



Political Ethics

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Political Ethics: Abstract

Political ethics is the practice of making moral judgments about political action, and the study of that practice. It is divided into two branches: the ethics of process, which focuses on public officials, the methods they use, and the institutions in which they act; and the ethics of policy, which concentrates on judgments about the policies and laws governments make. The central question in the ethics of process is the extent to which the ethical principles that govern political office differ from those that govern moral life, and typically involves conflicts between means and ends. The problems in policy ethics implicate conflicts between the values of the ends themselves. The key question is not what policies would be morally justifiable in general but what would be justified as coercively enforced law when citizens reasonably disagree about the values at stake, or when they belong to different communities and nations.

Political Ethics

Dennis F. Thompson

Political ethics (sometimes called political morality or public ethics) is the practice of making moral judgments about political action, and the study of that practice. As a field of study, it is divided into two branches, each with distinctive problems and with different though overlapping literatures. One branch, the ethics of process (or the ethics of office), focuses on public officials, the methods they use, and the institutions in which they act. The other branch, the ethics of policy (or ethics and public policy), concentrates on judgments about the policies and laws governments make. Both branches draw on moral and political philosophy, democratic theory, and political science. But political ethics constitutes a free-standing subject in its own right. Most writers on political ethics do not directly apply foundational moral theories but rather work with mid-level concepts and principles that more closely reflect the considerations that political agents could take into account in making decisions and policies. Political ethics may also address the conflicts that arise between process and policy: is a good policy justified if adopted in an unjust process, and vice versa?

Political Ethics of Process

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

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

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

More recently, some political theorists have suggested that the leaders of established democratic states may have hands that are no less dirty. In the most influential formulation, Michael Walzer (1973) argues that “a

particular act of government may be exactly the right thing to do in utilitarian terms and yet leave the man who does it guilty of a moral wrong.” In Walzer’s view, the problem creates a paradox: the politician must do “wrong to do right” (1973: 164). The complete moral judgment we make of the politician combines at the same time elements of consequentialism and deontology (*see* CONSEQUENTIALISM; DEONTOLOGY). It should not be surprising that this unstable mixture has been criticized from both sides (Rynard and Shugarman 2000). Consequentialists argue that if the action is justified, then the politician is not guilty of anything (though it might be useful for him to feel guilty). Deontologists maintain that if the action is truly wrong, the politician should simply not do it.

Democratic theorists object that neither Walzer nor his philosophical critics recognize that the problem takes a different form in democratic politics (Thompson 1987: 11–39). Walzer and others suggest that the key question is how to discipline the dirty-handed official. But the leader who has dirty hands acts in the name of citizens and with their implicit approval. (If the leader’s decision is not democratically legitimate, the problem should be treated as an abuse of power, not as a moral dilemma.) In the context of a democracy, the questions become, not simply what citizens should do to the leader, but how citizens can hold leaders accountable for decisions that are legitimately made in secret, and what citizens and the state should do to compensate the victims of the decision. (*see* COMPENSATORY JUSTICE; LEADERSHIP ETHICS; LEAKING; PUBLICITY). Beerbohm (2012) argues that democratic citizens are more morally complicit in the wrongs that governments commit than is usually assumed and therefore have greater obligations of political participation.

A generalized form of the problem of dirty hands persists in politics regardless of whether the dilemmas are considered paradoxes, and regardless of whether the agents facing them are individual leaders or democratic citizens. In the general form, the problem raises the time-honored question: to what extent does the end justify the means in politics? The most productive literature focuses on particular means, such as violence, deception, and secrecy that are morally questionable but may be justified in some circumstances (Bok 1999; Johnson 2007; *see* VIOLENCE, LYING AND DECEIT, PUBLICITY). Some writers argue that certain means are never justified. Torture is their most plausible example (Waldron 2010; *see* TORTURE; TERRORISM). But few theorists (though perhaps some politicians) are prepared to follow Machiavelli to the other extreme and claim that “when the end is good ... it will always excuse the means” (1883: Bk. I, Ch. 9).

