CHAPTER EIGHT

Ethics and Public Policymaking:
An Incomplete Transition in Central and Eastern Europe

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Introduction

This chapter deals with applied ethics in policy making with commentary on and examples from Central and Eastern Europe (CEE) and the United States. Gulya and Potucek establish a useful philosophical and ideological context for this material in their earlier chapters in this volume. I start with the premise that there are many kinds of "values" which are considered by different participants in the public policy process, whether the formation of policy follows from formal methods like many described throughout this volume, or whether the policies are produced in very ad hoc and unsystematic ways. The particular set of values in focus here is "ethics." The role of ethical values in how states, governments, and officials form and carry out policies has been a subject of continuous concern to Western social scientists, humanists, and public figures. Unfortunately, the subject has been almost totally neglected for decades in Central and Eastern Europe because of the paramount importance that Marxism attached to disparaging Western value systems and principles derived from studies over 2500 years. For a healthy and relevant discourse on ethics to be restored and applied to public affairs in areas long under Soviet control, a very self-conscious effort to do so must be undertaken in all sectors of these societies, including the governmental, business, non-profit, and intellectual sectors. As I will try to demonstrate, this project is vital for the establishment of sound foothings for democratic regimes, modern market economies, and healthy civic cultures.

Some readers might be inclined to dismiss any discussion of ethics as simply deliberating about a failed myth. Those who lump ethics together with scepticism about all ideology, religion, politics, and even law are in effect saying that there are no reasoned standards for producing good policies, good governments, or good societies. They implicitly argue that we can’t choose to deliberately create or foster the morally desirable qualities of peace, order, prosperity, and happiness. They fail to recognize that the will to cooperative and improve the human condition is always in tension with the more selfish impulses of man. But only where people have been willing to engage optimistically in the struggle between unchecked impulses and socially beneficial impulses have some broad measures of peace, order, prosperity, and happiness have been won for majorities in modern societies. Where the space for such a struggle has not been created, these precious social and moral goods do not materialize.
The possession of ethics, like the possession of property, does not bear fruit except as the result of cultivation and hard work. As we will see below, the essence of ethics depends upon reasoned choice, respect for others, and good will or good intentions towards others. Though we are all capable of acting on these premises, we are also capable of narrowing these premises so that they only apply to our own group, to some particular interest, or only to ourselves rather than applying to the wider social world in which we live. In their narrowest form, ethics degenerate into despotism, nationalism, nepotism, tribalism, cronyism, and egoism, all of which view human benefit, duties, or the consequences of our actions as applying to a selected few. If entitlement to ethical treatment is drawn narrowly, it is likely to contribute to oppression, conflict, alienation, and misery. People will not have a fair chance or the incentive to compete for political and economic benefits. It will make it only harder to establish ethical standards in the bureaucratic, political, and intellectual spheres. No society reaches ethical perfection, but ethical principles can be learned and practice can be strengthened. This chapter is written in the hope that it will help those engaged in policy work to recognize and strengthen the ethical components in their work of designing and implementing public policy.

Ethical questions about policy deal with such questions as how should virtuous people behave in the policy process? What good or bad intentions are reflected in the policy decisions themselves, or in the process and structures of policy implementation. How fairly (or not) are the harms and benefits distributed in the actual outcomes of policy. In discussing these questions throughout the chapter I try to take into account the special circumstances of transition that pose limits on and opportunities for ethical policy making in CEE countries. Regarding the way ethics is treated here, the reader should know that there is a distinction between the concern of social scientist’s with ‘knowledge about’ public policy ethics (i.e., what are the important questions to ask), and the concerns of policy actors about ‘knowledge in’ (i.e., what are the things that should and can be done). Sound ethical judgements must take both into account.

Some important concepts about ethics in government and public policy are introduced based upon a large and growing literature on this subject in the United States. The overall relationship of ethics to the operation of democracy, law, civic life, and market economy will be discussed. A few frameworks are identified which can be used in evaluating different ethical dimensions of policy making either by those interested in studying public policy from an ethical point of view or by those who are responsible for developing, deciding on, implementing, and evaluating public policy. An assumptions guiding this development is Wildavsky assertions in his book, Speaking Truth to Power: The Art and Craft of Policy Analysis, that "moral
considerations are integral to the enterprise and that high standards protect against the demonic (p.14).”

**Ethics Problems in Central and Eastern Europe**

In Central and Eastern Europe (CEE) the very word "ethics" provokes a strong reaction. For such a "good" thing it has a bad name. This is so for a variety of reasons. One of them is that Central Europeans have had a long grim exposure to powerful ideological, political and religious excesses by various true believers in the absolute morality of their church, empire, or party. But insistence on the sanctity of empire, or class, or Marxist doctrine is not properly ethics as it is being considered here. The second reason is that the most recently imposed communist belief system created a hangover which propagated habits which still persist today, particularly in public life. Such habits have massively discouraged honesty and individual integrity. A third reason ethics has a bad name is that many people in the region are not familiar with the necessary moral requirements for establishing successful democratic systems. Unfamiliarity is exacerbated by the preoccupation of too many public and business leaders with purely economic concerns - wealth and material success. It has resulted in the kind of cynicism clearly outlined in one of President Havel’s annual addresses to the Parliament, in which he noted:

Many believe that - democracy or no democracy - power is again in the hands of untrustworthy figures whose primary concern is their personal advancement instead of the interests of the people. Many are convinced that honest business people fare badly while fraudulent nouveaux riches get the green light. The prevalent opinion is that it pays off in this country to lie and to steal: that many politicians and civil servants are corruptible; that political parties - though they declare honest intentions in lofty words - are covertly manipulated by suspicious financial groupings. (State of the State Speech to Parliament, Dec. 1997, P.1)

Havel rightly suggested that the building up of civil society, moral attitudes, and transparency in government should be considered more than a "seasoning". It should be the foundation. It is a misfortune for the region that very often such legitimate calls to a higher standard in politics, public administration, law, and business life are routinely ridiculed as being only sugar to disguise another bitter pill.

A Czech speaker, very familiar with both Czech and US policy systems recently addressed my American graduate student class on the "Ethical Dimensions of Public Service." He puckishly began his talk with the remark, "You may be surprised to hear me say that in my country we do not have any ethics." His intentions were to underline the phenomenon that a
Czech politician once labelled "Wild West capitalism," and to comment on the kinds of problems confronted during the early stages of transitioning to democratic practices and free markets. In the transition phase, it is especially difficult to know where ethical boundaries lie and so they are frequently violated as they were in the lawless, free-wheeling American “Wild West.”

Throughout Central and Eastern Europe it is common for ordinary citizens as well as top leaders to express cynicism about someone's claim to have good intentions. And why should it be otherwise given two generations of systematic (official) lies, misconduct, and governmental interference with the autonomy of every individual and organization. Ethical practice, (for the moment defined as possessing good intentions and performing morally good actions), in such an environment appeared to be only possible in primary relationships between people - family, neighbours, and workmates. But even at this level it was subjected to distorting influences, so mentioning ethics and policy in the same breath was often considered hypocritical.

