. Hursthouse herself believes that we can say whether an action is right if it is what, acting in character, a virtuous agent would do in those circumstances.⁹² Writing in 2001, Christine Swanton also confirms the idea of being able to determine right action with virtue ethics, and do so in much the same way.⁹³ Although still maintaining that virtue ethics can determine right action, Michael Slote argues for this in a slightly different way. According to Slote, “an action is right if and only if it exhibits or expresses a virtuous (admirable) motive, or at least does not exhibit or express a vicious (deplorable) motive.”⁹⁴ It now seems clear that one can extrapolate through virtue ethics what is a morally right action. To add to this discussion Stephen Darwall notes that when considering what to do it is very helpful to ask what it is a virtuous person would do.⁹⁵

Section 6.4 Minimizing Conflicts of Interest and with that the Moral Dilemma

Virtue ethics not only suggests that one should remain impartial even in the face of strong partial demands, but also can play a role in minimizing conflicts of interest before they arise. With the emphasis in virtue ethics on the character of the individual, ethical training and education has always been a pivotal aspect of the theory. Although there are already courses civil servants can take, and are often required to take, in the area of ethics, such courses are often a one shot deal and can drastically vary in length and depth. If we are to adopt parts of virtue ethics in attempting to resolve the moral dilemma posed in this paper, an emphasis on better training than currently available would go a long way in reducing conflicts of interest before they appear and would further ensure that such conflicts (when they do arise) are dealt with properly in what I am arguing for is an impartial manner. Increased training and education in the proper moral character of the civil servant could be more in-depth,

⁹¹ Hursthouse, R (2003) ‘Normative Virtue Ethics’ in S Darwall (ed), *Virtue Ethics* (Oxford, Blackwell Publishers Ltd.). pg.184

⁹² *ibid* pg.187

⁹³ Swanton, C (2001) ‘A Virtue Ethical Account of Right Action’ *Ethics*, Vol. 112, pg.33

⁹⁴ *ibid*

⁹⁵ Darwall, S (2003) pg.3

comprehensive, and include refresher courses either bi annually or annually. Thus, corruption as viewed from the perspective that it is a fault in character may be drastically reduced with training focused on instilling a good moral character.

Section 6.5 Impartiality and Friends

Before concluding I would like to address the question of whether one could remain impartial and still choose a friend or family member over a stranger. Although it is conceivable that this is possible, the importance of maintaining public trust is far too great to allow such a decision to be made. I refer to the statement in Section 4.3 that it is not only important not to engage in conflicts of interest but also one must ensure that even the appearance of a conflict of interest must be avoided as such an appearance would also decrease public trust. The public trust in government, which will always play an important role, would remain in the hands of the civil servants to carry out their duties impartially. While it may be possible to hire a family member or friend impartially, this I will show requires aspects of consequentialist theories that, when adopted, would alter where the trust in government lies. We could say that by hiring a family member or friend impartially the trust in government by the people would not decrease. I will expand on this and explain it further in section 8, but currently under virtue ethics, little would change with regards to the relation of the public trust with the government and so the possibility that a civil servant could hire a family member or friend impartially, which I think if allowed could help resolve the moral dilemma, would not be allowed, from any justification stemming from virtue ethics.

In the attempt to resolve the moral dilemma put forth in Section 2 we can conclude that after examining virtue ethics, if such a theory was to be added in evaluating conflicts of interest it would side in favour of impartiality in the resolution of disputes. In addition, virtue ethics would place a greater emphasis on the moral education and training of civil servants and in doing so could further help to minimize corruption and would provide proper judgement for civil servants to address conflicts of interest when they inevitably arise.

Section 7 Consequentialism

This section will examine consequentialism in determining how it would resolve the moral dilemma at the heart of this paper. After defining the central features of consequentialism, I

will discuss the various changes which would occur from this approach to conflicts of interest, and what role such changes would have in resolving the moral dilemma.