The more common view is that whether the means are justified depends on several different factors including, but not limited to, the value of the end. For example, in judging whether political deception is justified, we should consider the importance of the goal of the deception; the availability of alternative means for achieving the goal; the identity of the victims of the deception (other officials, other governments, all citizens); the accountability of the deceivers (the possibility of approving the deception in advance or discovering it later); and the containment of the deception (its effects on other actions by officials). When the deception takes the form of a widespread disregard of plain facts and scientific evidence, the problem calls for more systematic criticism.

In a democracy, the vices of concealment (secrecy and manipulation, as well as deception) require special attention (*see* MANIPULATION; CONFIDENTIALITY). They prevent citizens from reaching a collective judgment about the other wrongs of government – including the vices of violence (Thompson 1987). The ability of citizens to control secrecy within ethical limits has become increasingly difficult (Sagur 2016).

The representational character of office creates another problem that has a similar logical structure to the ends-means question but is usually treated separately. Should a representative follow the will of constituents or the dictates of conscience? To win and retain office (a democratically desirable end), the representatives must sometimes act against their judgment about what is right or what the general interest requires (a morally questionable means). The problem is more complex than this simple opposition suggests because the constituents do not have a single will, and representatives have many different responsibilities (Urbinati and Warren 2008). Another complication is addressed by the ethics of partisanship, which seeks to identify right and wrong ways to support one’s political party or social cause, has become more salient in this age of polarized politics (Rosenblum 2008; White and Ypi 2016). To the extent that citizens are considered to hold an office (defined by rights and duties of citizenship), political ethics takes up such questions as the obligation to vote and participate in other ways in politics; and the legitimacy of restrictions on voting (Lopez-Guerra 2014; Beerbohm 2012; *see* VOTING, ETHICS OF).

While the problem of means and ends deals with actions that are permitted in public office but not in private life, the problem of higher standards refers to actions that are more strictly regulated in public office than in

private life (Thompson 1995). Ethical principles may, for example, require public officials to disclose information about themselves that would violate their privacy if they were ordinary citizens (*see* PRIVACY). They may be prohibited from using their office for personal profit or career advancement in ways that would be acceptable in private occupations. They may be held responsible for consequences over which they had little or no control, and for which they would be excused if they were in private life. More radically, their right to use private instead of public services could be limited so that they have a greater personal stake in the laws they make and implement. López-Guerra (2017) argues that that officials are obligated, as a matter of justice, to use the same public services (such as education and healthcare) that the government provides equally to other citizens.

The most familiar work on higher standards deals with the rules governing public office, usually referred to as government ethics (Madsen and Shafritz 1992). The main issues center on the regulation of conflicts of interest, revolving doors, lobbying, nepotism, outside income, and whistleblowing (Stark 2003; *see* CONFLICT OF INTEREST; WHISTLEBLOWING). Most of the work deals with the content of the rules, and some is legalistic and quite technical. However, some of the problems in this area have been shown to be of significant theoretical interest, such as the difference between individual and institutional corruption (Thompson 1995, 2018; Miller 2017; *see* CORRUPTION). The paradigm of bribery in which individual motives are corrupt is now seen as an unsatisfactory way to understand the more complex forms of corruption that arise in the practices of campaign finance. More generally, the connections between democratic theory and political ethics are especially important in government ethics. For example, the demand for greater transparency rests on a recognition that democratic accountability requires public officials not only to act in the public interest but also to show that they are doing so. The media play an increasingly important role, for better or worse, in publicizing the actions of officials (See MEDIA ETHICS; INTERNET ETHICS).

The *organizational* character of public office creates the second general set of problems for the ethics of process – challenges in ascribing responsibility (*see* RESPONSIBILITY). Here the difficulty is not which principles to apply, but which agents to apply them to. Like any kind of morality, political ethics assumes that the persons whom it judges can be responsible for the actions for which they are judged. But the structure of public office threatens this assumption. Because many different individuals in an organization contribute in many ways to the decisions and policies, it is difficult even in principle to identify who is responsible for the outcomes. This is known as the “problem of many hands” (Thompson 2018; van de Poel et al 2015).