Even today the idea that ethics governs or restrains the behavior and decisions of policy makers is considered highly unlikely by many citizens. The orientation planted by the previous regime persists. There is deep cynicism about the intentions of most state officials and a widespread belief that policy making is divorced from ethical considerations. Though official communist control dissolved, it is widely perceived that the new freedoms have only unleashed a torrent of self-interested market manipulations and political corruption and that ethics will always take second place.

It is unfortunate that raising ethical issues about the values of honesty, integrity, truth or the public good marks one as “naïve”, if not stupid, especially if it is done in the context of government, public policy, politics, or the State. But why have cynicism and distrust remained so deep in the CEE countries more than a decade after the fall of communism? I have already argued that those who lived through communism were systematically and thoroughly de-moralized. Some analysts believe that unceasing State (or party) control on the one hand and perfecting the arts of trickery, deviousness and the creative lie by citizens, on the other, seriously undermined the sense of civic duty, or the capacity to accept responsibility for one’s acts by citizens and their leaders. Official injustices and control of choice assured this. The point is well made in a review of Slavenka Drakulic's book, *Cafe Europa: Life After Communism*:

...some of the tendencies created or exacerbated by communism include: hypocrisy and prevarication as survivalist techniques, an inability to believe in a better future [encouraging people to take whatever they can today by any means necessary], a ... fear of taking risky stances, a deep-seated need to blame failure on any possible Other, and a dangerous eagerness to erase, rather than admit or inquire into, past mistakes (In Ashley, 1997: B-4)."
These themes have also been explored in unusual detail in Timothy Garton Ash’s recent book, *The File*, which looks at the effects that secret police informers had on people’s lives as well as the effects it had on the lives of the informers themselves in former East Germany (Ash, 1997). Some observers expect that more than a generation must pass before a new set of attitudes develops.

Communist states actively and systematically taught that capitalism was morally bankrupt and Western democracy was a sham. The worst instances of Western selfishness and exploitation were regularly presented. It planted in the people’s minds a mistrust of most organizations, institutions, politics and even the law. Citizenship was robbed of meaning. Only in the small sphere of family life, did it seem that a person could apply standards of right and wrong, loyalty, compassion, fairness, and justice. But even at this level, human relationships were still often exploited.

People’s views of post-communist ethics have unfortunately been reinforced by many instances of real corruption. Widespread mafia type activity throughout the private sector in the region and the success of former nomenklatura and secret police as capitalists and officials are facts of life. Self-promoting, inexperienced, amateur legislators who fail to disclose the sources of their support and who sit on important boards of private companies convince many voters that conflict of interest and secret deals are the norm. The fall of the Klaus government in the Czech Republic in November 1997 was directly attributed to this cause. Scandals surrounding telecom and media companies have added to the climate of suspicion. All the countries in the region experienced humiliating exposes about officials who obtained or retained high administrative posts because of old connections. Many citizens see them as self-interested careerists, holding on until pension time and obstructing every proposal for desirable change. Deliberate delay and unnecessary secrecy, are still common. Initiative, enthusiasm, pride in work, and concern about "the public interest," are rare. The only exceptions, in this view, are a very few highly motivated, reform-minded officials, who tend to be enormously overloaded, but who try to do the right thing despite the poor odds. Thus, ordinary citizens often feel cheated of the fruits of change.

A great many policy initiatives in CEE countries have been adopted to demonstrate the worthiness of each country (some say entitlement) to "reenter" the West. The assumption was that certain policies would make them look like acceptable member or partners of the European Community and/or NATO. But the success of these policies rests upon many intangibles such as...
the observance of human rights standards and the rule of law; having domestic policies that are socially just, that keep the government's word concerning acceptance of the rules of these international associations, and that presumed a competent, service-oriented public administration. One of these “intangibles” is trust. It is an important component of ethics.

According to Frances Fukuyama, "trust" is one of the indispensable qualities necessary for success in forming and running large scale economic and political organization and securing both domestic and international cooperation (Fukuyama, 1996, p.151). These commitments work best when basic forms of political democracy exist, but especially when all parties observe ethical standards such as playing fair, keeping promises, and behaving justly. Mary Kaldor also extensively examines this question in her Democratization in Central and Eastern Europe where she discusses the role of ethics in a democratic political culture (1998). But how is it possible to expect adherence to higher ethical standards if the negative attitudes outlined earlier are a commonplace reality? Some of the possible answers to this question will be looked at throughout this chapter, but first I will examine how the capacity of states, governments, and policies to produce democratic outcomes relies on clear ethical thinking.

**The Ethical Foundations of Public and Private Institutions**

The past decade of transition activities has shown that the new structures and procedures of democracy and markets are fragile and can easily be abused. Corruption of newly established instruments of democracy, government, state, and policymaking can easily happen in the absence of substantial and intentional efforts to protect and strengthen them. Several conditions are necessary for these institutions to become as strong as their Western counterparts. The simple act of formally creating new structures and procedures does not mean they are fully capable at birth - they are still relatively weak and incomplete for many years. Many underlying values and intermediate institutions (professional societies, civic organizations, etc.), need to be cultivated if these instruments are to properly mature.

Rady observes that CEE states have problems accepting the idea of working with or appreciating ethical suggestions and criticism from intermediate institutions when, as he notes, those institutions are themselves underdeveloped. Rady says, "in the states that have them, intermediate institutions can be used to mediate between government and the people. These non-state institutions enjoyed popular confidence and are vested in authority deriving from notions of contract and consent (In Duncan and Rady, eds. 1993)." Weak intermediate institutions leave states top heavy and weak because not all sources of legitimate policy proposals and criticisms
are available to them. In fact state officials and politicians often view local and regional
governments, NGOs, professional, trade, and labour associations as irresponsible and radical
rather than as collaborative and complementary. Thus, for CEE states to acquire the capacity to
become mature democratic, market, and civil societies there must be a concomitant strengthening
of ethics standards and of the institutions which espouse them. Ethics must be made part of the
political regime values, part of the bureaucratic procedures, part of the civic culture, part of
professional codes, and part of the market culture.

The importance of developing these ethical foundations was emphasized in a Statement
by Czech President, Vaclav Havel reported in 1997: "President Havel has said that no legislation
can be effective if society is not built on ethical foundations. Speaking during a meeting with the
Swiss Justice minister Mr. Havel pointed out that although democratic institutions are now
established in the Czech Republic, they often lack the necessary democratic content and spirit
(Radio Prague E-news, October 23, 1997).” Pavel Campeanu also makes an interesting
argument about the interdependence between the development of public policies and of the
development of the ethics that should underlie them. In an article entitled "Between Democracy
and Democratization (October 1993, p. 3), he argues that if there is a strong ethical climate in a
country it will encourage the expression of important civic and political values like trust,
participation, loyalty, and confidence. But, he notes, such climates in turn evolve from the way
policies are formed, decided, and implemented. Where this reciprocal relationship is found one
also finds democracies.

