Center for the Advancement of Public Integrity
(Inactive)

Research Centers & Programs

2017

Installing a Moral Learning Process: Integity Beyond Traditional Ethics Training

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Installing a Moral Learning Process
Integrity Beyond Traditional Ethics Training

Can civil servants be trained to make better decisions? Can government agencies steeped in bureaucracy become agile, learning organizations that can keep strengthening their integrity structures in a meaningful way? We believe that agencies whose employees are systematically trained to "do right by the other," *i.e.*, all those with whom and for whom they work, can reach those goals. What's more, such agencies will end up with fewer integrity breaches, more reporting of problematic behavior by employees, and will be more trusted by their employees and by the citizenry.

A governmental organization that seeks to enhance its integrity needs a systemic approach built on two pillars. First, it must establish a carefully crafted compliance practice. Second, it must develop a moral learning process. Without intending to give short shrift to a robust compliance program, in this short brief I will focus on G&I's unique approach to moral learning, which while of equal importance to compliance in our view, is very rarely emphasized among integrity professionals.

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What is moral learning?

Installing a moral learning process within an organization must go well beyond what happens at the typical ethics training that government employees receive. At these trainings, civil servants are introduced to a range of so-called ethical dilemmas. The dilemmas usually concern the grey areas of rule-based behavior and what is and is not allowed; for example, can I meet with this developer, or can I accept this gift?

Working toward a moral learning process, on the other hand, goes beyond such issues. Its main goal is to support all employees in making morally right choices in their everyday work practice. By supporting employees to choose and act on what is morally right, the organization will effectively enhance its ability to do right by all those with and for whom it works. This capacity is vital to, and should be a goal of, all governmental organizations.

A well-established moral learning process can accomplish the following:

Benefits for government employees:
1. It reduces the moral stress that civil servants may experience in performing their tasks;
2. It sharpens the moral senses of the civil servants; and
3. It helps civil servants to make better choices and judgment calls.

Benefits for the governmental agency:
1. It corrects the usual tendency of bureaucratic organizations to "float responsibilities;"
2. It provides a critical perspective on current policies within the organizations, potentially leading to corrections; and
3. It protects the organization against mission drift.

Establishing a full-scale moral learning process starts with training in moral judgment for all employees – from the top management to the lowest level of the organizational chart. The second step is to apply the methodology learned

during the training to regularly organized moral deliberation sessions (conducted approximately three times per year) for teams of civil servants in which the more complex decisions within their working practice will be investigated. These sessions will be supervised by an internal trainer. Third, the insights and information gained in these investigations must be placed into an archive of "moresprudence" so as to provide the organization with a moral memory upon which it can rely when needed.

The Training in Moral Judgment for All Civil Servants

This short brief will focus on the first step in the process of installing a moral learning process: the training in moral judgment for all civil servants. To be effective, the training should take a full day. During that session, a group of up to 12 participants will investigate, together, what is an appropriate measure by which to decide whether a choice or action is morally right. After the measure is determined, it is applied to cases introduced by the participants themselves.

The differences between this process and traditional ethics trainings are significant. As mentioned above, traditional ethics trainings raises awareness regarding choices and/or actions that are either allowed or not allowed, while the training in moral judgment focuses on the *quality* of decision-making generally. What decisions are considered during these sessions is dependent on the work practice of the participants but, abstracting from concrete cases, most quandaries concern situations of the following types:

- both options are allowed by the "rules" (there is no applicable rule that can guide you);
- a political operative requires/has promised something not in line with current policy or possibly the applicable law;
- two rules seemingly point in opposite directions;
- following an applicable rule/policy guideline seems to lead to an apparent immoral/harmful outcome.

