

MIMH 2017

Leadership and Public Values

Public Values in the Headlines

- For leaking information on the NSA's activities Edward Snowden is best described as a:
 - A. Traitor
 - B. Criminal
 - C. Misguided Soul
 - D. Conscientious Public Citizen
 - E. Hero

The Moral Tragedy

- No clean moral choice
- Jean-Paul Sartre: Boy forced to choose between caring for his mother on her deathbed and joining up to defend his country at war.
 - Either way he is betraying someone, his mother, or his motherland.
- Edward Snowden:
 - 1. Disclose information he believed the public had a right to know, but betray his explicit secrecy agreements with both his employer and his government.
 - 2. Keep quiet and comply with his explicit secrecy obligations, but betray an implicit obligation to the public to inform them when he believes their rights are being violated. (whistleblower obligations)
- Either way he believes he is betraying someone, his government or his fellow citizens....

Examples of common organizing Principles of Mental Health Ethics ☐

- Autonomy: right to noninterference, self-determination ☐
- Beneficence: mercy, kindness, charity to others ☐
- Empathy: experience the experience of others ☐
- Fidelity: faithfulness to duties or obligations ☐
- Justice: benefits, risks, costs distributed fairly ☐
- Nonmaleficence: avoid harm or risk of harm ☐

NASW Ethics Code

Values

1. Service
2. Social Justice
3. Dignity & Worth of Person
4. Importance of Human Relationships
5. Integrity
6. Competence

Ethical Principles

1. help people in need, address social problems –
2. challenge social injustice. –
3. respect the inherent dignity & worth of person. –
4. recognize the central importance of human relationships. –
5. behave in a trustworthy manner. –
6. practice within areas of competence, develop & enhance professional expertise.

Values In context

- Personal Values:
 - Apply to everyone, determine personal behavior in private life
- Positional (professional) Values:
 - Apply to those who hold certain positions, determine personal behavior in that position (profession)
- Public Ethics:
 - Positional (professional) values for individuals who hold positions in the public sphere...subject to both positional (professional) values and public values...
- Public Values:
 - Apply to the design of institutions and public policy.

Section 1

The Usual Suspects & The Illinois Scale

Usual Suspects in “Public Ethics”

- Ethics Laws, Codes of Ethics, Ethics Regulations
 - Conflict of Interest (incl. gifts and favors)
 - Disclosure and Reporting
 - Transparency and Open Records
 - Nepotism
 - Confidential Information
 - Work Environment

Is there More???

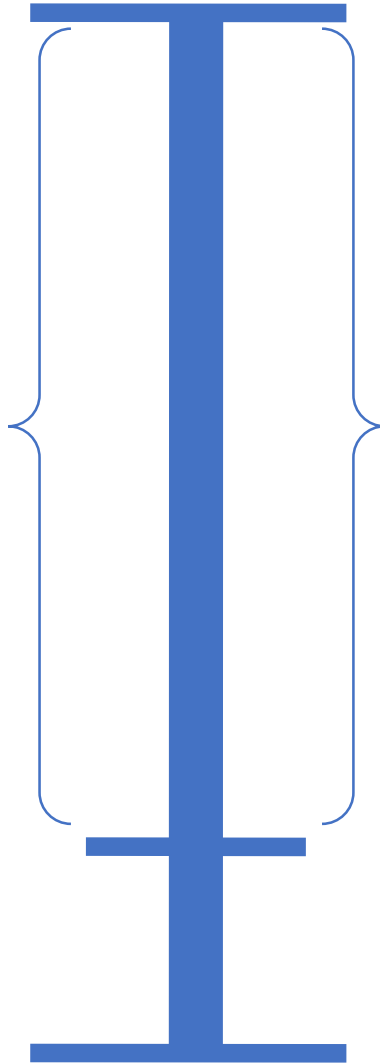
Ethics and Politics?

- “Isn’t Political Ethics an oxymoron?”
- Answer: “NO, it is a repetitive phrase.”
 - Politics IS ethics. Politics is the only answer we have found to one of the deepest, most complex, and pressing ethical questions in the world:”

Fundamental Ethical Question of Politics

- “How do we ethically protect the **social cooperation** that makes our society cohesive and strong, while also respecting the rights of individuals to pursue vastly divergent visions of the good life, and **deeply conflicting moral and political beliefs**?”

Evaluating Public servants



Ethical Decision Making

- How do I appropriately reconcile my private interests with my public role?
- What is the perfect meeting point of what is possible and what is ideally desirable?
- Why and when should I compromise on policy??
- How do I weigh individual rights against collective well-being?
- How do I weigh fairness against efficiency in the system?

Section 2

Private

vs.

Public Interest

The Case of Officer Nelthrope

Officer Nelthrope

- In April of 2003 Officer Nelthrope of the Detroit Police Department contacted internal affairs with allegations that “some members of the mayor's Executive Protection Unit were fraudulently padding time sheets, drinking while on duty and covering up accidents involving department vehicles. Nelthrope also reported rumors of a party involving strippers at the mayoral residence, the city-owned Manoogian Mansion.” (Guyette, Curt [“Internal Affairs?”](#). The MetroTimes- 05-26-2004 with additional notation updated January 25, 2008).