Section 7.1 Consequentialism Explained

There are two components involved in each moral theory that are used to determine what individuals or institutions ought to do. The first component is that each moral theory will put forward a view or make a stance on what should be seen as good or valuable. Secondly, a view about the properties that we ought to want realized in our actions or more generally in the world is put forth.⁹⁶ In the last century in particular, one of the more influential approaches to morality has been consequentialism. This theory is centred on the claim that what one ought to do in any situation is to act in such a way as to create the best consequences.⁹⁷ Whether a particular act is right does not depend on the circumstances, any value attributed to the intrinsic nature of the act, or anything that precedes the act.⁹⁸ Again, nothing other than the consequences make an act morally right or wrong and once something is agreed to be a good, the idea is to promote that good and try to maximize it through our actions so that the consequences of our actions will be ones which contain the highest amount of the good.⁹⁹ Even if the only method we have to promote the good is through something bad, such as suffering, we must still do this if the overall good that is to be achieved outweighs the bad.¹⁰⁰ With the approach to ethics put forth by consequentialists, we are determining what is right by weighing and comparing possible outcomes of actions with all of the alternatives to that action and choosing the action which contains the highest amount of good as the right action.¹⁰¹

Section 7.2 Consequentialism and the good to be Maximized

Although we know that consequentialism seeks to maximize the good this still leaves open the question as to what exactly is the good. The most well known version of consequentialism

⁹⁶ Pettit, P (1993) 'Consequentialism' in P Singer (ed), *A Companion to Ethics* (Oxford, Blackwell Ltd.). pg.230

⁹⁷ Mulgan, T (2001) *The Demands of Consequentialism* (Oxford, Clarendon Press). pg.3

⁹⁸ Sinnott-Armstrong, W, "Consequentialism", *The Stanford Encyclopedia of Philosophy (Spring 2007 Edition)*, Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/spr2007/entries/consequentialism/>>.

⁹⁹ Benn, P (1998) *Ethics* (London, Routledge) pg.60

¹⁰⁰ *ibid*

¹⁰¹ Jackson, F (1991) 'Decision-Theoretic Consequentialism and the Nearest and Dearest Objection' *Ethics*, Vol. 101, pg.462

is utilitarianism which defines the good which ought to be maximized as happiness or pleasure. To show how consequentialism works I will take an example from Piers Benn who provides a unique, easy to understand, and useful account of the good. Benn asks us to imagine that the only good thing in the world is the colour green. If we couple this rather unusual moral conviction with consequentialism we find that right acts would be any action that brings more green things into the world and wrong actions would be those that diminish the overall amount of green.¹⁰² What should the good be that is to be maximized when discussing the issue of civil servants? I would argue that there can be no other higher good for civil servants than to ensure the government for which that person works is the most effective. This would mean that good traits in governments would include for example being efficient, hiring the best people for the various jobs, and awarding contracts in a fair, openly competitive manner. Thus, any action which would maximize such traits and thus, the overall effectiveness of the government, would be what is morally right to do and this should be promoted.

With regards to the issue of impartiality we can have such a demand as a means to achieve the end, an effective government, but I do not believe that it should be the actual good which is to be maximized. The main reason why I hold this position is that while it is widely accepted that impartiality is important for an effective government, it can only be said to be one aspect among many contributing factors. There are other factors, such as ensuring the best person for a position is hired or that those that receive contracts are the best available, which also leads to an effective government. I would also say that it could be stated that it should be, especially in a democratic government, that serving the public interest ought to be the good which is to be maximized. However, for reasons similar to why impartiality should not be the good, serving the public interest also should not. I take serving the public interest as a means to achieve what we would typically view as an effective government. An effective government, as I will reiterate later, has as a necessary condition that it serve the public interest. It may also be argued that a necessary condition of serving the public interest is an effective government. A response to this however is that we can think of instances where the public interest is served but not in what is commonly taken to be an effective way. Long drawn out deliberative processes can slow progress to a virtual stand still at times and although I am not making the claim that this is a fault in the system, it merely shows that it can be said by some,

¹⁰² Benn, P (1998) pg.61

that such a process is not effective and is cumbersome. Thus, the claim that effectiveness is a condition of serving the public interest does not appear to be as accurate as the claim that serving the public interest is a condition of an effective government. They are also therefore distinct in this regard.