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

Other theorists have argued that with some modifications in the standard criteria of responsibility, the individualist approach (holding individuals responsible for collective outcomes) can be preserved (Bovens 1998; Thompson 2017). Excuses that might be valid in private life are less plausible in political organizations. To reject an excuse of ignorance, we do not have to show that an official should have foreseen the specific act of particular subordinates. It is sufficient that the official should have known that mistakes of the kind that occurred were probable. For example, when there are strong incentives to complete the job as fast as possible, the risk that safety may be compromised increases. In organizations, certain patterns of fault are common enough that any competent official should anticipate them and take reasonable precautions to avoid them or at least minimize their harmful consequences. Officials can be held responsible for the design of institutions (van den Hoven et al. 2017). Furthermore, even bureaucrats, who are often assumed simply to be carrying out policies for which others are held responsible, have more independence and discretion than is usually assumed. Combining ethics and ethnography, Zacka (2017) has shown that if we look more closely at the actual experiences of street-level bureaucrats (such as social workers, police officers, and teachers), we will find much more scope for moral agency than the standard views of organizational ethics allow.

Political Ethics of Policy

Nearly all of the topics discussed in practical ethics (*see* APPLIED ETHICS) turn up here but with a distinctive twist. Instead of asking only what conclusion is morally justifiable (as a philosopher or citizen should initially ask), political ethics raises the further question: what conclusion should be adopted as policy and coercively enforced as law when citizens reasonably disagree about the values at stake, or when they belong to different communities and nations (Gutmann and Thompson 1996). In addition, some work in political ethics criticizes the methods of policymaking such as cost–benefit analysis (*see* COST–BENEFIT ANALYSIS).

The key problems in policy ethics are not conflicts between ends and means, but rather between the values of the ends themselves. Many of the salient issues in policy ethics are driven by the general tension between partial and impartial claims (*see* IMPARTIALITY). This can be seen clearly in the work on what has become one of the most active areas of inquiry, global justice (*see* GLOBAL DISTRIBUTIVE JUSTICE). On the one side, the partialists (holding a doctrine sometimes called social liberalism) give priority to the nation-state, and require international transfers only to sustain domestic institutions or to respond to humanitarian crises (Nagel 2005). On the other side, the impartialists (holding a doctrine known as cosmopolitanism) give the interests of each individual equal respect regardless of their citizenship, and require more extensive distribution of resources and more demanding international obligations [*see* COSMOPOLITANISM]. Other philosophers are international in outlook but resist identification with either of views (Appiah 2007; Nussbaum 2011). Similar conflicts arise in another policy area – immigration (Carens 2015; *see* IMMIGRATION). The cosmopolitans tend to favor open borders while the social liberals justify restrictions to protect domestic institutions. Other questions in international ethics that have become salient include: to what extent are liberal states justified in adopting a foreign policy that promotes liberal values in nonliberal societies? (Blake 2013) and what institutions are required for states to make ethical judgments about the justice of wars? (Buchanan 2018)

The conflict between ends arises in other areas but the agents are different. In the case of environmental policy, the conflict is in part between current and future generations. Among other challenges, writers discuss how can future generations be represented especially in light of the fact that current policy will determine who they will be (González-Ricoy and Gosseries 2017; *see* INTERGENERATIONAL ETHICS; POTENTIAL PERSONS). Here the issue of climate change has become increasingly relevant (Mollendorf 2014; *see* ENVIRONMENTAL ETHICS). In the case of animal rights (*see* ANIMAL RIGHTS), the conflict is between human and other species. Here too one group must necessarily speak for the other. Some theorists frame the question of abortion as a conflict between the rights of women and the rights of the unborn, though the question is obviously more complex and even how it should be framed is contestable (*see* ABORTION). A distinctive issue in the political ethics of abortion is whether the absence of legal prohibition is a morally neutral position as some liberals argue, or whether the government takes a moral position regardless of whether it acts or declines to act.