Officer Nelthrope

- Is there an obligation on Officer Nelthrope to report these misdeeds, *even if he knows there will be consequences, possibly serious ones, for him and his career?*
 - A. YES
 - B. NO
 - C. DEPENDS

Officer Nelthrope

- Which of the following consequences do you believe might override his public obligations to make the report, and make it permissible for him to keep quiet?
 - A. He will likely be a social outcast within the department, making his job very unpleasant and extremely difficult.
 - B. He will lose his job.
 - C. He will lose his job, be publically slandered and insulted, and have to pick up and move his whole family to a new city.
 - D. He will lose his job, be publically slandered and insulted, and receive credible threats to his own bodily safety and that of his family, and have to pick up and move his whole family to a new city.
 - E. He will be killed

Officer Nelthrope

- If the person who discovered the misdeeds was not Officer Nelthrope, but the police Dept's trauma counselor, would this make a difference in terms of the level of obligation she has to report them?
 - A. YES
 - B. NO
 - C. DEPENDS

- On the second season of the show “The West Wing” President Bartlet confesses that he was diagnosed with recurring-relapsing multiple sclerosis a few years before he ran for president. He did not disclose this to the voters, but he never directly lied about it (he wasn’t asked).
- Was the diagnosis:
 - A. A personal matter he had no obligation to disclose at all
 - B. A matter that he some (but perhaps not over-riding) obligation to disclose
 - C. A public matter that he a clear overriding obligation to disclose
 - D. Depends...

Section 3

Introduction to public values

Dr. Anna Pou

- Monday Aug. 29, 2005: Hurricane Katrina makes landfall at New Orleans, after the storm passed, and the emergency power is working, a deep sense of relief is felt by the doctors, staff and patients at Memorial Medical Center.
- Tuesday, Aug. 30, 2005: The water begins rising...
- Residents of N.O. are taking refuge in the hospital, bringing occupancy up to about 2000 people, draining it of supplies. By Tue. evening the first floor is completely flooded, preventing the delivery of supplies.
- Evacuation plans and activities begin.
- Early Wed. Morning (around 2 AM) the backup power fails.

- Over the next two days, with overflowing hallways, rooms and toilets, no fresh water, and no prospect of supplies, the situation inside the Memorial Medical Center was getting desperate. Physicians and staff were fleeing, abandoning patients. Stranded residents lined the hallways begging for water and help.
- Evacuations are sporadic and unpredictable.
- On the 7th floor, a long-term care facility for seniors with multiple medical problems Dr. Anna Pou stood her post, caring for her patients.



- The situation turned from one of providing medical care to reverse triage, prioritizing those patients for evacuation that had the best chance of surviving.
- By Thursday only 9 category 3 patients remained in Dr. Pou's unit, their conditions worsening hour by hour in rooms up to 105 degrees with no electricity, light, water etc... One aspirated food and had a heart attack, but was revived, others had open wounds or sores that required intense care...



- There was no security against the desperate crowds stranded in the hospital, there were no more supplies, and, Dr. Pou and the remaining staff had come to believe that no more evacuation or help was coming to them. The choice seemed to be only whether they would themselves leave and abandon their patients. Outside, shots are being heard and lawlessness threatens. The police demand everyone be out of the hospital by Thur. evening. But this seemed impossible for some patients...

- After long discussion with her remaining colleagues Dr. Pou administered a combination of the pain drugs morphine and midazolam to a number of patients in the hospital. All 9 patients in her unit were eventually found dead with high levels of these drugs in their system.

Dr. Anna Pou

- Was Dr. Pou doing something **morally permissible** in making the decision to inject large doses of morphine and midazolam knowing it might not only relieve their pain, but kill her patients?
 - A. YES
 - B. NO

Dr. Anna Pou

- DISCUSSION
- How would you defend your decision?

Dr. Anna Pou

- Dr. Pou was brought up on charges in four of the deaths, but a grand jury refused to indict, claiming that there was not enough evidence that Dr. Pou had actually been trying to kill the patients, instead of merely relieve their pain and suffering through extreme palliative care.



What does Euthanasia have to do with public values?

- Both often a conflict between not just two values, but between **two fundamentally distinct kinds of values**
 - On the one hand an action that would seem to violate some personal rights
 - Right to Life
 - On the other hand some benefit to well-being that might justify such a violation
 - Avoiding tragic pain and suffering

Substantive Public Values: Two Kinds

- **Personhood values:**
 - Stem from Sanctity of Personhood
 - The thing that is valuable in itself here is a **Person**
 - Evaluates an action by looking at the nature of the act itself:
 - Is the act some kind of violation of personhood and personal rights?
- You can usually tell if someone is invoking these kinds of values because they are most often formulated in terms of **Rights**.

Substantive Public Values: Two Kinds

- **Outcome values:**

- Stem from looking at the consequences of an act.
- The thing that is valuable in itself here is **human flourishing**, or **human well-being**, or **human happiness**
 - Evaluates an action by looking at the consequences:
 - Does the action maximize human well-being and minimize human suffering?
 - Are people better off because of the act?
- You can usually spot if someone is invoking these kinds of values because they are often in the form of a “cost/benefit” analysis.

Substantive Public Values: Two Kinds

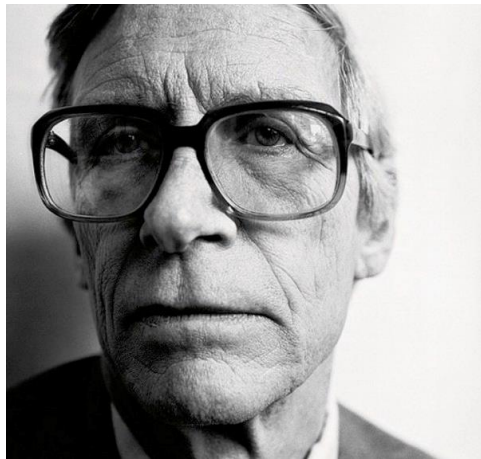
- Personhood Values

- Liberties
- Fairness
- Equality
- Personal Rights

- Outcome Values

- Well-Being (security, economy, health, environment etc...)
- Effectiveness
- Efficiency

“Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.”