Dependence on Embedded Ethics

More will be said below about ways of strengthening the ethical base in transitional
societies, but first it will be noted here that another factor plays a large role in how the new
institutions and practices in CEE states get their ethical legitimacy. It is fortunate that some
component of ethics are “built into” or embedded in the institutions and instruments of
democracy (and even in many liberal capitalist institutions). After all, a serious decision to
introduce democratic and constitutional structures presumes a certain minimum acceptance of a
claim to human equality, dignity, and choice. Thus some ethical assumptions are deliberately
embedded, planted, and reflected in the matrix of rules, processes, and structures at the time they
are originally established or reformed. In other words, democratic structures, processes, and
laws of democratic states are created to some extent with at least the implicit purpose of
institutionalising ethical principles. Equal justice, representation, open debate, trial by jury,
checks and balances, merit civil service systems - without these, neither state nor economic nor civil sectors can operate reliably, predictably, or peacefully. But they must also be honestly enforced and not cynically exploited.

These presumptive or embedded ethics will then be found wherever the common standards have been set up with the good intention and with the assumption that all parties ought to be equally bound by them. This is true whether we speaking about a country’s weights and measures, the value of their currency, a constitution, a law, a license, or an educational degree. The public can presume that the standard is fair, the practitioners are competent, and that they will not be cheated. On the other hand legal statements and mechanisms for their application can never be enforced perfectly, so it is also necessary that the relevant values, like honesty, be internalized - become part of the ethos of bureaucrats, policy makers, and citizens.

Embedded ethics may also be found in the economic sector, for instance in the form of financial and accounting standards, disclosure requirements, stock trading rules, and business contracts. They are normally intended to assure a recognized and standardized base of socially responsible behavior, actions, and policy. In this, large roles are also played by the state (e.g. in education), by economic actors (e.g. in devising professional codes), and by various social institutions (e.g. Boy Scout organizations). Family and religion of course provide some ethical teaching but not enough to navigate through the more complex organizational and institutional arenas.

Finally, embedded or implicit ethics can also be seen to operate in public policy analysis, which will be discussed in more detail below. In America, professional policy analysts often assume that taking a scientific, neutral, objective, and quantitative approach to public policy questions, (e.g. using statistically valid surveys, samples of public opinion or, cost-benefit analysis, etc.) will assure that the decision processes will produce fairer judgements? This is partly true. Some right things can be done and wrong things avoided by this "scientific" analysis but not because science alone is adequate and ethics are superfluous. Rather, it is because ethics are already part of previous policies, mandatory codes, and guiding constitutional and legal decisions. In this way some ethics do get considered without formal analysis.

**Ethics Morals, and Other Values: Ethics**

In its formal meaning ethics is a branch of philosophy devoted to the systematic analysis and understanding of moral problems and what constitutes right and wrong (Frankenna, p. 3). Frankenna tells us that ethics is a social instrument for providing guidance in its methods of
analysis for rationally examining our moral statements and how we ought to live (p. 5). Linking this to practical questions, he says, "The ultimate concern of the normative theory of obligation [ethics] is to guide us in making decisions and judgements about actions in particular situations (p. 11). For most people the everyday sense of ethics is that it is only about being a decent, honest person who can be trusted; about a person who is concerned with the well-being of others, and who does right things as a consequence. But ethics is also about standards that measure the extent to which we hold people accountable for their actions or inaction, the extent to which there is justice in the allocation of resources to meet basic human needs; and the extent to which we grant respectful treatment to all people. Ethical standards apply equally to our interpersonal, group, community, and political life. They provide us with criteria to determine whether our decisions and actions are right or wrong in regard to first, what we do, second, how we do it, third, why we do it, and fourth, the results of what is done. Ethics, therefore, is about much more than merely personal conduct.

Some of the specific concepts intrinsic to most ethical systems include justice, equity, fairness, truth, and regard for the basic needs of others (food, shelter, security, identity, individual autonomy and dignity). Ethics also encompasses the expression of empathy, compassion, mercy, generosity, integrity, responsibility (especially for harm caused to others), the common good, honor (or promise keeping), courage, honesty, and trustworthiness. These are considered common virtues by many cultures. Laws may be passed to support these virtues, but laws by their nature emphasize what should not be done lest it be punished, which is a negative approach. Ethics takes the positive and analytical approach of requiring the reason why something should (ought to) or ought not to be done. There can be bad or wrong laws (eg. slavery or suppression of speech, language or religion). Laws, therefore, are only sometimes a substitute for ethics. More about law and ethics will be discussed below.

To conduct an ethical analysis of a policy we not only need to know what is considered to be right, but also what is considered to be wrong. There are many familiar words that specify what is an unethical behavior or intention? In listing them it is important to recognize, and it bears repeating, that they might or might not be "against the law." They include: malice, murder, greed, selfishness, lying, coercion, torture, cheating, bribery, stealing, disloyalty, deceitfulness, dishonesty, disrespect, and oppression. In a Christian religious vocabulary these would be called sins. Even in the field of politics we refer to sins of commission (knowingly doing wrong) and sins of omission, (not acting for the right or not avoiding wrong even when you know what it is). Ethical analysis is difficult because there are exceptional situations where even doing wrong
might be necessary, (though not good), such as in a wartime situation. An example of this was when Winston Churchill during WWII said he would even make a pact with the devil to defeat Hitler. The violation or compromise of an ethical principle to presumably serve a higher or longer term ethical good, however, is controversial and justified only in special circumstances (Willbern, p. 107).

Another useful thing to know about ethics is that there are different ‘levels’ of ethics. According to Kohlberg and many other writers, there are levels and types of ethical thinking that normally develop as we mature. Maturation is partly about the increasing ability we acquire to provide reasoned arguments (to ourselves and others) about what is right, and especially why it is right. Kohlberg explains how the reasons we give for behaving well or making good decisions change as we learn to be more ethical. In childhood these reasons for being good include avoiding punishment, getting approval, or getting advantages from voluntarily obeying the rules. The fully mature level of ethics is reached, according to Kohlberg, when our ethics are based on a willingness to act on what is right when rationally examined, in other words, knowing why something is right or just. If the ethical person then fails to act on these reasoned conclusions it results in self-condemnation, remorse, and an urge to restore the good. This is what we call having a conscience and “being just” (Kohlberg, 1968, and Kohlberg, 1981). In public policy the need for actors to consult their conscience is not, therefore, as vague as it sounds. Employing conscience in policy making is a call for ethical analysis, not just voicing opinions. This may all become clearer after the discussion of the nature of ”morals” below.