The relation between values (such as the good of an effective government) and the agents (civil servants) is for consequentialists an instrumental one. A civil servant would thus be required to produce actions which would have properties of promoting an effective government, whatever those actions should be, “even actions that fail intuitively to honour it.”¹⁰³ When we take what has just been said and apply that to the moral dilemma which is being resolved, we find already some room to allow for the impartial benefiting of a family member or friend. Currently, under the deontological approach to conflicts of interest such a benefit is absolutely wrong. However, if we take consequentialism as an approach to the moral dilemma and conflicts of interest, we find that such a benefit is not necessarily wrong. So long as an effective government is achieved, any action, even ones which currently fail intuitively to promote an effective government, such as the impartial benefiting of a friend or family member, is promoted and would also thereby be permissible. As things now stand, this type of argument is simply not allowed to be made by the civil servant, as the allowance of such an instance may harm the public trust.

Section 7.3 Consequentialist changes and their effect on Conflicts of Interest and the Moral Dilemma

If one was to approach the issue of conflicts of interest with consequentialism as the theory of analysis there would be a change in at least four key areas. Firstly, what is taken to be ethically right would be connected with what is good which would be a change from the deontological approach which separates notions of the right and the good. Secondly, the goal of the civil servant would change from serving the public interest as the top priority, to maximizing an effective government. Thirdly, how we would define a conflict of interest would be altered from a conflict regarding the ability of the civil servant to perform their duties objectively, to conflicts which would hamper the ability to promote an effective government. And lastly, the public trust in government would change from a trust that it is

¹⁰³ Pettit, P (1993) pg.231

promoting the interests of the people first, to a trust that it is promoting an effective government. Each of these changes will be explained further.

The first notable difference is that actions would not be seen as independently right or objectively right as it is under deontology. What is right and what is good would not be separated, rather they would be directly linked in that what is right is what maximizes what is good. What is good now is what maximizes effectiveness in the government. No longer can we know independently from the good what a right action is. Ideas of the necessity for objectivity, and impartiality no longer stand justified independently from the good. While such ideas may still be important, any idea such as being subjective and partial can be used, as long as it maximizes the good, and would thus be considered right.

The goal of the civil servant, the moral agent, would under a consequentialist approach, change. This is due to the role which a moral agent has under consequentialism as an instrument in the promotion, facilitation, and enactor of actions which lead to the maximization of the good. Once we have decided that the good to be promoted ought to be the effectiveness of government, maximizing this becomes the goal of the civil servant. This is a change from the previous goal but it would still be true that under the new goal, the civil servant could still be said to be serving the public interest by making the government as effective as possible. There is an indisputable link here between serving the public interest and promoting an effective government, and so the change which would be made should actually not be seen as drastic or something of much concern. Civil servants would still be serving the public interest but as a by-product of promoting an effective government. In other words, it is a necessary condition of an effective government that it serves the public interest. This could be said to be a necessary condition by definition as this discussion is within a theoretical framework which presupposes a democracy which is a government by the people and where the power is vested in them and exercised through them directly.

The definition of a conflict of interest would change slightly. As it now stands the definition is “a situation in which a public employee has a private or personal interest sufficient to influence or appear to influence the exercise of his official duties.”¹⁰⁴ Under a consequentialist approach, the definition would resemble the following: A situation in which

¹⁰⁴ Cooper, TL (1990) pg.114

a public employee has an influence sufficient to influence or appear to influence the exercise of his official duties such that the individual would no longer promote an effective government. The reasons for dropping the objective element as a necessary condition have been mentioned above. The reason for dropping the part with regards to private or personal interest is because a consequentialist definition of a conflict of interest would be more general and encompassing, ensuring any influence private or public, personal or impersonal, does not influence the ability of the civil servant's official duty to maximize the effectiveness of the government.