The needs of the many

Outweigh

The needs of the few

Substantive Public Values: Two Kinds

Do Not Divide Along Partisan/Ideological Lines

- Personhood Values
(Personal Rights)
 - Private Property Rights
 - Civil Rights
 - Gun rights
 - Privacy Rights
- Outcome Values (Cost-Benefit)
 - Economic Development
 - Health Care
 - Safety & Security
 - Environmental Issues
 - Education

Intuition Testing on Abstract Public Values

- Liberty vs. Security
- When considering a conflict like this one should:
 - A. Almost always side with maintaining liberty.
 - B. Generally lean toward maintaining liberty unless there are exceptional circumstances
 - C. Generally lean toward maintaining security unless there are exceptional circumstances
 - D. Almost always side with maintaining security

Abstract Values Conflicts

- 3 options when general intuitions and specific cases conflict.
 1. Stick with one's general intuitions and change one's view about the case.
 2. Stick with one's intuitions about the case, and re-evaluate one's beliefs about one's own general intuitions.
 3. Stick with one's intuitions about both the general issues, and the specific case. But also specify why in this case one's specific case intuitions go against one's general inclinations.

- So how do we go about making these values judgments?
- This is where the final category of public values comes in:
 - democratic (small d) values, otherwise known as *Procedural Values*

Procedural Values

- Based on rational rules for making decisions fairly.
- Allow an objective balance of considerations in the decision making process.
- Relatively uncontroversial, in that they do not tip the scales toward either side in the substantive values debates.
- The basis of most of the constitution and our democracy: the vote, the three branches of government, legislative debates, executive administration and judicial review are all based on procedural values of fair process.

Procedural Values

- **Procedural Values**

- Participation
- Objectivity
- Accountability
- Transparency
- Trust

Full List of Public Values

- Personhood Values:

- Liberty
- Equality
- Fairness
- Rights

- Process Values

- Participation
- Objectivity
- Accountability
- Transparency
- Trust

- Outcome Values

- Public Well-Being
(security, economy,
health, environment
etc...)
- Effectiveness
- Efficiency

Common Misconceptions about Public Values

- The belief that as a population we in the United States disagree on far more than we agree on.

Common Misconceptions about Public Values

- The belief that making policy, management, and administrative decisions in the public sphere is no different than making them in the private sphere.

Non-Government Entities

- 1) Large organizations with extensive bureaucracies
- 2) Charged with complex long-term goals
- 3) Provided with limited resources to fulfill those goals
- 4) Business involves the private interests of only customers/stockholders/employees
- 5) You choose whether to become a customer/stockholder/employee
- 6) Charged with producing and selling product X. Should it fail, we no longer have product X.
- 7) Only non-coercive means at its disposal

Government

- 1) Large organizations with extensive bureaucracies
- 2) Charged with complex long-term goals
- 3) Provided with limited resources to fulfill those goals.
- 4) Government involves the public interests of all citizens.
- 5) No one chooses whether government involves itself in their lives
- 6) Charged with adjudicating disputes about our most deeply held personal values and beliefs. Should it fail these will be violated.
- 7) Enforces its decisions on those values at gun-point

Common Misconceptions about Public Values

- The belief that public values are:
 - Hopelessly Complex:
 - This is the conviction that the values that are at play in the public sphere are such a jumbled mess of myriad incommensurate (un-comparable, apples/oranges) values and arbitrary guidelines that the only way forward is to simply go with our intuitions about the situation in front of us (the “everything is relative” attitude)

Full List of Public Values

- Personhood Values:

- Liberty
- Equality
- Fairness
- Rights

- Process Values

- Participation
- Objectivity
- Accountability
- Transparency
- Trust

- Outcome Values

- Public Well-Being
(security, economy,
health, environment
etc...)
- Effectiveness
- Efficiency

Common Misconceptions about Public Values

- The belief that public values are:
 - Blindingly Simple:
 - This is the conviction that one single value or set of values always outweighs all the others and each decision is to be made only by referencing that value.
 - This kind of single-mindedness happens at every point on the political spectrum, such as:
 - liberty and small government for some libertarians,
 - tolerance equality for some progressives,
 - biblical values for some Christian conservatives,
 - environmental values for some environmentalists

Intuition Testing on Abstract Public Values

- Efficiency vs. Fairness
- When considering a conflict like this one should:
 - A. Almost always side with maintaining fairness.
 - B. Generally lean toward maintaining fairness unless there are exceptional circumstances
 - C. Generally lean toward maintaining efficiency unless there are exceptional circumstances
 - D. Almost always side with maintaining efficiency

Intuition Testing on Local Government Values Conflicts

- In bringing in high-speed internet access to our town we can either only offer it to the 90% of residents who live in close proximity at a cost of \$1.5 million, or we can extend it out to the remaining 10% of rural residents as well, though this would more than double the cost to \$4 million.
- When considering a case like this one should:
 - A. Definitely only provide it in town
 - B. Lean toward only providing it in town, unless there are exceptional circumstances
 - C. Lean toward providing it to rural residents too, unless there are exceptional circumstances
 - D. Definitely provide it to rural residents too

Intuition Testing on Local Government Values Conflicts

- In designing the bus routes for our township's new school we can either only offer it to the 90% of families who live in close proximity at a cost of \$150,000 annually, or we can extend it out to the remaining 11% of rural families as well, though this would more than double the cost to \$400,000 annually.
- When considering a case like this one should:
 - A. Definitely only provide it in town.
 - B. Lean toward only providing it in town, unless there are exceptional circumstances
 - C. Lean toward providing it to rural families too, unless there are exceptional circumstances
 - D. Definitely provide it to rural families too.