Obstacles to Ethics - Relativism and Indifference

Two major obstacles to establishing a serious dialogue about appropriate ethics in CEE transition conditions are widespread indifference and the simplistic appeal to relativism. Indifference in part comes from clinging to habits of mind made necessary for survival in communist times. Indifference is a position based on the belief that it doesn't matter whether ethical discussion and analysis takes place "if no one gets hurt," or if everything turns out all right. Politics doesn’t matter because it is just a game played for the benefit of the few. Not getting caught is the trick. From this perspective ethics, like markets, operate, if at all, through an invisible hand, or luck or fate. Indifference is a lazy approach to ethics and dangerous to a democracy. Along with relativism, indifference puts an burden on embedded ethics and on explicit ethics.
Relativism is the most common, though fallacious, argument against the systematic application of ethics to political (or social) life. To the relativist one person's values are as good as another's. Relativists ask, who are we to judge what is right and wrong for someone else. In CEE countries this is especially surprising given the near universal condemnation of communist practices. The essence of the relativist position is that it denies that any particular ethical conclusion can be superior to any other. Exaggerating its premises might help to make the point. Relativist say that if they believe that some minority should be excluded from an educational or welfare benefit, their "ethics" are as valid as another person’s belief that all citizens should have equal opportunities to all public services. There is according to relativists no way of proving that one set of prescription about what is right is superior to another, though they insist that others respect their position (which itself contradicts their claims since they assume a common understanding of what respect means). Relativists may also claim that each individual has his or her own ”personal ethics.” While people may be free to make choices and have their own ‘convictions, they cannot simply ignore the established ethical language and understandings which preceded them. This language identifies wrongs and rights that have been examined and recognized for hundreds of years. To say that I ought or ought not is to recognize that there are "oughts," i.e., that "ought" has a meaning beyond the definition a single speaker wants to give it. We are not free to arbitrarily reorder these meanings to suit our preferences. R.M. Hare discusses such distinctions in more depth in his Essays in Moral Theory (1989, pp.179-90).

It is the frequency with which these fallacious claims of relativism and personal ethics arise which often drives policy analysts to say that values are too controversial or ambiguous to use as a criteria for policy making. They are correct that many policy actors bring to the discussion highly questionable claims about what is right and wrong. They are not correct, however, in believing that it is impossible to rationally examine what is right and wrong and why.

A related or perhaps third obstacle to ethics results from government leaders assuming that a democratic election mandate ratifies all their values as the ones that should guide policy and conduct of government -- no further consultation is necessary. From a public policy perspective we need to recognize that once established political regimes and legal orders need to continue to demonstrate their ethical virtues in every decision. Ethical values are even more basic than procedural democracy, though democracy is the political order most congenial to ethics. Ethics provide separate and legitimate grounds for criticizing governments, laws, parties, and policies. They are a manifestation of that side of human nature concerned with individual
autonomy, care for others in need, and justification of the occasions when we voluntarily combine our efforts with others at all levels of association - group, communal, political, or international. Our success or failure in applying ethics to public needs directly affects the legitimacy of policies, civic consensus and cooperation, trust in government, and the strength of the democratic state. Respecting ethical principles is not always easy or simple, yet failure to ignore ethics always has consequences. Being ethical may itself have undesirable consequences. Something we personally value may have to be sacrificed, but we make the sacrifice (not necessarily like doing it) so that an ethical duty to the public or a public-regarding outcome will prevail, or, harmful consequences will be avoided. Ethics is not about our personal desires.

Ethics and Morals

A criterion people often say they consult in determining what they should or should not do is their ”morals.” The term morals is often used interchangeably with the word ethics, but technically they are not the same thing. Reasoned conclusions about what is ethical are derived from the analysis of moral statements, such as you should never lie or steal, or never trust a gypsy. Morals involve concrete ideas about right and wrong that we learn from parents, from school, and from peer experience. They tend to equip everybody with rough tools for judging whether the character, actions, or product of actions (one’s own or someone else’s) are right or wrong. But all morals are not necessarily ethical. Morals are intuitive and variable rules of behavior. They are a starting point for ethical analysis and they may guide one to the right choice. But sometimes they can be dangerous. Hitler and many of his sincere followers thought it was morally right to kill people they considered inferior or to do medical experiments on political prisoners. Hitler’s morals were terrible - not justifiable at an ethical level. People's moral positions can be ethically condemned, such as the practice of racism, selling human organs, or the tendency in Central Europe to presume that all Romanies are inferior and cannot be trusted. Thus we see that not every moral position can stand up to ethical analysis and does not, e.g., bigotry or slavery. Ethics is a major tool for restraining our lower impulses to ignore people’s needs or do harm to them.

Deeper, more rational analysis and reflection become necessary especially when quick moral judgements still leave one in doubt about what is right or when one idea of morals is in conflict with another one. This is the essence of an ethical dilemma and it is a common challenge in policy work. When the well-being of others is at stake, as it usually is in making public policy, simple and quick moral conclusions may not be enough. Since people in a variety
of situations are affected by public policy there may be many clashing versions of what is right (and what is wrong). Gutmann and Thompson explain this difference in the following way:

[Ethical] principles express the rights and obligations that individuals should respect when they act in ways that seriously affect the well-being of others and the standards that collective practices and policies should satisfy when these similarly affect well-being. What distinguishes ethical principles from the purely prudential principles common in politics is their disinterested perspective. Prudence asks whether an action or policy serves the interest of some particular individual or group or nation. Ethics asks whether an action or policy could be accepted by anyone without regards to his or her particular class such as social class, race, or nationality (1997, p. xii).

The Gutmann and Thompson book contains many ethically analysed cases studies including cases on energy supplies, employment insurance policies, health care, and welfare reform.

In recent decades in the United States, responding to such incidents as Watergate, Vietnam, and the Iran-Contra scandal, demand increased for applied ethics education in business, public administration, and public policy schools as well as in the civil services of national, state, and local governments. Numerous ethical codes were written, ethics enforcement offices were set up, and more ethics laws were passed. Research and education institutes for studying ethics proliferated. From these efforts we have learned a great deal about institutional (or external) ways to control unethical tendencies, but it leaves open the question of how to strengthen ethics internally, though self control. This was the subject of a great early debate between two political scientists, Friedrich and Finer in the 1950’s. Finer believed external controls (formal legalism) were the best ways to deter unethical behavior. Friedrich held that the main line of defence was strengthening internal ethical values (professionalism) of those with public responsibilities along the lines of Kohlberg’s reasoned ethics (in Rourke, 1978). Whether better adherence to ethical standards is better achieved by external or internal control, the policy actor must first come to understand the differences between ethical goods and other kinds of goods. Some of these distinctions are discussed next.

