

# **Ethical Decision-Making: The Link Between Ambiguity and Accountability**

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A growing body of literature<sup>1</sup> thoroughly examines the topic of ethics in public service from numerous, contrary, and complementary perspectives. What is ethics in public service? Ethics in public service is “the study of the nature of morals and moral choices and the rules governing a profession that define professional conduct” (Bruce, 2001, p. xiii). How do we know if it is effective? Who determines? How do we measure it? In answering these questions it becomes remarkably clear that there are no absolutes. Nor is there any single school of thought or theory to guide the inquiry. Why do we try to understand ethics in public service? The answer is clear: because we intuitively know it makes a difference.

This paper advances the theme, ethics in public service, by first presenting General Ronald R. Fogleman’s ethical dilemma as the United States Air Force Chief of Staff, and then analyzing the philosophical discourse and decision-making process that General Fogleman appears to have employed in arriving at a state of resolution. The thesis of this paper is to demonstrate the utility of an ethical decision-making process in ensuring responsiveness to the public (accountability) while operating in an ambiguous decision-making environment. To accomplish this purpose the author will summarize General Fogleman’s dilemma, describe certain elements that contribute to the ambiguity of the decision-making environment, and then summarize Michael Harmon’s (1995) paradox paradigm and Terry L. Cooper’s (1998) ethical decision-making models as opportunities for coherency. This paper will close with an assessment of General Fogleman’s final decision.

## **The Early Retirement of General Ronald R. Fogleman<sup>2</sup>**

On July 28, 1997, General Ronald R. Fogleman<sup>3</sup>, requested early retirement from his position as the Chief of Staff, United States Air Force. Rumors circulating the Air Force suggested his decision was an act of protest. If this were true, then General Fogleman would have acted contrary to principles and traditions mandated by the American form of civilian-military relations.<sup>4</sup> In fact, it was neither protest nor resignation.

Following his retirement, General Fogleman agreed to an interview with Dr. Richard H. Kohn. In this interview he describes the “context” of the organizational culture when he took command: “When I became the chief, I received a number of letters from people like you who essentially said that they thought the chief needed to restore the soul of the Air Force. . . . The trouble came not from some overriding set of principles, but more from employing situational ethics (i.e., cronyism and other things) that made it seem as though the situation lacked integrity. . . . [T]he Air Force had been through an extraordinary period of change” (Kohn, 201, p. 10). He went on to say that with these elements in the background at the start of his tenure, he “looked very carefully at the law specifying my duties as chief of staff: the responsibilities relative to organizing, training, and equipping the force and the separation of duties between the secretary of the Air Force and the chief” (p. 10).<sup>5</sup> He believed he “had a good understanding of what

needed to be done in the Air Force” (p. 10). General Fogleman had also “inherited two pieces of unfinished business. One was the F-15 shoot-down of the Black Hawk helicopter over Iraq. The other one was the B-52 crash at Fairchild” (p. 10).<sup>6</sup> General Fogleman immediately set out to stress accountability and to improve the organizational culture. “The secretary of the Air Force and I emphasized very strongly the ideas of core values: excellence in all we do, service before self, and integrity” (p. 11). With the publication of *The Little Blue Book*,<sup>7</sup> General Fogleman began a concerted campaign to shape the organizational environment to be more responsive and accountable, especially during a stressful and turbulent time particularly characterized by significant force structure reductions and increased operations tempo following the end of the Cold War.

Several issues emerged in 1997 that led to an ethical dilemma for General Fogleman. First, the Quadrennial Defense Review (QDR) was an important forum for articulating service force structure. General Fogleman believed the post-Cold War environment presented an opportunity “to restructure our military into a smaller, better focused institution to respond to the kinds of challenges coming in the next 10 to 15 years” (p. 12). General Fogleman believed Secretary of Defense (SECDEF) William J. Perry<sup>8</sup> had the vision and resourcefulness to drive the necessary transformation but was unsuccessful in encouraging him to stay with the Clinton Administration. With a new SECDEF, William S. Cohen,<sup>9</sup> it became apparent to General Fogleman that the senior civilian leadership and the Joint Chiefs of Staff wanted to maintain the status quo. Further, internal tampering with an already funded TACAIR<sup>10</sup> program put even the status quo in jeopardy.

Second, the controversy surrounding the Khobar Towers bombing seemed to be heading in the direction of making a scapegoat of Brigadier General Terry J. Schwalier,<sup>11</sup> commanding officer of the unit at Khobar Towers. General Fogleman personally visited Schwalier after the tragedy. General Fogleman told Schwalier he “did not want him to retire but to get the facts out. ‘This goes beyond you. This is an important issue having to do with whether we support our troops in the field when we send them out there, and if you have screwed up, you can expect to be held accountable. If you haven’t, then I will support you’” (pp. 15-16). Senior civilian leadership did not appear to value Fogleman’s advice on this issue: “This was a crowd that took any kind of military advice that ran counter to administration policy or desires as a sign of disloyalty on the part of the person providing the advice. That was one element; the other was based on what I had seen and the way the Khobar Towers tragedy was being handled. I simply lost respect and confidence in the leadership that I was supposed to be following” (p. 16).