Before the investigation into these quandaries starts, a standard or measure for deciding what is the morally right thing to do needs to be established. This is a philosophically challenging question – and philosophers tend to disagree on the answer, or possibly even about whether there is an answer. Yet, from a practical perspective, this is a crucial step: if we want to investigate, as a group, what is the morally right thing to do, we need a shared measure by which we can decide what is and is not morally right in an unequivocal manner. In our experience, while most public servants are very much aware of their unique stature and the responsibilities their jobs carry, and while most of them intuitively act in a morally correct manner, they have a hard time articulating an unequivocal measure of the morally right. People tend to accept their own conventions – be it personal, organizational or societal/cultural "values and norms" – as the most appropriate yardstick.

This, however, can lead to a creeping form of relativism that not only undermines the moral learning exercise but also the critical disposition required by acting morally right within one's work practice. What is morally right will be dependent upon what I (one's organization, one's society) deem morally right ("since it is morally right according to my values and norms, it is morally right"). But such a subjective measure thereby ends each critical investigation by reaffirming my own position. It would mean that a serial killer who according to his own values and norms acts morally right by such measure *is* acting morally right.

Instead – to forego the above-mentioned risks – we propose a measure that builds on the most prominent existing moral theories and integrates them into one practical formula. To act morally right is "to do right by the other." This rather abstract measure is then operationalized as follows: a decision is morally right if it "sufficiently takes into account the rights, interests and wishes of all those concerned (in this concrete situation)." This formula allows civil servants to investigate each and every decision point on its moral merits as it arises.

Importantly, this measure establishes two significant shifts in reflecting on the morally right. First, it frames the investigation of what is morally right by asking what "the other" – the true object of morality – can expect of us

instead of looking to our own intuitions and values as a yardstick. Second, the measure provides a critical mean to distinguish between choice options at a concrete decision point. To elaborate a bit on this second point: there is a clear hierarchy between rights, interests and wishes whereby rights are assigned most weight. This follows from the function of the concept of a moral right, which is to establish a moral minimum that can be claimed (thereby triggering an obligation for someone else). In practice, this means that we now know the morally right choice of action at a particular decision point. That choice of action by which a right can be fulfilled is the morally right choice of action. The identified right "obliges" us to take that choice.

The 7-Step Procedure

Measure in hand, the participants can critically reflect on the current practices within their organization and challenge those conventions, policies and rules that arguably lead to a lower quality of decision-making. To the extent that participants come away with a new means of establishing whether an act or decision is morally right, the training constitutes a sort of "secular conversion." At this point in the training, we turn to the concrete, difficult decisions that the participants themselves bring forth. These will be investigated along the lines of a 7-step process of moral investigation.[1]

> **The 7-step procedure:**
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> 1. What decision am I faced with? What is my provisional judgment? And, what is my main objection to my provisional judgment?
> 2. Whose rights, interests or wishes are involved in the decisions?
> 3. Who is making the decision?
> 4. What information do I need to make my decision in a responsible manner?
> 5. What are the possible arguments for both choice options?
> 6. What is my final conclusion? (Weigh the arguments)
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> **Additional step: damage control**
>
> 7. How do I feel about the judgment I have arrived at?

The first step of the procedure follows a short description of the case at hand. It requires the formulation of the primary moral choice that the case presents. Asking this first question triggers moral awareness by explicitly focusing on the moral component of the situation. Participants are asked for their initial intuitive judgment, directly followed by a request "to think against themselves." Instead of asking the participants for a reason in favor of their choice, they need to formulate an objection to their intuitive choice. In this first step, then, some interventions crucial to moral judgment take place. Step 1:

1) raises "moral awareness;"
2) shows the strong pull of our intuitions;
3) demonstrates a range of different intuitive views (because it is a shared exercise);
4) allows one's thoughts to expand in the moral investigation because a different perspective has been made reasonable.