**Ethics and Value Questions**

We just discussed one important set of value distinctions, the difference between ethics and morals. But there are additional distinctions worth noting between ethics and other "good" things. These other values have legitimate weight in particular spheres and are not necessarily in conflict with ethics. Among them are legal values (such as rule of law), religious values (such as
faith in God), economic values (such as profit), political values (such as majority rule),
democratic values (such as pluralism), economic values (such as efficiency and competition),
and scientific values (such as getting reproducible results). Other important values include
aesthetic values (beauty), engineering values (does it work), and mathematical values (the value
of the number seven). In practice, public policy requires balancing all kinds of values and there
may need to be tradeoffs, within limits, between ethical values and the other values. The most
efficient, the cheapest, most profitable, or the most technically simple solutions may not be the
most ethical ones and visa versa.

The absence of ethical values in the policy process has special significance. If ethical
values are consistently absent or violated, all the other values may be called into question, as was
the case with communist economic planning. If those who have the authority to make policy are
not of good character, or their methods fail to consider the well being of the people, or their
results cause more harm than benefit, then the policy makers, their methods, and the policy itself
may be considered wrong. Just as there is private profits from good economic decision-making,
there is social profit from good ethical decision-making. In most, but not necessarily all cases,
when various kind of values are being considered, ethical values should take precedence. One
of the most controversial conflicts between different kinds of values is that between ethical and
legal values, which we turn to next.

**Ethics and Law**

Several references have already been made to the differences between law and ethics.
While there is considerable overlap between ethics and law, they are not identical. Public policy
makers and public officers must above all be aware of where they overlap and where they do not.
Legal instruments can be used to advance patently unethical objectives and laws can be used as
excuses for simply not performing ethical obligations. Especially sensitive in this regard in CEE
states are laws about citizenship, minorities, religion, education, and police powers. This is not
an argument to support disrespect of the law - some would say respect for law (rule of law) is an
ethical principle. However, respecting laws that deliberately undermine ethical obligations and
ends is hard to justify, and peaceful opposition to such laws is ethical.

With special attention to public administrators and policy makers there is a lively debate
in professional circles about legal and ethical obligations. Authors like Sharleen Martenas
(1991, pp.1-8) argue that one way to view the differences is to look at law as a device for
resolving ‘public interest’ problems (i.e., current specific demands of contending private
interests) and ethics as another device for resolving the ‘public good’ problems, which transcends the notion of good as material benefits or private interests. The ethical approach is an effort to create a morally good society, a community that cares about and is committed to the well-being, the happiness, and the human dignity of all its members. Martenas believes the legalistic view is predicated on a pessimistic view of human nature. Excessive orientation to laws and rules may in fact erode the integrity of policy makers in that it appears to lift the burden of morality from individual officials as long as they do exactly what the rules specify. If only they obey the rules on the book they are "safe." Legalism, she says, tries to curtail or eliminate administrative discretion and ethical responsibility. But responsible discretion in interpreting rules is necessary, especially in the execution phase of public policy (Martenas, 1991).

Gregory Foster develops other aspects of this argument. Foster’s position starts with questioning whether a legal system will by itself assure morality, whether immorality should always be punishable by law, and whether the law is open to moral criticism (1981, p. 29). Like Martenas he argues that administrative and policy actors who do not exercise any ethical discretion will lose it and turn ever more diligently to rules, codes, and the law which begets even more laws. To Foster, excessive reliance on these criteria results in timidity, conservativism, technicism, conformity, and indifference to real consequences and higher principles. "The legitimacy of a rule," he notes, "derives not from its content - its rightness or wrongness - but instead from its source, it’s form, or the procedure for adopting it." Thus, rules "become a shield behind which officials may hide (p. 31)." The public policy ethics literature is thick with such warnings about the importance of distinguishing the difference between ethics and law. In the U.S., slavery, child labour, and drugs were once legal. Only after conscientious (ethical) campaigns were the laws (and policy) changed. In Central and Eastern Europe where laws and the State have exceptional weight, the problems can be acute.

**Ethics and Economic Values**

Simply calling something a “value,” as we discussed above, does not always mean it is good ethically. Economic values such as competition, price, profitability, and possession are prized for instrumental reasons, some of which can be applied to private benefit or to public benefit. Ethics, however, are always geared to public benefit by definition. Such specific moral values as trust and justice actually help to make possible reliable and fair economic exchanges. Thus someone can enjoy an economic benefit without sacrificing ethical benefits. Some researchers have noted that there has been an excessive preoccupation with economic values in
the CEE context and they urge us to recognize that it is not only the market which must be considered in the policies of governments, but also social values (Potucek, 1997). It is legitimate and necessary to help people get economic benefits from public policy, but it is also important that the ethical values not be neglected or discarded in the search for economic payoffs.

In Central and Eastern Europe, policy makers in the early 90’s often confronted dilemmas in determining what rate and kind of price liberalization would balance the overall economic health of a nation with the harms these policies would inevitably visit on the elderly, poor, and unemployed. However, relying on economic values alone did not produce ethical answers. This relationship between economic values and ethical ones was vital because of the prominent role of the State in restructuring the economies of the CEE states. Raising school fees could keep a university financially solvent, but might deny education to many deserving students. Many economists appear to believe that the invisible hand of Adam Smith only produces public good. While there are some ethical values embedded in market institutions and practices, they are by no means sufficient for the realization of justice and fairness in society.

I end this discussion of applications of ethical thinking to economic policy with a set of philosophical questions about the price of things. For instance, is the price of public and even some private goods always a market price, or are there other kinds of prices? The American founder James Madison maintained that we not only possess material property but we also have a certain property in our rights. If we are deprived of them, we lose something of great value. Don't we also "own" our dignity, reputation, integrity, and honesty as a kind of property? Is there a market price on these? I would also repeat here, with special reference to public policy, the social parallel to private profit, namely, the social profit that comes from producing “goods” like more freedom or relief from suffering or inequities. Finally Robert Putnam, the scholar who has become famous for the term ‘social capital,’ has presented social capital as an alternative and complement to the traditional meaning of material capital, hence he has produced another viable argument for the utility of ethics (Putnam, 1993, 1995).

**Ethics and Ethics Codes**

In America, we find many ethical codes (not laws) written for governments as a whole, for public administrators, and for most professional groups. There are ethical codes for auditors, accountants, budget analysts, doctors, lawyers, and planners. These codes usually indicate what is acceptable ethical practice and what is not. There may be authorized enforcement procedures within the relevant professional associations that develop these codes or there may not be. But
an objective of many of these codes is to establish in government organizations and throughout the policy process a positive "climate" of ethical awareness (Mertins, Jr., et.al., Applying Standards and Ethics in the Nineties, 1995). The degree of observance, enforcement, and training in support of these codes varies widely. The degree to which they channel behavior and decisions in ethical directions is determined by a combination of leadership, rules, training, and self-discipline. There is considerable controversy about their role given the heavy reliance on self-enforcement, but at least they indicate the consciousness of the professions that ethics is relevant to their practices.