The third major issue involved First Lieutenant Kelly Flinn. Flinn, a female B-52 co-pilot, was headed for a court martial for adultery, lying, and disobeying orders. The issue generated significant media attention. The Secretary of the Air Force (SECAF), Dr. Sheila E. Widnall,<sup>12</sup> and General Fogleman received strong pressure from different sources to grant an honorable discharge in lieu of court martial.<sup>13</sup> While most outside groups focused on the adultery charge, General Fogleman consistently emphasized the issue was much broader, that adultery was merely the first in a chain of events. Against his advice, the SECAF granted Flinn a general discharge in lieu of court martial.

While there were other issues, the QDR, Khobar Towers controversy, and Flinn case put General Fogleman in a quandary. Senior civilian leadership no longer valued his advice (in fulfillment of Title 10 duties); and he had lost respect and confidence in the senior civilian leadership. His dilemma: if he remained in office, his ineffectiveness in carrying out his duties would be tantamount to dereliction<sup>14</sup> in not fulfilling his obligations to the public; on the other hand, a resignation would be perceived as a public protest which would violate the concept of American civilian-military relations.

## **Sources of Ambiguity**

To put General Fogleman's dilemma in perspective, it will be useful to describe the sources of ambiguity that shape and bound the decision-making context.

### ***Human Nature***

If ethics depends on morals and moral choices, then how does one develop a sense of morality? Jean Piaget and Lawrence Kohlberg have developed plausible theories in terms of the cognitive development and social acculturation that lead to moral behavior. Piaget articulated four periods<sup>15</sup> of cognitive development. During the first period, interactions with the environment (through assimilation and accommodation) lead to sensori-motor behaviors that manifest increasingly differentiated and intentional behaviors. The second period moves from sensori-motor to conceptual level of intellectual behavior. By the third period, the individual starts to demonstrate logical thought. By the fourth period, the individual's cognitive structures (or schemata) manifest qualitative maturity. "For Piaget cognitive development is the intellectual counterpart of biological adaptation to the environment. Through assimilation and accommodation the external world is organized and given structure. Schemata are the products of the organization" (Wadsworth, 1971, p. 117). So Piaget provided a sound theory on how the individual sees and understands the world, obviously with a more complex and versatile schemata over time. An excellent example of Piaget's theory is captured in Robert Timberg's *The Nightingale's Song*. In this biographical sketch of five United States Naval Academy graduates<sup>16</sup>, Timberg (1995) tells a compelling story of how these officers were "programmed," like the Nightingale bird, to sing a song based on their experiences at the Naval Academy, in combat roles in Vietnam, and later in prominent political decision-making roles. These individuals looked at issues through the lenses of their respective schemata and, thus, made choices programmed by their schemata.

Lawrence Kohlberg did extensive research on how values and ethics developed within an individual. His work has provided valuable insights for administrative ethics in public service. For example, Stewart, Sprinthall, and Shafer (2001), in their essay *Moral Development in Public Administration*, evaluate moral development theory to determine its potential for improving ethical decision-making. They use Kohlberg's theory as a framework for their analysis. "Kohlberg suggested that values and ethics were *developed* as a result of the interaction between the person and the environment . . . that individuals cognitively construct their own interpretation of values over time from interactions with the environment" (p. 458). Donald R. C. Reed (1997) further argues that Kohlberg's research and theory made a significant contribution to the

relevance of organization and the dynamics of a democratic community. Next, we will examine the affect of political philosophy as a source of ambiguity in a democratic community.

### ***Self-Interest Versus Moral Responsibility***

The dichotomy between individualism and pluralism, or self-interest and the common good, creates a natural tension in political theory that potentially enables or constrains an individual, organization, or society depending on the mechanisms or institutions in place to manage this tension. This dichotomy is better understood by studying the history of our birth and evolution as a nation, and the corresponding political philosophy that shaped our Declaration of Independence and the Constitution. As such, our nation's history and its guiding political philosophy provide an important context for understanding the delicate task of establishing and running a republican form of government. In *The Lost Soul of American Politics*, John P. Diggins (1984) presents a compelling interpretation of American political thought in an effort to understand the motives and intentions of several great political thinkers as they struggled to understand and manage the paradoxical politics of self-interest and moral responsibility that continue to this day. According to Diggins, "The classical idea of virtue as resistance to political corruption and a patriotic subordination of private interests to the public good was an idea whose time had come and gone by 1787, when the Constitution was framed" (p. 12). Diggins captures the essence and dilemma of American democratic theory in the following passage:

Between Machiavelli<sup>17</sup> and Locke lies the dilemma of American politics. Classical political philosophy aims to discipline man's desires and raise him far above his vulgar wants; liberalism promises to realize desires and satisfy wants. The first is more noble, the second more attainable. . . . [T]he challenge facing the historian of classical republicanism is essentially the challenge that John Adams threw down . . . Instead of relying on the language of virtue, we must study closely the actions of those who claim to be virtuous. Since words are often betrayed by deeds, the point is not to believe in virtue but to find it (p. 16).