The final change is with regards to the trust the public has that it is their interest which would be promoted. Having determined that the good which is to be promoted is an effective government, it cannot be said that it is the public interest which should be promoted. This can be seen as a contentious change but I believe it to be no more drastic or controversial than the change of the goal of the civil servant or dropping the impartiality requirement of civil servants. The same argument which was used for the previous two changes applies to this one as well. When we take an effective government to be the good there would clearly be elements to an effective government which would be promoted in unison, such as the public interest. Knowing this, the public should trust that civil servants are promoting an effective government, which necessarily implies that the public interest is also being promoted and so any worry that their interest is not being addressed should be belayed. Trust therefore, would change from a trust that ensures the public interest is being served, to a trust that civil servants will be promoting the effectiveness of the government. This is an important change as it leaves open the possibility of hiring a family member or a friend, or awarding contracts to companies to which such people may have connections. No longer would it be said that it flat out cannot be done because public trust in government would decrease. Rather, such actions could be taken if it can also be shown that those actions contribute to an effective government.

Section 7.3 Resolving the Moral Dilemma

These changes would have a decisive factor in resolving the moral dilemma presented in this paper. When determining which duty to follow it would be said that whichever duty is the one which leads to the greatest amount of good, should be the one which takes precedence when determining which course of action to follow. The question of whether one should uphold partiality or impartiality would be thrown away, replaced by a simple question of whether

hiring this person or awarding this contract for example, will be what is most effective for the government, whether that is done impartially or partially. In short, anything which maximizes the effectiveness of government is permissible. If we look back at the example in Section 2 of the moral dilemma, where a friend of a civil servant is bidding for a consulting contract, a consequentialist approach would resolve it in the following manner. In the example the consulting company offers an average standard of service. But let us assume that the consulting company actually offers a very high standard of consulting and we can say, expanding the example further, that this consulting company is objectively the best one amongst the various choices. Under the consequentialist approach, because this company is the best one, it ought to be the one which receives the contract, regardless of the fact that it is owned by a friend of the civil servant awarding the contract. If the awarding of the contract can be done partially, then that is to be the accepted duty to follow.

There are however two points I would like to make about this scenario. Firstly, although I do not rule out the possibility of a civil servant partially benefiting a family member or friend which in turn would maximize an effective government, I take impartiality to be a necessary condition for an effective government. I hold that impartiality is a necessary condition because it is hard to imagine an instance where partiality would lead to a more effective government than an impartial stance would. Secondly, because the friend owns a company which has the objectively best product, partiality is not needed in awarding the contract. Due to the fact that to justify a break from impartiality to partiality one would have to show that doing so will objectively lead to a more effective government, they would in a sense have to show impartially, that partiality if followed would lead to the greatest outcome. How this could be achieved is mentioned in Section 3.4. After going back to Section 3.4, I think it is clear that in all instances where partiality could be allowed, an impartial position would necessarily allow for the same outcome and that it is in fact through impartiality that we would attempt to justify partiality, if ever.

It seems therefore that consequentialism would necessarily favour impartiality as it would be a more reliable instrument in maximizing an effective government. A notable change however, would be that if we change the moral dilemma slightly to include the fact that the friend's company is objectively the best choice, the civil servant could theoretically benefit a friend or family member but only if they are providing an objectively better product or

service. This is a change from the current regulations which would state that because it is a friend of the civil servant they may not receive the contract.

We have now looked at the final ethical theory which is to be used in resolving the moral dilemma put forth in this paper. After explaining the features of consequentialism, we looked at the changes which would be made in approaching the issue of conflicts of interest and how these changes would resolve the moral dilemma. Furthermore, in this section, the argument that consequentialism would favour upholding the regulations which prohibit a civil servant from being partial was put forth by claiming that a civil servant would seek impartiality as a tool for maximize an effective government. Also in support for this claim was that even when partiality would be acceptable, it would also have to be the case that the family member or friend provided the objectively best product or service, and thus, the same result could be derived from an impartial stance precluding the need for partiality.

Section 8 Critical Assessment

An assessment of two particular objections which can be raised against this paper will be put forth in this section. The first is with regards to the purpose of this paper and involves the agreement between impartialists and partialists over nepotism. The second objection is focused on the necessity of having multiple ethical theories to justify the conclusion when one could arguably to the job.