Bad Arguments for any Policy Position:

- “Liberty is always most important!”
 - Or
- “Privacy is always most important!”
 - Or
- “The economy is always most important!”
 - Or
- “Security and Safety are always most important!”
 - Or
- “Equality and fairness are always most important!”

Common Misconceptions about Public Values

- The belief that the rules of the political game are arbitrary, capricious and senseless.

Fundraising Case

This is Alderman Freeman Bosley Sr., requesting your support once more. This fall, my youngest daughter, Kenya Young-Bosley, will be attending St. Xavier University as a first-year undergraduate. I am asking for your support, in order to pay the outstanding balance on her college tuition. The total cost to attend St. Xavier is \$38,890, but with her academic achievement, Kenya has managed to knock off a large sum, bringing the balance to \$14,276. Although the help from scholarships and grants has paid for nearly twenty-five thousand dollars, the remaining balance is still a challenge.

- Was Alderman Bosley doing something unethical?
 - A. YES
 - B. NO
 - C. DEPENDS

Fundraising Case

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- Should this be against the law?
 - A. YES
 - B. NO
 - C. DEPENDS

“Arbitrary” Political Rules

- Why does a decision affecting my niece require me to recuse myself if I am on the board of adjustment, but not if I am on the planning and zoning board?
- Why does the \$5001.00 I have invested in a local startup business require me to recuse myself for decisions regarding their property, while the decade of work and energy I have put into a local non-profit food shelter does not require me to recuse myself for decisions affecting their property?

“Arbitrary” Political Rules

- It is illegal to hire one’s great-nephew for street-sweeper, where he would do a great job...
 - but it is not illegal to fundraise off of one’s political donor list for one’s daughter’s education
- In some states individual donors can give a single check to fund an entire campaign for state office...
 - but one can’t buy a legislator a cup of coffee to discuss an issue unless one is a registered lobbyist and reports the expense to the ethics commission.

Illegal Tax Case

- 27 years ago County X passed a 10 mill property tax dedicated to supporting the county's public mental health system. This tax is imposed only on personal property, excluding business personal property.
- County Supervisor notices that tax has been illegally imposed on all real property, instead of excluding business personal property, for the last 27 years.
- Legally taxpayers are only entitled to a refund if they paid "under protest," or provision is entirely in the future.
- County Supervisor Tad proposes quietly amending the tax for the next cycle.
- Another supervisor, Carl, is outraged and demands not only disclosure, but an offer of tax refunds for those who can document their over-payment.
- Tad points out the severe harm that could come to county mental health funding if these refunds are implemented.

Illegal Tax Case

- What should the County Council do?
 - A. Try to reason with Carl and go Tad's route of quietly adjusting the tax
 - B. Go with Carl's route of publicizing the issue and offering refunds.
 - C. Some other option?
 - D. Depends...

Which public values are in play here? And which way do they push?

Full List of Public Values

- Personhood Values:

- Liberty
- Equality
- Fairness
- Rights

- Process Values

- Participation
- Objectivity
- Accountability
- Transparency
- Trust

- Outcome Values

- Public Well-Being
(security, economy,
health, environment
etc...)
- Effectiveness
- Efficiency

Dilemma

- During the final phase of a financial audit of Dept. of Mental Health's regional offices the Director asks the Auditor to re-phrase two sections having to do with some duplication and waste in office administration using some more benign language.
- The Director promises to address these issues independently. She makes a strong case that these issues, when taken out of context, will seriously endanger some highly effective mental health programs by giving political opponents the ammunition they have been searching for to scuttle these programs. These programs are providing services to vulnerable populations of poor and disadvantaged children who otherwise have nowhere to turn.
- Should the Auditor revise the report as the Director requests?
 - A. YES
 - B. NO
 - C. MAYBE

TRUST

as an under-appreciated
public value...

TRUST

- In the general public in the U.S. today do you think there is:
 - A. Way too much trust in public agencies.
 - B. Too much trust in public agencies.
 - C. The right amount of trust in public agencies.
 - D. Too little trust in public agencies.
 - E. Way too little trust in public agencies.

The Assurance Problem

- What is an assurance problem?
 - A problem that can confound fruitful cooperation and coexistence
 - A situation in which cooperation requires mutual assurances that if one party cooperates the other will as well.