Our Founders were heavily influenced by Calvinist views and consequently did not have confidence in man's natural ability to make virtuous decisions without the corresponding influence or constraint of external control. This prevailing assessment at the time about man's nature was clearly supported and advanced in *The Federalist No. 51*:

Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government;

but experience has taught mankind the necessity of auxiliary precautions  
(Madison or Hamilton in Hutchins, ed., 1952, p. 163).

Thus, given the historical context and corresponding political philosophy of our nation from birth to maturity, our society has generally accepted a democratic theory that counts on mechanisms and institutions to ensure checks and balances on use and abuse of power (and the political or administrative behavior that may be antithetical to virtue).

### *Democratic Theory*

Our political institutions and some corresponding mechanisms are laid out in the Constitution. Over time, administrative institutions and mechanisms evolved as instruments of our political institutions, making up what we call bureaucracy. The relationship between our political institutions and the bureaucracy is also characterized by tension. “Many of the values we associate with democracy—equality, participation and individuality—stand sharply opposed to the hierarchy, specialization and impersonality we ascribe to bureaucracy” (Thompson, 1983, p. 235). This tension is a significant factor in the relationship because it influences, and of necessity requires, ethical decision-making. John P. Burke (2001) provides an excellent primer on this issue in his essay, *Administrative Ethics and Democratic Theory*. He states:

Let us . . . ask how democratic theory might inform or otherwise define a theory of administrative ethics. Unfortunately, the problem that now arises is very much like the dilemma confronting administrative ethics that we discussed above: democratic theorists offer very different definitions of democracy and, accordingly, the role of administrative officials (and the definition of the scope and content of their duties and responsibilities) can vary greatly depending on the particular theory (p. 606).

To support this position, Burke discusses six different theories. This background is important in capturing the essence, yet ambiguity, of democratic theory as a guide for ethical administrative decision-making. Different theories impacted General Fogleman’s dilemma.

*Classical Democratic Theory.* Burke contends classical democratic theory represents the “great texts” in political philosophy. Here he refers primarily to Locke’s *Second Treatise*, Rousseau’s *The Social Contract*, and *The Federalist*, and concluded that since they were written “before the advent of modern organizations, most did not anticipate the impact of political, social, and economic modernization in creating the need for a complex administrative state; thus there is little attention to bureaucracy much less the more delimited topic of proper conduct on the part of administrative officials” (p. 606)

*Formal-Legalism.* Formal-legalism theory evolved after the emergence of public administration. “Its origins can be found in classic works by Woodrow Wilson (1887), Frank Goodnow (1900), and Max Weber (1958). This theory served as a foundation for the politics-administration dichotomy that dominated the first half of the twentieth century. “The central thread running through the formal-legal approach is that bureaucratic officials are passive instruments of ‘higher

authorities.’ Administrators are not expected to be responsible, ethical, or even political in an active way” (Burke, 2001, p. 608).

*Pluralist and Participatory Approaches.* Pluralist and participatory approaches present a new understanding of the connection between bureaucracy and democratic politics through the dynamics of “interest group pluralism and decentralized participation” (Burke, 2001, p. 609). Both approaches call for “a more informal process of interaction between the bureaucracy and its political environment as a guide to responsible conduct” (p. 609).

*Democratic Responsibility.* The democratic responsibility theory addresses “the issue of ethics and democratic theory by focusing on the individual value orientations of administrative officials and attempting to define them in ways that are consonant with the aims and purposes of democratic government” (p. 612). By focusing on the individual this theory provides a stronger basis for accountability and reconciliation or validation of democratic values.

*Constitutional Inspiration.* Since the theory and manifestations of democracy can be ambiguous and situation-dependent, the Constitution may at times offer insight in a dispute. In discussing the merits and limitations of this theory, Burke draws heavily from the work of John Rohr. Rohr (1978) argues Supreme Court rulings establish “regime values” that shape ethical decision-making of administrators or bureaucrats (p. 4). Burke (2001) questions the utility of this theory because Supreme Court decisions “would be understood and informed by their adherence to what is presumed to be the intentions of the framers, an interpretive exercise of equal if not greater controversy” (pp. 614-615).