Section 8.1 Nepotism

In Section 3.3, it was shown as an example in favour of impartiality, that nepotism is an instance where we can reasonably demand impartiality. In addition to this, partialists would seem to agree that partiality is not acceptable in all instances. This leaves one wondering what the purpose is of justifying the ethical basis for telling civil servants that they must be impartial with regards to nepotism, when even partialists would agree with such a statement. There is a weak and a strong response which can be made in addressing this issue. The weak response would be that nepotism is only a small fraction of the conflicts of interests which are being addressed in this paper. While it is agreed that nepotism is not allowed, what about hiring a friend, awarding a contract to a family member, etc. cases which involve a family member or friend and yet is not nepotism. This I take to be weak because it could just as easily be said that partialists agree with impartialists, not only over nepotism, but with the

regulations that prohibit civil servants to be partial at all. This could very well be true but it can be addressed with what I take to be the strong response. Even if we assume partialists and impartialists are in complete agreement over a ban on partiality for civil servants the justification of such an agreement must be shown. As is the case in all fields of study, an agreement over a particular issue does not in itself justify a claim. Furthermore, it can generally be said that providing a strong argument for a position tends to, if not exclusively, precede an agreement on the issue. The purpose of this paper is to provide a convincing argument which will show that regulatory structures which extol impartiality ought to be upheld.

Section 8.2 Is There a Need for More than One Theory?

The second criticism which can be placed upon the argument in this paper is not directed at the conclusion but rather questions the need for three different ethical theories to argue for it. It could be said that perhaps one ethical theory could do the work of all three. To this I partially agree, that it is possible to provide an ethical justification for the adherence to a prohibition on partiality for civil servants but I think that there are two advantages from showing multiple theories support the same conclusion. I believe that if it can be shown that opposing theories such as consequentialism and deontology reach the same conclusion, as it has been, then this adds strength to the argument. It shows that it is not a unique quirk found within a single theory, but rather impartiality is required even when, under a theory such as consequentialism, there is no inherent aspect of impartiality found within the theory, as it could be argued with deontology. Instead of relying on one theory, which one could object to there being an appearance of playing favourites with ethical theories, using one instead of another, an approach which objectively looks at three of the main theories in ethics today precludes an objector from saying that a different theory should have been used. On a bit of a side note, by looking at other theories and how they would approach the issue of conflicts of interest, I believe that a better and richer understanding of the issues involved is achieved and furthermore, in the case of virtue ethics, we gain useful information on how to possibly minimize conflicts of interests from occurring. I think it is also important as a final comment on this criticism that it is not directed at the conclusion itself or how the moral dilemma ought to be resolved.

Section 9 Conclusion

The conclusions which have been made throughout the paper will be presented in this section.

Section 9.1 Moral Dilemma and Argument

In the beginning of this paper a moral dilemma was presented which had the characteristics of a conflict of interest and which the resolution of, it was stated, would be the focus of the paper. Civil servant A had the choice between partially awarding a contract to a company which her friend owns, and remaining impartial and not awarding the contract. If civil servant A chooses to favour her friend she will be failing to do something which she morally ought to do and that is to remain impartial when deciding cases such as this one. If civil servant A chooses to remain impartial and not award the contract to her friend, she will fail to treat her friend with partiality. The moral dilemma is also an example of a conflict of interest because it can be said that the involvement of her friend in the decision process can influence, or make it appear to influence, the objectivity required from her official duties.

The argument made in resolving the moral dilemma was outlined as an inductive argument which argued that if three of the main ethical theories today supported the conclusion that civil servant A should remain impartial then that course of action is what she ought to do. One criticism to this argument is the need to have three ethical theories in showing what civil servant A should do, which can be seen as redundant. The response to this however was threefold. First, that if only one theory was chosen it could be argued that a different theory should have been the one to approach the dilemma with, and this type of a disagreement can be avoided with the use of multiple theories. Second, the argument for upholding the impartiality demand of civil servants is strengthened if various ethical theories, all of which having very different approaches to ethics, can come to the same conclusion. Third, by using multiple ethical theories a better understanding of the dilemma is attained.