Prisoner's dilemma

	Prisoner B stays silent (cooperates)	Prisoner B betrays (defects)
Prisoner A stays silent (cooperates)	Each serves 1 year	Prisoner B: Goes Free Prisoner A: 5 years
Prisoner A betrays (defects)	Prisoner A: Goes Free Prisoner B: 5 Years	Each serves 3 years

Prisoner's dilemma (enforcer)

	Prisoner B stays silent (cooperates)	Prisoner B betrays (defects)
Prisoner A stays silent (cooperates)	Each serves 1 year	Prisoner B: Goes Free Prisoner A: 5 years Then A's friends hunt down B and kill him.
Prisoner A betrays (defects)	Prisoner A: Goes Free Prisoner B: 5 Years Then B's friends hunt down A and kill him.	Each serves 3 years

Assurance Problems

- Clearly the government can't be lurking behind every bush as the enforcer to solve all of the daily assurance problems for every citizen.
- So another kind of solution to the assurance problem is sought, aside from the external enforcer.
- The only one is: TRUST

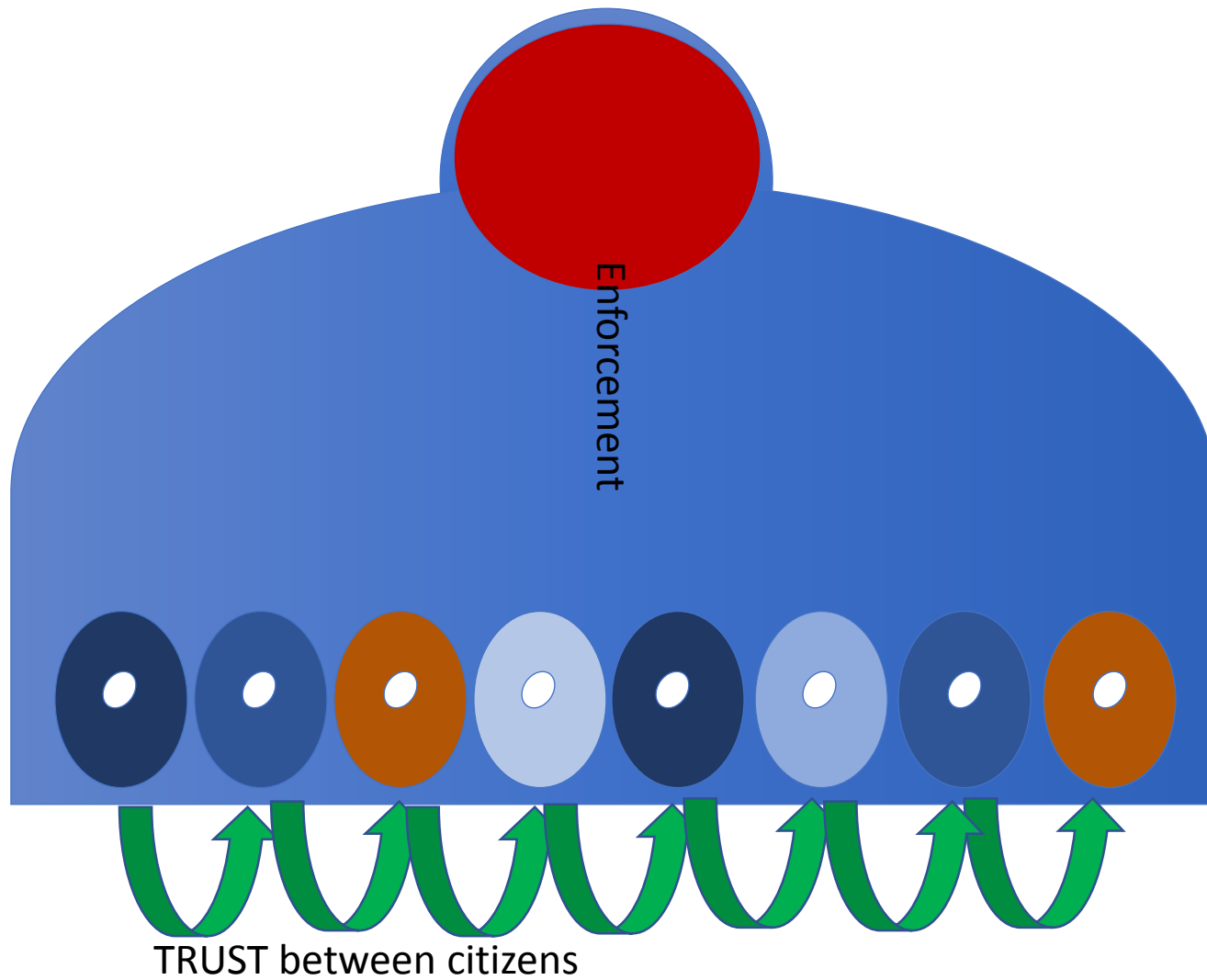
Prisoner's dilemma

	Prisoner B stays silent (cooperates)	Prisoner B betrays (defects)
Prisoner A stays silent (cooperates)	Each serves 1 year Thieves' Honor Code: Each trusts the other to stay silent.	Prisoner B: Goes Free Prisoner A: 5 years
Prisoner A betrays (defects)	Prisoner A: Goes Free Prisoner B: 5 Years	Each serves 3 years