Experts who work for government are often in positions to profit from the power and wealth concentrated in government. Various safeguards, including ethical codes are considered necessary to restrain these impulses. A discussion of the pros and cons of creating such codes is presented by Benveniste in his "Ethics and Policy Experts: On a Code of Ethics for Policy Experts (1984, p.563)." He notes that some American policy experts prefer not to be bound by ethical codes because they don't want external constraints and regulations on their efforts to serve their clients, and they want to foster the impression that they only work with the facts, not values. He writes, "Those who work in the upper echelons of government pursue complex, prestigious careers; the satisfaction of participating in high level discussions may submerge their ethical doubts (p. 564)." In Central and Eastern Europe this aversion to control can easily be seen among those who now participate in policy debates. There will inevitably be more questions raised about their need for ethical guidance.

**Ethics Applied to Different Decision Making Stages of Public Policy**

Material throughout this volume shows that Western policy specialists do not accept a single paradigm or model of policy making. Johnson, for example, identifies eight stages of public policy: agenda setting, problem definition, identifying alternatives, assessing alternatives, choosing alternatives, implementation, and monitoring and evaluation (1996, Ch.5). There are many other versions of the steps or phases, the key activities performed, and the primary actors and their roles. In the US the policy approaches or frameworks selected even vary from one policy area to another. Thus, substantial differences of approach can be seen between policy arenas such as the military, health, business, or foreign policy. Nevertheless, policy studies do reveal some regularities about the typical stages of policy and this has encouraged a search for policy models that might lead to more rational policy strategies. We also know that there are
certain basic ethical questions that come up repeatedly when governments try to develop and implement policy. Some of these are outlined below.

Ethics apply to the identification of policy problems - does some wrong need to be corrected or do some legitimate and deserved benefits need to be made available? These are ethical questions. Ethics apply to the content of policy. Is the substance of policy and what it intends to accomplish respectful of the genuine needs of most people - does it treat people as ends or as means to some end? Can potential harms be defended ethically? Ethics apply to the methods (and assumptions behind methods) that are used in recommending and selecting policy options. Do the methods measure relevant variables, are they accurate, and are the intentions behind their assumptions or execution fair to all who are affected, or are they biased in favor of an undeserving special group? Ethics apply to the conduct of actors responsible for any level of policy decisions. Do they seek an undeserved personal or group gain (party, agency, or special group) at the expense of the public? Ethics apply to the execution or implementation of policy. Do the means selected to put policy into effect discriminate or do harm to any of those who are supposed to benefit from a policy or fail or inform or compensate those who do not benefit? And ethics apply to the evaluation of policies. Is policy continued, altered, or terminated when the evidence shows it is no longer working at all or is doing harm? Is it terminated because a special group is hostile to it even when it is working well? Again we see that ethics is about much more than personal behavior.

In many cases of public policy making it may be easy to specify the principles of good that should be maximized. In some cases, however, it may be very difficult, very controversial, and extremely important (to the well being of citizens, the stability of government, or to the broader problems of social integration) to choose between alternatives. When it is so hard to chose between the mixes of good and bads implicated in any part of policy development we have an ethical dilemma. Ethical dilemmas require careful reasoning and analysis in their own right. Dilemmas are not merely issues to be handled ethically but fundamental clashes of moral or ethical principles themselves as in the case of capital punishment where we face the question of whether the state has the right to take a life in situations other than war or law enforcement. Dilemmas occur when we discover clashes between different moral claims such as beneficence, compassion, duty, justice, or respect. Managing such dilemmas may be hard, but handling the consequences of wilful violations is worse.

Corruption can reach any part of policy work. Constant attention is necessary to prevent it. Noble goals can be subverted by conflict of interest, bribery, greed, or favouritism. In states
undertaking the perilous transition to democracy, civil society, and liberal markets there is a high risk that the ethical practices and the climate necessary for them to become normal or habitual may not take shape properly. This is especially difficult in former Soviet countries where new behavior, procedures, and structures must overcome a legacy of misbehavior and abuse of policy processes. Where administrators, analysts, lobbyists, or politicians assume that citizens cannot be trusted with access, information, or participation, or where they assume government automatically knows what is best, both ethics and democracy will be retarded and threatened. Professionalizing the public policy process is still in its infancy. Efforts to create clean policy procedures and content require helping participants recognize ethical dilemmas and appreciate alternative ethical solutions.

**Ethics in the Public Policy Analysis Stage**

We will now take a closer look at some specific and significant ethical issues that the US literature has focused on in just one part of the policy process. Earlier, we noted the views of Benveniste on how the integrity of the analyst can be seduced by the rewards of associating with the top decision makers, leading them to both ignore their own conscience and resist any external controls. Analysts often argue or rationalize that ethics is too unscientific. Douglas Amy, considers this issue in "Why Policy Analysis and Ethics are Incompatible," and he observes that:

Commentators in the field of policy analysis have argued persuasively for the inclusion of ethical evaluations in the analytical process, yet most practitioners in the policy field avoid analysing moral issues. Standard explanations for this neglect of ethics tend to be inadequate - assertions that moral analysis is unnecessary, impractical, impossible, or undesirable are demonstrably weak. Political factors, on the other hand, provide a clearer understanding of the neglect of ethics. Ethical inquiry is shunned because it frequently threatens the political interests of both analyst and policy makers. The administrator, the legislator, the bureaucracy, and the professional policy analyst himself all resist the potential challenges of moral evaluation (Amy, p.577).

Amy disagrees with the claim that explicit ethical analysis is unnecessary because cost-benefit analysis already evaluates normative (ought) questions and that combined with political review of values at higher level, it is one of the best tools available for most policy making purposes. Amy cites a variety of experts who say cost-benefit analysis is not only fraught with methodological problems, it is also severely limited in its scope of evaluation. Cost-benefit analysis only seeks to maximize one value - efficiency - but frequently other values compete and conflict with it, yet are given no weight in the analysis. Even economists, the main champions of
cost-benefit analysis, admit that at least one other value—equity—ought to be considered in policy choices. In fact there are a number of other ethical concerns besides equity such as justice, fairness, and trust that also merit considerations in policy decisions (Amy, 387).

Continuing and deepening this critique Amy charges that:

In cost-benefit analysis, ethical inquiry is conveniently reduced to a process of calculation. Instead of a difficult philosophical procedure that examines clashing moral arguments, the analysis becomes a technical activity largely concerned with price determinations. It is this objective, empirical appearance that has made cost-benefit analysis one of the favored decision-making tools of analysts and administrators. Ironically then, cost benefit analysis is popular not in spite of its ethical and intellectual shortcomings but because of them, for it is these very shortcomings that make the technique politically and professionally acceptable (p.590).

So the tendency of analysts is to avoid messy ethical issues. But, as Brewer and DeLeon caution, "knowing what counts is as important as how to count (1983, p.381).”