Section 9.2 Impartiality and Partiality

On the issue of impartiality and partiality it was shown that impartiality has a long and deeply rooted connection with morality but that more academics are starting to realize that partiality also has a role to play in morality. It was shown that partiality could be acceptable if such a

position could be universalized impartially. Since it is true that a great deal of value is derived from the partiality experienced in close personal relationships, a decision which goes against such value must be justified and throughout this paper such a decision was justified. When providing examples which argue separately for the use of impartiality and partiality we witnessed that both partialists and impartialists can agree in some instances such as with regards to nepotism. This led to a criticism that if they can agree that in the case of nepotism, or with regards to the proper conduct of civil servants in general, what is the purpose of the paper. I responded to this by stating that even if there is an agreement on when partiality is not acceptable, it still must be argued that it should not be allowed. This is done in all fields and there should be no exception for political science and ethics and therefore the purpose for this paper is to provide such an argument as is done in Sections 5, 6, and 7.

Section 9.3 Corruption and Conflicts of Interest

A current definition of corruption, as it was explained, can contain elements of pre and post French Revolution influences. This was important as it was shown that with the use of virtue ethics in educating and training civil servants on proper professional behaviour, it may be possible to reduce deviant behaviour which was a pre-French Revolution idea of what corruption could be attributed to. It was also shown that corruption can be said to stem from what many authors have stated either explicitly or implicitly that the burdens placed upon civil servants are unnatural and that this causes a real tension between official duties and natural tendencies.

The moral dilemma presented in Section 2.1 is an example of a conflict of interest where the motivating factor is not economic but rather comes from the value which is gained through the strengthening of a close relationship. One of the main reasons why conflicts of interest are seen as wrong was shown to be that they diminish public trust in the government. This was important as maintaining public trust would have to be achieved regardless of the ethical approach taken in resolving the moral dilemma.

Section 9.4 Deontology

Section 5 was the first of three sections to provide support for the conclusion that civil servant A must refrain from awarding her friend the contract and ought to remain impartial. It was first established that deontology is the current approach taken with regards to conflicts of

interest. This was because deontology adequately explains why people have moral standing to complain and to hold accountable breaches of moral duty, and because there is a close similarity between the characteristics of deontological duties and current conflict of interest regulations. Under a deontological approach it was argued that because the partial favouring of a friend on the part of a civil servant could not be made into a universalized law, deontology would necessarily side with impartiality in resolving the moral dilemma.

Section 9.5 Virtue Ethics

Virtue ethics was looked at in figuring out how such an ethical theory would resolve the moral dilemma. After stating that a virtue is something which allows for a thing to be an excellent example of its kind, the question was then asked whether it should be the virtues of a civil servant or the virtues of the family member or friend which should take precedence. It was argued that because being virtuous is what is difficult to do, and adhering to the regulations which demand a civil servant to be impartial is the harder function of the two, it is therefore the virtues of the civil servant which should be analysed when coming to a conclusion regarding which side of the moral dilemma someone following virtue ethics would take. Since being impartial would be a virtue of a civil servant this would mean that virtue ethics supports the conclusion that the current regulations which ask a civil servant to remain impartial should be upheld.

Section 9.6 Consequentialism

Under a consequentialist approach to conflicts of interest we saw four key changes from the current approach and yet came to the same conclusion that in resolving the moral dilemma one should side with impartialism. After determining that the good to be maximized under a consequentialist approach would be an effective government, the areas where there were four key changes was explained. First, what was to be taken as right would now be connected with the good to be maximized. Second, the goal of the civil servant would change slightly from serving the public interest as the top priority, to maximizing an effective government. Third, how a conflict of interest would be defined would change to anything which would inhibit a civil servant's ability to maximize the good. Fourth, public trust in government would change from trusting that public interests are promoted first, to trusting that the effectiveness of government is promoted first.

Even with these changes and despite the fact that notions of impartiality and partiality would initially be irrelevant in determining the ethical course of action, it was stated that impartiality would be a reliable tool in maximizing an effective government and so it was concluded that under a consequentialist approach, the third and final approach to the moral dilemma, civil servant A should be impartial and not award the contract based on the fact that it was her friend.

Section 9.7 Conclusion

It was therefore shown that since three major ethical theories in use today all reached the same conclusion, there is an ethical justification for stating that civil servant A must follow the current regulations demanding impartiality. Therefore, the moral dilemma should be resolved with civil servant A being impartial and would imply that she could not award the consulting contract to her friend.

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