*Procedural Approaches.* The final theory, procedural approaches, addresses “obligations officials acquire that relate to the institutions and processes that define the administrative setting and the broader political environment in which it is embedded” (p. 615). Burke draws upon several sources to explain this theory. Theodore Lowi (1969) advances the notion that interest groups weakened the legitimacy and authority of established formal institutions. Burke also presents Kenneth Culp Davis’s (1969) work on discretion, who believes in limited discretion at the administrator level provided it complies with procedural standards of openness and fairness (Davis, 1969). Additionally, Gerald Pops and Thomas Pavlak (1991) emphasize the role justice plays in exercising discretion: “Administrative justice is distinguished from the broader concepts of justice and social justice by the constitutional-legal arrangements, laws, regime values, and specific roles that attach to bureaucratic positions and responsibility” (pp. 72-73). Burke (1986) contributes to this theory with a discussion on the importance of individual responsibility (p. 216) and integrates Ronald Dworkin’s (1977) conclusions that public service involves explicit duties and implicit obligations to “the enterprise as a whole.” Obligations to “the enterprise as a whole,” imply “the public interest.” Additional advocates of procedural approach theory, Albert Flores and Michael Kraft (1988), contend that since it is difficult to determine “the public interest” administrators must be able to justify their positions to ensure legitimacy (p. 126).

In assessing the usefulness of the procedural approach theory, Burke (2001) states: “Approaches that are attentive to the dictates and workings of existing processes and institutions have an advantage over other conceptions of democratic responsibility in that they do not need to specify a particular conception of democracy or a particular interpretation of the Constitution to inform

their basic principles” (p. 616). Concluding his essay, Burke states, “administrative ethics is not simply a task of encouraging moral calculations or applying some favored system of ethics but that it involves a more complex understanding of how politics, especially of democratic politics, the place of bureaucracy within that politics, and the individual roles of administrative officials within that organizational structure must enter into any calculation or assessment of proper conduct” (p. 617).

### ***Ambiguous Nature of General Fogleman’s Dilemma***

A career military officer and highly decorated combat veteran, General Fogleman attempted to shape the culture and structure of the Air Force based on his schemata and understanding of Title 10 duties. His theoretical orientation and corresponding choices reflect an “administrative man”<sup>18</sup> decision-making pattern consistent with “democratic responsibility” and “procedural approach” democratic theories. SECDEF Cohen, a career politician and non-administrative man, appears to embrace elements of “classical democracy” and “formal-legalism” theories. SECAF Widnall, a career academic and quasi-administrative woman, appears to embrace a “pluralist and participatory” theory. These different orientations lead to conflicting views and promote ambiguity.

## **Opportunities For Coherency**

As “necessity is the mother of invention,” ambiguity similarly spawns ethical decision-making paradigms or theories for responsible administrators to ultimately and effectively serve the public good. Two scholars have made significant contributions in this regard. Michael M. Harmon provides a paradigm to address responsibility in government in *Responsibility As Paradox: A Critique of Rational Discourse on Government*. The other scholar, Terry L. Cooper, in *The Responsible Administrator: An Approach to Ethics for the Administrative Role*, attempts “to illuminate the ethical situation of the public administrator and cultivate imaginative reflection about it—not to prescribe a particular set of public service values” (Cooper, 1998, p. xxi). Cooper builds his theory around two models—“an ethical decision-making model” (20) and “a model of responsible administration” (pp. 248-249).

### ***Harmon’s Paradox Paradigm***

Consistent with our discussion on ambiguity, Harmon (1995) concludes “Because paradox is a—perhaps the—cardinal attribute of responsibility, the task of discourse on the subject must therefore be to identify the sources of confusion and struggle that attend our loss of innocence rather than to proffer advice about how to reclaim it” (p. 200). In his analysis, Harmon first defines responsibility as having three contemporary meanings: “*Agency*, the idea that freedom of the will makes people, in Jean-Paul Sartre’s (1956, p. 553) phrase, the ‘incontestable authors’ of their actions . . . *Accountability*, the idea that people are answerable to higher, usually institutional, authority for their actions . . . *Obligation*, the notion that moral action is determined by its correspondence to principles and standards deriving from sources external to the agent” (Harmon, 1995, p. 6). According to Harmon, if the situation is described as “responsible for something,” it combines obligation with agency; on the other hand, “responsible to someone,” combines accountability and agency.

Harmon continues his discourse with a critique of the rationalist conception of responsibility as “a uniquely modern concept, which, in addition to being grounded within sometimes competing philosophical traditions of the modern era, is also a product of that era’s signature institutions: market capitalism and bureaucratic organization” (p. 6). He supports this critique with a comparative discussion of what he calls “internal debates” between Simon and Waldo, Finer and Friedrich, and Burke and Cooper (he calls the former “hard core advocates” and the latter “soft core”). Harmon’s assessment of these internal debates concludes with the notion that “rationalism cannot come to terms with the irreducibly subjective character of individual moral agency and thus of personal responsibility. . . . [T]he subjectivity of moral agency, in conjunction with objective requirements for obligation and accountability, means that responsibility is an inherently paradoxical idea” (p. 65). This argument serves as the basis for his later discussion of “paradox” as a necessary paradigm for guiding ethical decision-making.