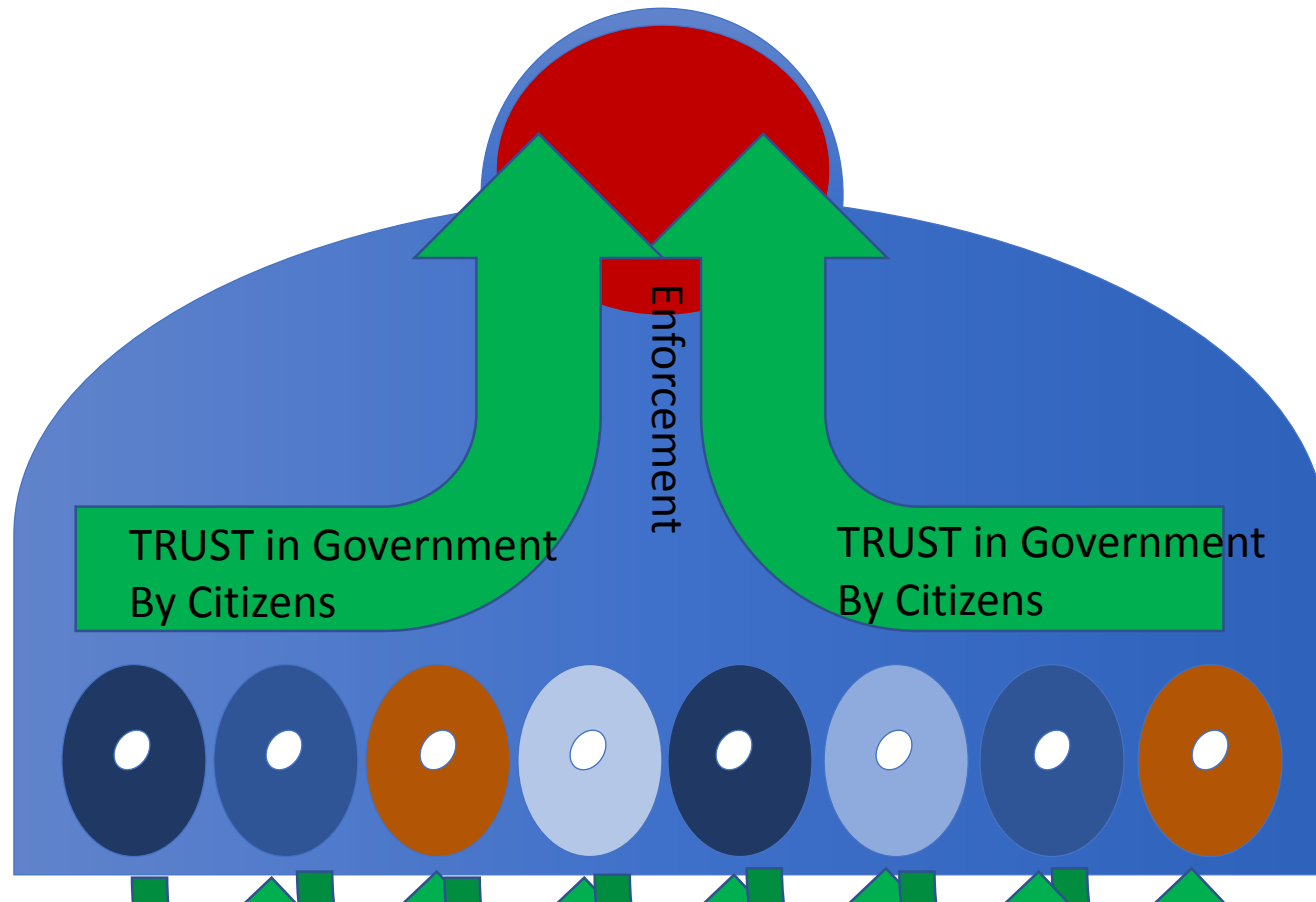
- So the government as general enforcer imposes a general rule of compliance with its edicts,
- But in each particular situation citizens have to trust each other to some degree in order to overcome the assurance problems and cooperate, i.e. create a society.

Examples of Assurance Problems:

- Basic mutual non-aggression
- Commerce, Trade, Legal Agreements:
 - Pretty much any form of exchange involving non-simultaneous obligations
- Free Rider problems:
 - Public space
 - Traffic laws
 - Environmental laws
- Values conflicts requiring compromise:
 - Religious tolerance
 - Rights conflicts
- Government Itself:
 - If I obey laws, rules and regulations, will everyone else?



- Despite the mutual trust that citizens show on a daily basis in a functioning society, each citizen must rely on government in the end to enforce the basic social agreement in a way that is fair to them.
- So trust between citizens is an issue that government can help solve.
- But this sets up a new problem: Trust in government.



Now the Question:

Why is trust in government so important as compared to other large organizations, like corporations???

What are citizens trusting government with???

What is unique about trust in government???

