If there can be a Universal Declaration of Human Rights, then why can’t there be an ASPA Code of Ethics? That may be the only question not asked in James H. Svara’s cogent article, “Who Are the Keepers of the Code? Articulating and Upholding Ethical Standards in the Field of Public Administration.” Svara provides a thoughtful discourse on the history of the American Society for Public Administration (ASPA), ethics codes, and public administration in general.

I wonder whether the society’s alleged disdain for such codes harkens back to the McCarthy era, when public employees at all levels were routinely required to deny affiliation with the Communist Party and other organizations believed to be plotting the overthrow of the U.S. government from within its shores. (At one point, the NAACP and the B’nai Brith Anti-Defamation League were thought to be such organizations by the Federal Bureau of Investigation.) Those who refused were summarily dismissed from employment or denied hiring.

Watergate purportedly triggered the creation of an ASPA ethics code. John Ladd’s 1980 argument that, in Svara’s words, “ethics cannot be set by fiat; having a code conflicts with the notion of ethics itself” may have prevailed. In any event, one can reasonably assert that ethics has not been at the top of any discipline’s course list. The idea that ethics is innate in individuals has been both supported and refuted by history. For example, in places as diverse as Germany, Cambodia, and Rwanda, public administrators actively planned the genocide of members of their own communities. It is not an accident that the perpetrators of such atrocities were trained in public administration.

I suspect that the reason ethics has been so neglected is a function of what Svara calls the “dematerialization” of the discipline. How can ethics be taught when the main focus is on research design and how to publish? How can ethics be an integral part of the discipline when its practitioners are told that “little of consequence happens here”? How can ethics be a priority when it is often said that there is no public administration discipline? If there is no discipline, there can be no ethics.

But if ethics is not a priority, why not? I wonder whether the society’s alleged disdain for such codes harkens back to the McCarthy era, when public employees at all levels were routinely required to deny affiliation with the Communist Party and other organizations believed to be plotting the overthrow of the U.S. government from within its shores. (At one point, the NAACP and the B’nai Brith Anti-Defamation League were thought to be such organizations by the Federal Bureau of Investigation.) Those who refused were summarily dismissed from employment or denied hiring.

Watergate purportedly triggered the creation of an ASPA ethics code. John Ladd’s 1980 argument that, in Svara’s words, “ethics cannot be set by fiat; having a code conflicts with the notion of ethics itself” may have prevailed. In any event, one can reasonably assert that ethics has not been at the top of any discipline’s course list. The idea that ethics is innate in individuals has been both supported and refuted by history. For example, in places as diverse as Germany, Cambodia, and Rwanda, public administrators actively planned the genocide of members of their own communities. It is not an accident that the perpetrators of such atrocities were trained in public administration.

I suspect that the reason ethics has been so neglected is a function of what Svara calls the “dematerialization” of the discipline. How can ethics be taught when the main focus is on research design and how to publish? How can ethics be an integral part of the discipline when its practitioners are told that “little of consequence happens here”? How can ethics be a priority when it is often said that there is no public administration discipline? If there is no discipline, there can be no ethics.
own communities. Those members were perceived to be different and therefore a threat to the larger community by virtue of their race, religion, or political beliefs. No thought was given to ethics, only to efficiency.

By contrast, Attorney General Elliot Richardson’s refusal to carry out President Richard Nixon’s order to fire the Watergate special prosecutor, Archibald Cox, was seen as the template for ethical behavior in his belief that he was upholding his oath of office. At the other end of the spectrum, the man who did carry out the order, Solicitor General Robert Bork, would, years later, be denied a seat on the U.S. Supreme Court by the Senate. Some saw the rejection as a repudiation of his conduct and perceived unethical behavior in carrying out an order deemed unlawful by many legal scholars, Nixon’s later assertion that it was not illegal if the president does it notwithstanding.

Svara points out that the purpose of a code is to provide ethical standards to which the general public can hold the profession accountable. This should be as true in the context of the profession of public administration as it is in the context of the example he uses to illustrate the point, social work. From this perspective, the ASPA code is akin to a Universal Declaration of Human Rights.

Enforcement, however, poses challenges. One of the five core principles of the mission statement of the Los Angeles Police Commission Office of the Inspector General, posted prominently on the wall of that office, was maintaining the confidentiality of sources. Yet when I worked for the office in the pre–William Bratton era, the inspector general provided one of the targets of my inquiry, a woman she considered a personal friend, enough information that the woman was able to find my key source on my very first case at the LAPD and have him administratively transferred from her command. My source would eventually win $1.7 million from the city in a subsequent retaliation suit for his assistance to me in those cases, assistance which led to the end of his law enforcement career. The inspector general suffered no sanction for her actions and was later elected a judge of the Los Angeles Superior Court.

This was not the last time that staff leaked information to outsiders, comprising my and others’ inquiries. Yet it became clear over time, even with changes in inspectors general, that staff who remained silent about misconduct were promoted. Those who spoke out suffered damage to their careers. These actions made hollow the office’s pledge to provide independent civilian oversight of the department’s disciplinary process. The inspector general was, in effect, a paper tiger. Absent enforcement, misconduct flourishes.

Perhaps one of the tragedies of the Watergate scandal is the disproof of assumptions made by well-meaning individuals, myself included, that it would never happen again. Yet events of the past decade appear to show that rather than learn the lessons regarding abuse of power, those young administrators and political appointees who were part of the Nixon administration learned how to improve and expand the abuse of authority and how to hide from and distract the public from their misconduct. One need only read the books published by former Nixon White House counsel John Dean to see how these goals are accomplished and the public ill served by their success.

With the integrity of elected officials in question, how can they be entrusted to enforce and model ethical behavior? At the local level, the city of Bell, California, provides a model of unethical behavior. There, the city council and city manager appeared to adhere to no ethical code or any standards of conduct. In fact, they appeared dismissive of such standards and engaged in self-aggrandizement to the detriment of their citizens, nearly bankrupting their city. Anecdotal evidence suggests that they subscribed to no code of ethics—neither that of International City/County Management Association nor that of ASPA.

Svara calls for more study of the ASPA Code of Ethics. That is an avenue well worth pursuing. However, in this practitioner’s view, we have arrived at our destination with the current Code of Ethics.

Note
The views expressed in this commentary are those of the author and do not reflect the views of his employer.