After step 1 has been taken, the moral investigation starts. Steps 2, 4, and 5 ensure that the investigation is conducted in a careful and responsible manner. These steps require the participants to make an inventory of everyone involved in the situation, to catalogue all relevant information (including legal, technical, and personal information) and to

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[1] The 7-step procedure was originally developed by the Dutch business ethicist Henk van Luijk.

consider all reasonable arguments for both choice options. Step 3, on the other hand, is yet another "intervention." In effect, it looks back at the question formulated at step 1. The answer to the question "who takes the decision?" is always "I do." In other words, at some point in this process you as an individual will have a choice to make, and that choice will carry moral responsibility. Step 3 is crucial because it combats the floating of responsibilities common to hierarchical organizations, wherein people think that since they are mere cogs in a machine, no one carries responsibility for the end result.

Having laid the groundwork in the foregoing steps, at step 6 a conclusion must be drawn. This can be done by examining the arguments that have been listed during step 5 one-by-one. Drawing on the measure established in the first part of the training, two types of arguments can be distinguished: arguments about rights of agents and organizations involved (so-called principle-based arguments) and arguments about interests of agents and organizations involved (so-called consequential arguments). Weighing all arguments this way allows the participants to hone in on the most important arguments favouring both options. At the same time, it also provides a means to establish the morally right option. As we have already established rights "trump" interests since they establish a claimable moral minimum that triggers an "obligation to act;" therefore, principle-based arguments "trump" consequential arguments. Often only one option will be supported by a principle-based argument that obliges us to act per that option. In other words, oftentimes we can establish unequivocally what the morally right choice is.[2]

> Organizing moral deliberations on an ongoing basis so that teams of public servants can continue to investigate these issues is key to ensuring the success of the moral learning process.

While there are of course some difficult decisions to be made (where only interests are at stake and no rights, or where rights appear on opposite sides of the options), this method helps teams to arrive at an unequivocal conclusion. An additional step, however, remains. A moral decision must "sufficiently take into account the rights and interests of *all those* concerned." This means that if we conclude that option A is the morally right one, we still need to account for the harm done to those interests and rights that support option B. Thinking through the manner in which we minimize the damage done pushes us to craft a sensible action plan.

Lastly, step 7 asks how the participants feel about the choice made. This question is of motivational importance, because if one does not feel like one can effectively support one's moral judgment, chances are these decisions will not be executed. These feelings can also serve as a "check" on our reason – if a decision feels wrong it might be because we made a mistake along the way.

The training in moral judgment described in this brief is the first step in installing a moral learning process. Key to ensuring the success of the moral learning process after the training is to organize moral deliberations on an ongoing basis so that teams of public servants can continue to investigate these issues. In addition, it is best for internal supervisors to be trained to lead these meetings and to develop a system of "moresprudence." This system contains a database of (anonymized) challenging decisions, an argumentative breakdown of these decisions as well as an abstracted reflection on the key principles behind them.

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[2] All decision points follow one of the following three situations: 1) there is a principle-based argument for one but not the other option; 2) there are no principle-based arguments for either option; 3) there is a principle-based argument formulated for both options. The first is the clearest in its outcome. The other two are more difficult to decide. Under 2) we evaluate which choice leads to the greatest happiness of the greatest number of people. Under 3) we need to evaluate the force of the principle-based arguments "in this concrete case."

Conclusions

We work from the principle that over time the agency should be able to manage all aspects of its integrity system by itself. Obviously building an integrity system requires an upfront investment in time and personnel to make it work, and a sustainable system takes years to build, but we believe the result justifies the effort.

A moral learning process works in tandem with a compliance practice. Building a successful moral learning process requires an open culture of dialogue and discussion within the organization. It means sharing with and learning from one another, both horizontally and vertically. Once the system is in place, decisions made within the organization are based on the power of argument, not of authority. Thereby it enables the organization to constantly learn, and to be agile and adaptive in the face of the changing demands of society. A civil service agency that manages to establish such a learning culture will become and remain an organization that does right by all those for whom and with whom it works. Such an entity has the potential to act as a counterweight to the many forces currently attempting to undermine democratic government in many countries around the world.