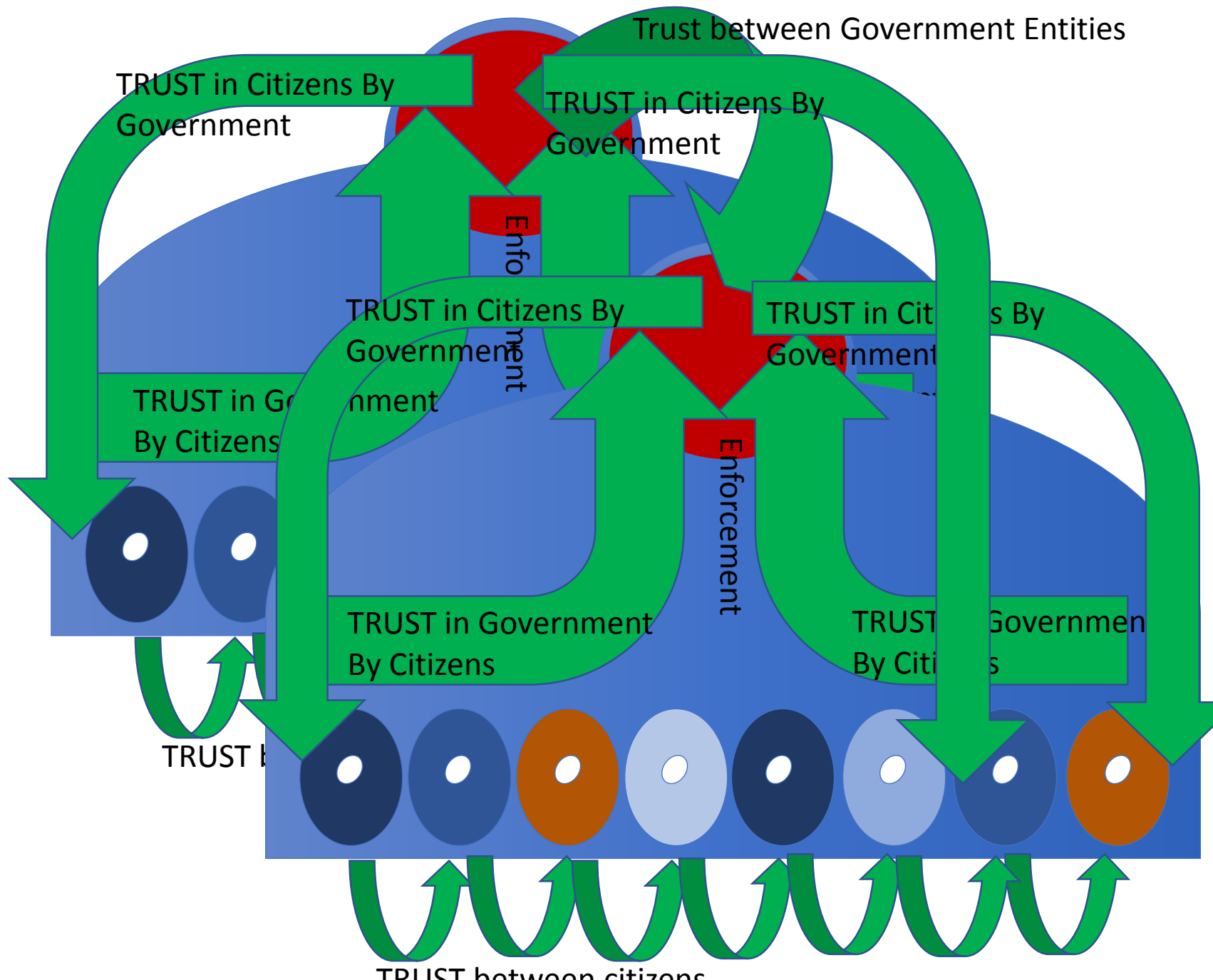
Government vs. Non Governmental Entities

Non-Government Entities

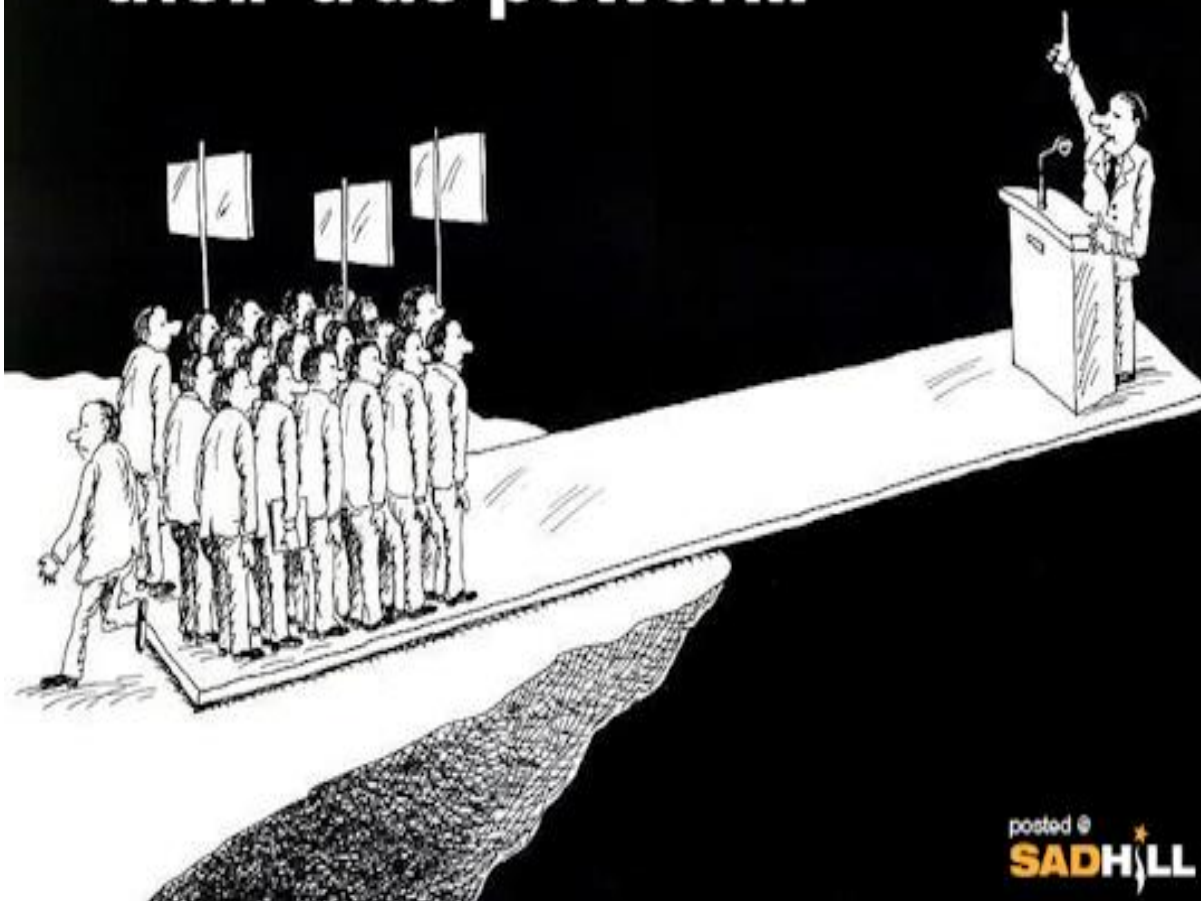
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- 7) Only non-coercive means at its disposal