Still another rationalization which some analysts use to keep ethical questions at arms length is to say they must remain neutral and not question the structure of decision making laid down by their superiors. One problem with this is that it may reflect a misplaced faith in hierarchy, an over reliance in this case on the assumption that all necessary ethics will be considered at higher levels. Cox, Buck, and Morgan address this issue in the following way:

Practitioners have tried to ignore the moral aspects of their jobs by invoking the ethic of neutrality, which holds that administrators are to give effect to whatever principles are reflected in the orders and policies they are charged with implementing. Classical understandings of bureaucratic structure and organization theory have provided little in the way of an ethical basis for administrative activity. ...Individual morality had no role to play in the popular (Weberian) conception of bureaucracy. The morality of policy decisions was a problem for politicians not the administrators. A chilling example of neutrality is [was] Adolph Eichman's defence of the Nazi slaughter of the Jews: He was only following orders and thus was free of moral responsibility for the deaths (1994, p.17).

In her book Ethics and Policy Analysis, Rosemarie Tong tries to clarify what ethicists can do and what public policy analysts can do about ethics. Leading us directly into the next section of this chapter, she clarifies what she believes are the specific benefits of some formal preparation in the study of ethics:

The prospective policy analyst or administrator who takes a course in public policy ethics can hope to be trained to perceive moral issues, conscientiously to grasp and appreciate the range of values that are at stake in a policy choice, and to employ a rational method of ethical decision making rather than rely on hunch and intuition. Learning these things does not make a citizen,
policy analyst, administrator, or legislator into a professional ethicist. Instead, it helps one to function at work as an ethically sensitive and morality informed person (1986, p.86).

**Ethics Education, Training, and Research for Policy Professionals**

Most CEE legislative and administrative offices do not have policy staff with the backgrounds, incentives, or instructions to engage in focused ethical analysis of policy proposals. Most outside consultants lack this preparation as well. University social science graduate programs (and science academies), where one might expect attention to these problems are still only beginning prepare their people to play a fuller role in generating policy options and their ethical analysis. This doesn’t mean there are not some people of conscience in these positions, but they usually operate without benefit of training in ethics. There is also a meagre supply of applied ethics literature available in CEE languages with which to educate and train students or practitioners. Although all the citations used here are in English, they illustrate the vast reservoir of useful materials available that could be translated and published locally. Faint efforts in Central and Eastern European countries to find, translate, and utilize professional public policy ethics research is perhaps a surrogate measure of the incomplete status of public policy analysis in general. What can explain this oversight in preparing for democracy?

For decades both religious ethics and philosophical ethics were not taught in the Soviet controlled world. Marxists, even when they acknowledged the two thousand year tradition of ethical teaching, sought to discredit it. But in the West over the same period there was continuous access to formal education in ethics. Through this exposure ethical teachings infused youth and sports organizations, professional training, the work of philanthropic foundations and advocacy groups, ethnic and gender causes, and various social bodies. When there were public scandals and famous corruption cases they simply animated those in public life to press for more ethics laws, ethics offices, codes of ethics, and ethics training programs throughout the public agencies. None of this would have been necessary if ethics was easy to understand and practice. Policy actors in Western countries have few excuses for claiming ignorance about basic ethical expectations given the high profile of moral discussion and the institutional controls that surround them. If nothing else, this shows ethics is a valuable but difficult social project. CEE countries must commit to such a project if they wish to complete their economic, political and social transformation and create a fully democratic policy environment.

One aim of ethical awareness training (as Tong emphases above) is to help the analyst, consultant, manager or politician learn more about what is expected from a person of integrity,
character, and virtue. In America an increasing numbers of think tanks, public policy institutes, and university consultants offer ethics training or advice. In some hospitals ethics "experts" are hired full time to help administrators, doctors, and nurses cope with difficult health care dilemmas. Many public administration programs in American universities offer a course in administrative ethics. Government ethics is a frequently featured subject in professional journals as well as weekly news magazines, newspaper stories, and TV documentaries. When the State of Oregon developed its policy on managed health care, ethics debate forums for citizens were organized by the government at many levels and influenced the outcomes.

In the CEE countries it is rare to find ethics training programs in public agencies, universities, or institutes. The still very weak professional associations (if they exist at all) have neither developed ethics codes nor given seminars to their members. Too often, as noted above, ethics is treated as ideology, as it was under Marxism, or religion, as it often was under the Austro-Hungarian Empire. Today it is too often treated as simply following the law or economic rules. These perspectives, as discussed above are incomplete and do not serve public policy well.

Pointing out the low level of study and of attention to ethics in CEE should not be taken to mean that Western Europe or America is a paragon - the perfect model for CEE. Responding to what he considered warnings about directly copying the American system of democracy, Campeanu notes, "...we should inform ourselves more completely and less selectively about the realities of the United States; and second we have to accept the idea that there is no perfect democracy that could simply be industriously imitated (1993, p.3).” In this perspective every nation is endlessly learning about what principles of ethics are important to cultivate and when they should be applied, and what to do about their violation. Studying ethics in many countries helps us know both what is right (and works) and what is wrong (and should not work).

Many authors have developed frameworks for helping public officials and analysts to make ethical decisions (Cooper, 1990; Rohr, 1978). In most cases these works recognize that ethical values must be balanced against other values such as legal, economic, technical, and political values and they try to show how to do it. Van Wart, in his Changing Public Sector Values, also lays out an ethical decision making paradigm for public managers. The book has several excellent chapters on specific values which need to be clarified when making ethical decisions (1998). Still another recent effort to present a framework is made by Guy Peters in a chapter, "Ethical Analysis of Public Policy,” in his book, American Public Policy: Promise and Performance, where he also addresses the ethical questions which should be raised, starting with
the articulation of policy intentions, through to the evaluation of policy effects (1996). All these sources could be useful ones in Central and Eastern Europe.

Reprise: Basic Concepts Reviewed

In the discussion above I have addressed not only elected and administrative policy makers, but also those who analyze and advise, implement, criticise, and evaluate policy. Ten of the concepts discussed bear emphasis and they will be very briefly mentioned again to remind the reader of their salience to the ethics discussion.

1. The first, and thematic idea of this chapter is the recognition that by standards of both theory and practice ethics is ”incomplete,” or not yet redeveloped in the CEE region. Ethics conceptualized and practiced in public policy has actually been un-developed (not necessarily eliminated) by decades of neglect and violation under communism. Deliberately restorative efforts are needed.

2. Ethics serve practical human purposes. They are not luxuries, not expendable, and cannot be just seasoning if a government want to retain its legitimacy or if the people are to be satisfied with the outcomes of policies allegedly made on their behalf. Genuine concerns with producing ethical results are necessary to stability, predictability, and cooperation among diverse groups in modern societies.