Harmon argues that understanding two particular types of paradox, schismogenic and antinomial, are essential in treating paradoxes of obligation, agency, and accountability. “Schismogenic paradoxes shall be defined both as *statements*, singly or in sets, that either lead to self-contradictory conclusions or that contradict one another, and as *situations* in which particular actions produce consequences that are contradictory to those intended, but which on closer examination are predictable and even logically inevitable” (p. 76). Antinomial paradoxes, on the other hand, “embody the notion that opposition and contradiction are inevitable features of human existence,” and “can only be struggled with rather than solved, and attempts to avoid them will inevitably backfire” (pp. 76-77). Harmon derives this concept from Jung who “uses *antinomy* to describe the complementarity of inner opposites—for example, of good and evil—in which the struggle for their unification defines the dynamic of the individual’s quest for wholeness and individuation” (p. 76).<sup>19</sup> Harmon’s thesis in analyzing schismogenic with antinomial paradoxes is to prove “schismogenic paradoxes are evidence of something gone awry in our understanding of antinomial ones” (p. 77).<sup>20</sup> The key, according to Harmon, is to reframe the issue or situation as an antinomial paradox. Harmon goes on to examine, in greater detail, paradoxes of agency, obligation and accountability to establish the pathologies flowing from a schismogenic perspective, and then compares and contrasts these outcomes with an antinomial perspective. Thus, Harmon provides an excellent technique for achieving a degree of coherency for ethical decision-making purposes, but it falls short of precipitating an actual decision. This is where Cooper’s *Responsible Administrator* completes the process.

### ***Cooper’s Ethical Decision-Making Models***

While taking a different and more practical approach, Cooper’s (1998) underlying assumption is that “ethical public administration requires a *theoretical* perspective on the role of the public administrator” (p. 2). His motivation for a practical approach is the apparent need for leadership, manifested in ethical behavior, in public service. He cites a study by Bowman and Williams (1997): “The respondents indicate that ethics is hardly a fad and that government has the obligation to set the example in society. They further hold that ethics in the workplace can be empowering, although not all organizations and their leaders have a consistent approach to accomplish this. The findings emphasize the key role of leadership—both by its presence and absence—in encouraging honorable public service” (p. 525). Cooper (1998) believes that “honorable public service” is a byproduct of responsible administration. Responsible



administration requires ethical decision-making skills. These skills are cultivated with theory and experience. Without the combination of theory and experience, “[c]hoice is constrained and freedom is ultimately stunted by the unforeseen consequences of our actions” (p. 2). Conversely, with the “ability to theorize and generalize from experience, . . . [the] public administrator can transcend the boundaries of particular events” (p. 2). Thus, key elements in developing his approach to honorable public service are role, responsibility, and a comprehensive *design approach*, or process, for solving ethical problems associated with administrative roles and responsibilities. Cooper believes the terms, role and responsibility, have a modern connotation. This is an important premise in Cooper’s theory of a practical approach to ethical decision-making, for he goes on to say, “The concept of *role* then becomes a convenient way to package expectations and obligations associated with the modern world. As we cease to view social functions as received intact from the past, but as something to be manipulated and created anew, we take upon ourselves bounded obligation in the form of various roles” (p. xvii).<sup>21</sup> This is where Cooper takes a major step forward by suggesting an approach for decision-making. Cooper believes “too many treatments of professional ethics stop with a conceptual and theoretical philosophical analysis of typical ethical problems” (p. xviii). In developing an organizing process to craft or precipitate a response that goes beyond theoretical and philosophical analysis, Cooper assumes that while there is no single best solution, a comprehensive design approach will facilitate “a response to a problem at hand that handles the immediate short-term situation but looks to the wider organizational, legal, and social contexts for the longer-term answers” (p. xviii). In setting up the ethical decision-making model, Cooper uses four levels of deliberation: 1) the “expressive level” which represents “spontaneous, unreflective expressions of emotion”; 2) “the level of moral rules,” where issues are evaluated against “rules, maxims, and proverbs”; 3) “the level of ethical analysis,” when rules appear ineffective or appear to conflict with each other, “or when the actions they seem to prescribe do not feel right”; and 4) “the postethical level,” where the administrator struggles “to find some basis for valuing those things that were identified at the level of ethical analysis. . . . At this level we begin to question our worldview—our views of human nature, how we know anything to be true, and the meaning of life” (pp. 8-16).<sup>22</sup> Cooper suggests most effective decision-making takes place at the second and third levels of deliberation. Based on this framework he goes on to describe his ethical decision-making model.