Other areas present conflicts between different principles of justice (*see* JUSTICE): retributive vs. consequentialist approaches (criminal punishment); egalitarianism vs. libertarianism (healthcare resources, welfare, education, taxation); nondiscrimination vs. equality of opportunity (racial and gender affirmative action) (*see* PUNISHMENT; EGALITARIANISM; LIBERTARIANISM; HEALTHCARE RESOURCES, DISTRIBUTION OF; DISCRIMINATION; EQUALITY OF OPPORTUNITY; AFFIRMATIVE ACTION). Some policy areas are seen as creating tensions between different liberties: government support of religious institutions; regulation of protests and demonstrations; and law enforcement (*see* RELIGION AND POLITICS; SPEECH, FREEDOM OF; POLICE ETHICS). Another conflict – between the market and morality – is receiving renewed attention from philosophers, who emphasize the limitations of economic approaches (Satz 2010). Some forms of discrimination involve what could be called pseudo conflicts, in which the aim of political ethics is to expose the spurious claims on one side—for example, property rights vs. taxation (Murphy and Nagel 2004) and religious traditions vs. same-sex marriage (Macedo 2015). Finally, in the case many new technologies we are only beginning to identify the values at stake (*see* EMBRYO RESEARCH; GENETIC TESTING; REPRODUCTIVE TECHNOLOGY; NANOTECHNOLOGY, ETHICS OF).

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

adopted, or exemptions allowed. This consideration leads to several important but sometimes neglected subjects of inquiry including the ethics of compromise (Margalit 2009; Gutmann and Thompson 2012), the justifiability of disobedience by officials (Appelbaum 1992), conscientious objection in the public professions (Wicclari 2011), the rights of cultural and linguistic minorities (Patten 2014), and the legitimacy of secession (Buchanan 2017). (*see* COMPROMISE; CIVIL DISOBEDIENCE; CONSCIENTIOUS OBJECTION; MULTICULTURALISM; SECESSION).

Criticisms of Political Ethics

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

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

More recently, realists have recast the criticism not as a rejection of ethics in politics but as an objection that standard conceptions of political ethics fail to fully recognize the distinctive character of politics, though they disagree about what that character is (Galston 2010). This criticism tells against theorists who conceive of political ethics simply as applied moral philosophy but it can be accommodated by others who share the view that politics should not be reduced to morality. Indeed, for most political ethicists the main point is to show how political ethics differs fundamentally from personal ethics. Other critics, notably Williams (2005) and Geuss (2008), go further, however; they question whether any prevailing conceptions of ethics can provide an adequate perspective on political life, and in different ways seek alternative perspectives.

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

The proponents of political ethics reply, first, that principled arguments for and against particular policies cannot be ignored. If we are to design a justifiable policy on affirmative action, it matters whether the subject of justice is taken to be individuals or groups. But, second, political ethics does not in fact focus only on particular policies. Indeed, its use of general principles naturally leads to judgments that go beyond the evaluation of any particular policy. If we invoke a principle of justice to assess a policy on affirmative action, we will soon find ourselves noticing implications of that principle for healthcare policy, occupational opportunities, and the social and economic inequalities in the society. Even in the case of an extreme but pervasive form of structural injustice—the “dark ghetto”—Shelby (2016) shows how to develop a “political ethics of the oppressed” that connects this injustice with the actions of individuals who would dissent and resist. There is in political ethics an impulse toward the general even while its judgments are directed toward the particular.

As for the focus on policymakers, the critics object that most of the dilemmas public officials face are largely created by the structures in which they act. There is not much that even very powerful individuals can do about the major injustices and immoralities in society. Proponents of political ethics do not deny that structural considerations are essential, but they also believe that examining the decisions and character of individual politicians can help identify the structural constraints on their action, and point the way toward structural reform. The individualist and structural approaches can work together. But political ethics resists the trend toward the extreme versions of politics as structure, which can lead to a conception of politics devoid of

human agency. An excessive emphasis on structures leaves citizens without any way to connect their criticisms of structures with the actions of the persons who should be most responsible for trying to change them.

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

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