3. Ethics is not identical to values. Ethics are but one type of value. Ethics in fact help the policy maker judge between other values such as economic, political, or technical ones. When ethical analysis reveals distinctions between the just and the unjust or what ought or ought not be done the selection must favor the just and fair. Among the biggest mistakes in determining what is ethical is when people equate ethics with ”personal ethics” or promote the notion that all ethics are relative. They are not.

4. In CEE and much of Europe, (differing from the USA), it is governments which in most cases are the primary initiators of public policy and thereby have special obligations of providing moral leadership. This is especially true since intermediate institutions and individuals in so many cases were de-moralized and manipulated in the past. Until civil life and economic and non-governmental organizations reclaim and revitalize their own moral consciousness, these States and their governments will have special burdens of moral stewardship - setting good examples for moral behavior and decision making.

5. Weakness of political democracy in CEE is in part related to moral weakness of civil society and economics. This is an extension of point four. State actors will not behave and decide ethically if they do not think market and civic actors expect it of them. Individuals and leaders of economic and social organizations will not do so if they think the State will not make policies which are ethically substantial. This reciprocal relationship can work in the direction of enhancing or undermining the ethical climate. The media has a special role in ‘mediating’ communications among these sectors; if it is independent, it can help with the task of restoring the ethical climate.

6. Ethics are to some extent ‘embedded’ in many democratic, economic, and civic organizations and processes. When Western style courts, elected legislatures, stock markets, foundations or social clubs are formed, they usually carry with them rituals, rules, and requirements which make them likely to conform to at least minimum accepted standards of conduct. The central question is how deeply are the ethics
embedded in them. It could be deep or superficial. Can a minimum of fairness and truthfulness be expected from their operations even if individuals try to exploit them? But the fact that ethical qualities can become embedded in them should not lead automatically to accepting that ethics or democracy are complete where these institutions exist. Systemic corruption can develop even in large old organizations. Legitimate institutions can be manipulated and undermined by cynical or unscrupulous leaders. Vigilance is a protection for both democracy and ethics.

7. The ethics of public policy refers to much more than whether politicians finally make choices based on ethical considerations. Every facet and stage of public policy can involve ethics and all the actors involved must address ethical questions. Advisors, analysts, decision makers, administrators, and evaluators are ethically accountable. They are accountable for their behavior as agents of the public, for the methods they use, the content they focus on, and the outcomes of the policy.

8. Using America and Western European as a model of how to include ethics in public policy does not imply that they are paragons of the ethical state. They are not. But the slogans often heard in CEE countries about "a return to the West" or "a return to Europe," imply that many of the institutions and processes of the Western tradition are considered better or more advanced than any of the known alternatives. There is corruption and meanness in some Western ways of making policy and in the content of some policies. But there are also valuable lessons about the place of ethics in open, democratic societies as well as the cost of unethical decisions. To a large extent ethical safeguards are built into their structures alongside political principles such as pluralism, basic rights, rule of law, and respect for minorities. They are also found in more concrete mechanisms such as ombudsman offices, campaign expenditure limitations, and professional codes. These encourage ethical forthrightness and place limits on the inevitable tendencies of some to pursue greed, self-interest, and exploitation of others.

9. Ethics can be learned by policy analysts and others who regularly participate in the policy process. Adult professionals in all walks of life are not predestined to act on the moral programming of the past. People every day undertake new careers and join new organizations in which they learn new cultures, new rules, and new mores. Just as Central Europeans learned to adopt the values of the communists for protection, they can learn the values of an open society, democracy, and modern market economies. Public servants can be trained in new habits of mind. Professionals can adopt new codes and practices.

10. Frameworks for ethical decision making exist to aid public policy actors and policy students in doing ethical analysis and making ethical choices. There are textbooks, and training manuals available whose explicit objective is to help decision makers, advisors, and implementers identify the ethical elements of a situation, examine ethical alternatives, and make rational ethical choices. These resources are seriously underutilized. It is rare to see courses on practical ethics in CEE universities. It is rare to see ethical practice frameworks used in civil service training. But it is more than possible, if the desire is there, to introduce these learning aides into universities or policy institutes, or training centers, and in the public agencies themselves.
Conclusions

In most CEE countries personal freedoms have been restored, parties can compete for votes, fair elections can be held, and parliamentary institutions can operate. Mature democracy, however, is not achieved until civic mindedness and ethical standards are strengthened and grow. There remains a large gap in all CEE countries between where they are now and where they should be in developing these "habits of mind." These States have not yet fully committed to policies and programs which themselves are designed to encourage ethical citizenship, ethical government, and an ethical vision for the State. They have not yet taken full advantage, during this crucial transition stage, of ethics instruction and instruments. Public policy making is not oriented yet to processes that demonstrate government commitment to systematic or energetic pursuit of ethical regimes. Instead, the emphasis is on rule of law and the embedded ethics found in Western type institutions, which are useful, but not enough..

Steve Kettle in a Transition article entitled "Of Money and Morality," notes that the transformation of CEE countries cannot be declared to be closed, leaving only the fine tuning of institutions and procedures, if ethics are not more encouraged and recognized (15 Mar. 1995, p. 39). Even where there is positive political and economic performance, it is possible that extensive and unnecessary violations of ethical principles can still occur. Laws and official procedures (especially if deficient in staff and resources, which is so often the case) cannot by themselves deal with bribery, deception, nepotism, insider trading, influence peddling, tunnelling, and a long list of other wrongs. Also needed are professional codes, ethics education, ethical leadership, and a robust mixture of non-governmental associations that monitor, criticize, and participate in policy discussions about the public good. The institutional, political, and social realms remain fragile and untested by major economic, ideological, or military challenges. Building an ethically sound public policy process is one of the important means to help these nations meet such inevitable challenges.

There are well-developed, practical sources of ethical information, instruction, frameworks, and experience available to the CEE countries. They should be considered as an important type of technical assistance and direct investment.- a kind of necessary social capital. Governments are obligated by law, ethics, and public interest to protect the people as well as provide public benefits that address genuine basic needs. This is fulfilled through the workings of public policy. People and their governments are endangered if ill will, selfishness, and mistrust prevail in the wider culture or are reflected in the attitudes and processes that guide public policy.
At the end of this investigation of the role of ethics in public policy making we see a profound puzzle before us. Today, many key actors in the process are largely uninformed about modern methods (and theory) of public policy analysis and development, but the need to act is pressing and unavoidable. A new generation of officials and experts will not be available for some time and during this second decade of transition the current decision makers are establishing policies and using methods that will set precedents for a long time to come. Meanwhile, ethics in both the government and society is in an underdeveloped state and no systematic plans or programs exist to raise these standards although this is critical for the legitimacy of governments and their policies. This indicates that whatever steps are taken to improve the understanding and execution of policy work they must be accompanied by efforts to also improve the understanding of the role of ethics with equal and urgent emphasis.
Sources