*Ethical Decision-Making Model.* This model serves as a process involving five phases. The first three phases are linear in their calculus, the remaining are non-linear. Phase one involves the perception of an ethical problem. Phase two has two elements: describing the situation and defining the ethical issue. Cooper cautions that the decision-maker should resist “value-laden judgments” and settling upon definitions that frame the issue in practical instead of ethical terms (p. 21). The analysis that takes place during this phase is consistent with Harmon’s (1995) schismogenic versus antinomial paradoxes in “framing” the issue (pp. 74-79). The third phase involves the identification of alternatives. Again Cooper cautions the decision-maker to avoid viewing alternatives in dichotomous terms—to allow each alternative to be evaluated in the fourth, non-linear phase, which Cooper regards as finding the best fit. In this phase each alternative is evaluated against “moral rules,” a “rehearsal defense” (or a publicity test), “ethical principles” (typically an alternative that fails the rehearsal defense moves to this factor in an attempt to discern the implicit principles at stake),<sup>23</sup> and “anticipatory self-appraisal” (how the decision fits with the decision-maker’s self-image). The preferred alternative emerges during this

non-linear phase. If there is not a suitable alternative, then the process goes through reiterative steps to either reframe the situation or ethical issue, or develop different alternatives. Once a preferred alternative is selected at the end of the fourth phase, then the decision-maker reaches the fifth and final phase, a state of resolution. This model provides the framework for combining theory and experience to guide the decision-maker to exercise public service leadership through honorable behavior.

*Context for Ethics from an Individual Perspective.* Cooper devotes three chapters to establishing the social context (addressing similar topics and themes that are covered at the beginning of this paper regarding sources of ambiguity) within which the administrator must perform, and the dual nature of administrative responsibility (objective and subjective). Cooper (1998) argues that conflict between objective and subjective “forms of responsibility seems to be the most common form in which ethical dilemmas emerge” (p. xx). Thus, he devotes an entire chapter to discussing these conflicts in terms of authority, role, and interest. This discussion is consistent with Harmon’s (1995) paradox of agency (pp. 126-162).

*Context for Ethics in the Organization.* This section of the book begins with a discussion of internal and external controls. Codes of ethics and ethics legislation, instruments imposed from outside the individual, are examples of external controls. Internalized professional values and standards assimilated and accommodated (i.e., Piaget’s schemata and Kohlberg’s stages of moral development) through the socialization process, at both the personal and professional level, are examples of internal controls. Cooper’s treatment of this topic is consistent with Harmon’s paradoxes of agency, obligation, and accountability.

Cooper then discusses the importance of achieving congruence between internal and external controls. He explains that responsible conduct flows from this congruence and is influenced by four components: individual attributes, organization structure, organization culture, and societal expectations.

His last chapter in this section of the book addresses a situation in which the individual must confront corruption or an organization that is no longer serving the public interest. Thus, he culminates this discussion with the importance of individual ethical autonomy. Cooper (1998) believes “three essential ingredients are required if we are to maintain limits on our administrative responsibility and loyalty to an organization. First, it is necessary to delimit work organizations and cultivate an identity that transcends their boundaries. Second, it is important to establish legal and institutional mechanisms for constraining organizational power and protecting individual rights to exercise ethical autonomy. Finally, self-awareness concerning values, rights, needs, duties, and obligations within and beyond the organization is required if we are to be able to act as individuals in specific situations” (p. 234). Cooper believes so strongly in this third “ingredient,” that he goes on to say, “If democracy is to be maintained and free society is to prevail, social control must finally be rooted within individuals in the form of a deep awareness of their own values, needs, and aspirations, as well as how they are related to those of others” (p. 235).

*Model of Responsible Administration.* Cooper summarizes his approach as a model of responsible administration (pp. 248-249). This model combines the essence of “components of

responsible conduct” (individual attributes, organization structure, organization culture, and societal expectations) with the essence of “components of individual ethical autonomy” (organization delimitation and transcendence, legal and institutional mechanism for constraining organizational power, and self-awareness) to serve as the basis for “responsible administrative action.” Cooper’s model cites several examples of ethical action. In the final analysis, he presents a cogent and compelling approach for achieving the necessary coherency that facilitates ethical decision-making that is both responsive and accountable in an otherwise ambiguous environment.

### ***Can Ethical Decision-Making Serve as a Link Between Ambiguity and Accountability?***

General Fogleman brought competency to his position, yet understood the limitations of his legitimacy in relation to the public interest. His apparent decision-making framework is consistent with Fritz Morstein Marx’s (1960) observation: “The intricacies of the resulting relationships between the career man and his policy masters represent a key factor in the performance of public service” (p. 133). General Fogleman arrived at an ethical state of resolution when he officially requested permission from the SECAF to retire before the SECDEF made his final decision on whether to punish General Schwalier for his role in the Khobar Towers incident. The timing was important because General Fogleman did not want to exert inappropriate pressure on the SECDEF (violating the civilian-military relationship). And he knew he had to step aside in the hope that his successor would be more effective in carrying out Title 10 duties.