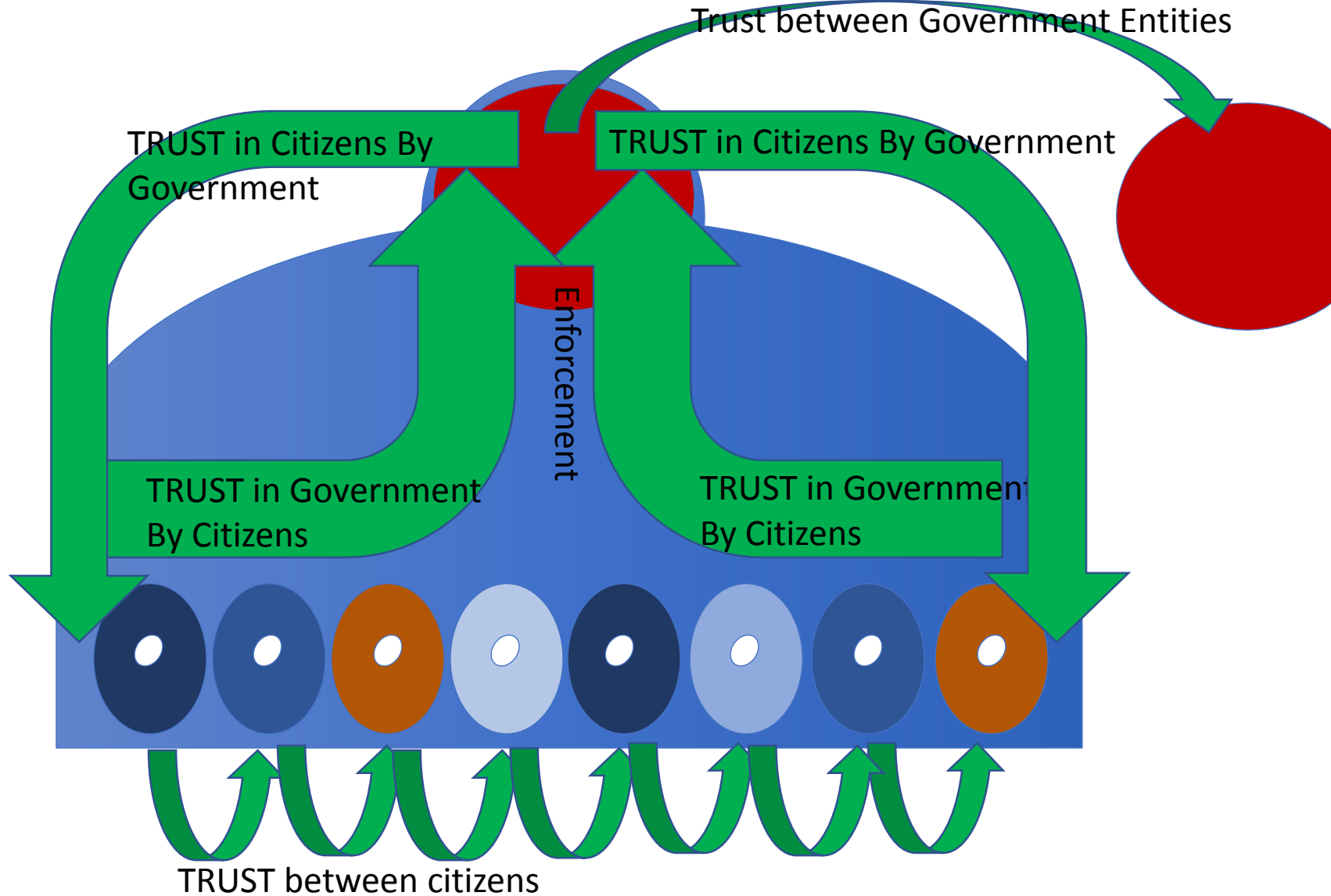
Government

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- 4) Government involves the public interests of all citizens.
- 5) No one chooses whether government involves itself in their lives
- 6) Charged with adjudicating disputes about our **most deeply held personal values and beliefs.** Should it fail these will be violated.
- 7) Enforces its decisions on



**The people don't know
their true power...**





These two forms of trust are mutually dependent.....

Aids for Ethical Reasoning:

- Disclosure Rule: What course of action would I be comfortable with if it was examined by my friends, family and associates?
- Headline Rule: How would this course of action look described in a newspaper headline? (the point here is not that the headline should instill fear just because it is a headline, but that public disclosure of the action should not sow distrust of government actions)
- Professional Rule: What course of action would I be comfortable explaining before a committee of my peers?
- Intuition Rule: Does this course of action feel right to me? Does it make some part of me uncomfortable?
- Mike's Rule: If you have to ask Mike you probably already answered the intuition rule... you probably know it is ethically problematic.