## **Conclusion**

In the final analysis, General Fogleman faced all the elements of ambiguity (psychosocial, political philosophy, different democratic theory) described earlier in this paper. He appears to have evaluated his duties from both deontological and teleological perspectives, choosing a solution that reflected the paradoxical techniques described by Harmon. Finally, he processed his perception of an ethical issue in the linear and non-linear fashion of Cooper’s model, achieved congruence between internal and external controls, demonstrated ethical autonomy, and selected a responsible administrative action tantamount to a state of resolution. General Fogleman sought to preserve the Air Force as an institution, culturally and structurally. He also sought to preserve the civilian-military relations that are vital to America’s republican form of government. James Webb (1992), former Secretary of the Navy, has written, “The seemingly arcane concepts of tradition, loyalty, discipline and moral courage have carried the services through cyclical turbulence in peace and war. Their continuance is far more important than the survival of one leader. It is the function of the military’s top officers to articulate that importance to the civilian political process. And an officer who allows a weakening of these ideals in exchange for self-preservation is no leader at all” (p. 18). If General Fogleman’s ethical decision-making leadership is representative of the military “administrative man,” does it meet the expectations of the public interest? A recent Gallup Poll determined “Americans generally have less confidence in many institutions now than they did in the 1970s when Gallup first began testing them. The major exception is the military, which has gained in confidence over the past 30 years so that it is now the single institution in which the American public has the most confidence” (Newport, 2001, para. 1). Thus, while it is impossible to prove conclusively, the foregoing analysis strongly

supports the conclusion that General Fogleman's ethical decision-making process personified a key role of leadership in honorable public service and clearly demonstrated an essential link between ambiguity and accountability.

### Endnotes

1. For an excellent analysis of the basis for describing ethics in public service as an emerging field in public administration, see Terry L. Cooper, "The Emergence of Administrative Ethics as a Field of Study in the United States," in Terry L. Cooper, ed., *Handbook of Administrative Ethics*, 2nd ed., revised and expanded. (New York: Marcel Dekker, Inc., 2001), pp. 1-36. For another comprehensive anthology of classic essays on the theory of ethics in public service, see Willa Bruce, *Classics of Administrative Ethic*, (Boulder: Westview Press, 2001).
2. Dr. Richard H. Kohn (former Chief Historian for the USAF Air Force and currently Professor of History and Chair, Curriculum in Peace, War, and Defense, University of North Carolina at Chapel Hill) conducted a rare interview with General Fogleman in an attempt to understand the rationale for his early retirement. See Richard H. Kohn, "The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force," *Aerospace Power Journal*, Spring 2001, Vol. 15, No. 1.
3. General Fogleman is a 1963 graduate of the United States Air Force Academy and holds a master's degree in history and political science from Duke University. He advanced to positions of responsibility as rapidly as public law and Air Force policy would allow. He was nominated by President William Clinton and confirmed by the US Senate to be the Chief of Staff (highest office of responsibility for an officer) of the United States Air Force, assuming responsibilities in October 1994. See [http://www.af.mil/news/biographies/fogleman\\_rr.html](http://www.af.mil/news/biographies/fogleman_rr.html) .
4. In 1951 General Douglas MacArthur was relieved of command by President Truman for disagreeing with political objectives in the Korean Conflict. See James H. Toner, *True Faith and Allegiance: The Burden of Military Ethics*. (Lexington: The University Press of Kentucky, 1995), pp. 26-30. Another example of a civilian-military dilemma was General John D. Lavelle's violation of administration-imposed rules of engagement (ROE) that put American aircrews at risk during the air war in Vietnam. Lavelle was relieved of command and retired as a major general, a reduction in rank by two grades (Deremer, 1996).
5. U.S. Code, Title 10, Chapter 805, Section 8033 (1996).
6. The F-15 incident resulted in 26 fatalities and court-martial action. The B-52 incident resulted in four fatalities and reflected casual disregard of, and blatant noncompliance with, rules and regulations.
7. See electronic version of this publication at <http://www.usafa.af.mil/core-value/cv-mastr.html> .
8. See biographical sketch at <http://www-hoover.stanford.edu/bios/perry.html> .
9. See biographical sketch at <http://www.library.umaine.edu/cohen/bio.htm> .

10. TACAIR is a term that includes fighters, bombers, and support aircraft that support airpower doctrine calling for air superiority in any combat operation, or operation other than war, involving armed forces.

11. See biographical sketch at [http://www.af.mil/news/biographies/schwalier\\_tj.html](http://www.af.mil/news/biographies/schwalier_tj.html) .

12. See biographical sketch at [http://www.af.mil/news/biographies/widnall\\_se.html](http://www.af.mil/news/biographies/widnall_se.html) .

13. For an example of the kind of pressure being exerted on General Fogleman and Dr. Widnall, see the transcript of a Senate hearing that took place on May 22, 1997 and the somewhat animated exchange between Senator Tom Harkin and General Fogleman, [http://www.pbs.org/newshour/bb/military/may97/flinn\\_5-21.html](http://www.pbs.org/newshour/bb/military/may97/flinn_5-21.html) . For another example, see CNN Interactive U.S. News Story Page, "Poll: Many Believe Air Force Treated Flinn Unfairly," at <http://www.cnn.com/US/9705/23/flinn.poll/> . Based on considerable media coverage, this article shows 47 percent of those polled considered Flinn's treatment unfair compared with 43 percent who believed it was fair.

14. General Fogleman acknowledged in the interview with Dr. Kohn that he was influenced by a recent book by H. R. McMaster, *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies that Led to Vietnam*, (New York: Harper Collins Publishers, 1997).

15. Piaget's four stages of development are sensori-motor (0-2 years), preoperational (2-7 years), concrete operational (7-11 years), and formal operations (11-15 years) (Wadsworth, 1971).

16. John McCain, senator from Arizona; Robert 'Bud' McFarlane, and John Poindexter, national security advisors; Oliver North, White House aide; and James Webb, secretary of the navy. All served during the Reagan administration. Timberg explains how the Naval Academy and events of Vietnam shaped decision-making in the Iran-Contra affair and the Keating savings and loan controversy (Timberg, 1995).

17. According to Diggins, "Machiavelli is generally regarded as the first classical philosopher to advise us to view political man as he actually behaves and not as he *ought* to behave. Yet in the eyes of some American thinkers, he seems to contradict himself by professing a belief in virtue. Hume could be assimilated into America's Calvinist and Lockean values because the Scottish philosopher had no expectations for republican virtue, but when compared with Calvinist theology, Machiavelli emerges as a utopian moralist who expects too much of man" (Diggins, p. 68).

18. General Fogleman, like all military officers, was educated and trained to be politically nonpartisan and rational in administrative decision-making. His modus operandi for decision-making is consistent with the concepts and theory of Herbert Simon, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organizations*, 4th ed., (New York, The Free Press, 1997).

19. Harmon cites “coincidental similarity” of Jung’s discussion on antinomy with the work of Immanuel Kant’s *Critique of Pure Reason* (1949, pp. 328-458).
20. This connection between schismogenic and antinomial paradoxes offers a potentially powerful framework for evaluating foreign policy. The current situation in the Former Republic of Yugoslavia and the Israeli-Palestinian peace process are examples of seeking solutions from an apparent schismogenic paradox paradigm.
21. At this point in his book, it seemed there might be some reference to Herbert Simon and “bounded rationality.” Throughout Cooper’s book there are descriptions and examples of behavior that are consistent with Simon’s theory of administrative behavior in an organizational setting. It begs the question whether Cooper sought to avoid the anticipated criticism he might receive regarding the techno-rational approach his comprehensive design process required. See Willa Bruce’s book review, “Ethics and Administration,” *Public Administration Review*, Jan/Feb 1992, pp. 81-83. Cooper (1998) dismisses Bruce’s criticism in his 4th edition when he qualified his approach: “It appears necessary to emphasize that the model presented here is not simply a rationalist approach that focuses on principles, but includes as essential the affective dimensions of ethical decision making and conduct. The logic espoused is not linear syllogistic calculus, but something more like the logic of esthetics or the logic of rhetoric” (p. xix).
22. An outstanding example of postethical analysis is Charles Colson’s (1996) realization of his own unethical behavior while serving in the Nixon Administration in the wake of the Watergate scandal. Years later, Colson turned himself in, eventually resulting in felony conviction and a prison sentence.
23. An alternative that is evaluated against defense rehearsal and ethical principles can be determined to be good if deontological (duty-oriented) and teleological (consequence-oriented) principles are in balance, and if the decision-maker experiences a sense of congruence between the “logical rationale” and a notion of “feels right” (Cooper, 1998, pp. 25-27).

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This article has implications for both ethical decision making and corporate accountability research. First, once the ethical implications of algorithms are understood, the design and development of algorithms take on greater meaning. Here, the type of accountability associated with the algorithm is framed as constructed in design as a product of both the type of decision in use and how large a role individuals are permitted to have in the algorithmic decision. Second, the theory of algorithmic accountability offered here pushes the boundaries of how we hold firms. 13. The second concerns the character of these act-ants and their links, the extent to which they are able to reshape the. 13. Ethical Implications and Accountability of Algorithms.