

The Political Ethics and the Attribution of Moral Responsibility to Public Organizations: Its Scope and its Limits

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Abstract

This article emphasizes the specificity of political ethics, in general, and of the ethics of public organizations, in particular, in regard to personal ethics. For the first one, the real problem is not the aim to be achieved, but the means to be used, with the available resources and taking into account the real conditions. For the second one, on the other hand, the goal to reach (in the classical period) and the individual responsibilities to be assumed (from Modernity on) have been the most universal constants. The question to be elucidated here is whether we have to preach the moral responsibility of public organizations and not only of those of their members who make decisions. In that case, if the answer were affirmative, it would be better to go one step further and ask ourselves in face of who or what we are really responsible for.

Keywords: Political ethics, Personal ethics, moral responsibility, public organizations.

Introduction

In this article I intend to investigate the reasons why political ethics becomes a discipline that opens road with difficulty in the academic field and in the area of Practical Philosophy and Political Communication, because far from seeming a Tautology, appealing to ethics and politics, appears in a contemporary world as antithetical terms. To give reason of this phenomenon will be object of the first part of this article and to give base to the political ethics from the assumption of moral and political responsibilities will be what constitutes the mission of the second part. But in the latter case I will consider as a hypothesis if the fact of mentioning not only individuals but also organizations as subjects of moral responsibility hinders or favors the assumption of moral responsibility. It is important to emphasize that in a context such as the current one, in which the proliferation of cases of corruption is a constant in public organizations, it will be very relevant to elucidate, first, and then define the sphere of moral responsibility of individuals and legal persons, with its corresponding scope and its consequent limits.

Personal ethics and political Ethics

In ordinary language, when we speak of ethics, we usually think of a thought that values as good or bad the way of life of singular physical persons according to their conformity or opposition to the global good of human life. With that way of thinking we are actually taking the part for the whole. Ethics is concerned about individuals' way of life, but ethics also has other parts such as economic ethics, medical ethics, social ethics or political ethics.

Political ethics deals with the actions by which individuals assembled in a politically organized community (State, region, municipality, etc.) shape their common life from the constitutional, legal, administrative, economic, educational or sanitary point of view. These actions come from legislative or governmental bodies, or from individuals who exercise a function of government, but properly are actions of the political community, which is the one that - through representatives chosen by it - gives itself one shape or another. For example, laws regulating university education, or health system, or taxes, etc. are State laws, but they aren't laws of the individual deputies who have promoted them.

The criterion, by which political ethics values these actions of the community, is its greater or lesser conformity with the purpose for which individuals wanted and still want to live together in an organized society. This objective is called political common good (in a less exact way, it could be also called general welfare). In short, political ethics considers morally good the actions of the public apparatus that are in conformity and promote the common political good, while it considers morally bad those that harm or oppose to that good.

Naturally, we are now talking about political morality, which does not exactly coincide with the morality of which personal ethics deals, although it does relate to it, sometimes very narrowly. In fact, politically immoral actions come sometimes from a lack of personal honesty ... but not always. They may also be the consequence of simple incompetence, or of ideological categories or unwise economic conceptions that some hold in good faith. For political ethics the determining factor is not so much the good (or bad) faith, but rather the conformity and promotion of the general welfare.

From the above, some principles of distinction between personal ethics and political ethics emerge. The most obvious principle is that, each of these branches of ethics is generally concerned with different types of actions: the individual ones and those of the politically organized community (legislative and governing institutions). When they seem to deal with the same kind of actions, they actually consider two formally different dimensions of morality. Let us think, for example, that deputies who vote for a law in a parliament are sincerely convinced that it is in accordance with the common good for their country. After a while, experience clearly shows that the new law has been an evil. Can be said that the passage of that law was a moral evil? It will depend on the circumstances. From the point of view of personal ethics, those who, after having informed themselves, voted in good faith, lack of personal guilt, and it cannot be said that they acted morally wrong. On the other hand, from the point of view of political ethics, an ethical evil has arisen: no matter what happens in the conscience of those who voted for that law, their contrariness to the common good is a fact (and it will continue being it when, over the years, all the deputies who voted it are no longer in this world). The positive or negative moral quality of the form given to our life in common and our collaboration - formally distinct from personal moral merit and guilt - is the specific object of political ethics.

Personal good and political common good

The purpose of personal ethics is to teach men to live well; or, in other words, help each one to project and live a good life¹. This immediately raises a few questions: which authority can let "ethics" enter into my existence to tell me how should I live? Can an external instance impose me a way of living? In fact, ethics is not an external instance that wants to impose us something, but is inside each of us. Let us take a moment to think in our own experience. We continually think about what we should do and what we should avoid; we set our plans; we project our life; we decide which profession we want to learn, etc. Sometimes, little or long time after having made a decision, we realize that we had made a mistake, so we regret it, and tell ourselves that, if it were possible to go back, we would give our life a different direction. The experience of repentance makes us see the convenience of thinking about inner reasoning that precedes and prepares our decisions.

And that reflection is the Ethics. This, in fact, is nothing more than a reflection that tries to objectify our inner deliberations, examining them as objectively as possible, critically controlling our inferences, valuing past experiences and trying to predict the consequences that a certain behavior may have for us and for those around us. Personal ethics is, therefore, a thought that is born in a free conscience, and its findings are proposed to other consciences equally free.

Going back to the question we are discussing, this raises a difficult question for political ethics. If its fundamental point of reference is the political common good, what is the relationship between it and the good life to which personal ethics looks at? I will not stop now to review the various answers that have been given throughout history. I will highlight only a kind of antinomy that raises this relationship. On the one hand, if good life is the aim that ethics proposes to freedom, and can only be realized as a freely wanted thing, how could it be also the regulating principle of several instances, such as the policies, which use coercion, and from that coercion they obtain a monopoly? If the good life of the citizens were also the aim of political institutions, would not it happen that the State could consider everything good to be obligatory, and prohibit all that is bad?

¹ In the Latin world, and specifically in Spain, Professor Ángel Rodríguez Luño has dealt with this peculiar approach to ethics in his volumes devoted to general ethics and social ethics.

And if among the citizens there were different conceptions of the good life, would it correspond to the State to determine which of them is the true one and, therefore, the obligatory one?

On the other hand, given that we live together to make it possible through social collaboration to live and to live well, certainly not to live badly, can political institutions give up considering at all what is good for us? If our good was ignored, what other criteria could inspire the life of politically organized society? In addition, the idea of an "ethically neutral" State does not seem realistic or accurate, simply because it is far from possible. The legal systems of civilized states prohibit homicide, fraud, discrimination on the basis of race, sex, religion, etc. They have, therefore, an ethical content. Another thing is that it is not lawful for political coercion to invade conscience and its intimate convictions, but this is a substantial ethical requirement, linked to the characteristic freedom of the human condition, not an absence of ethics. For that reason, a political environment from which all ethical considerations had been expelled in the name of freedom would turn against freedom itself, because the "ethical emptiness" would generate in citizens a set of antisocial and anti-solidarity habits that would end up making impossible to respect the freedom of others and to abide by the rules of justice that allow to solve in a civil way all the conflicts that inevitably arise between free people. The strongest would end up imposing itself.

How, then, must we understand the relation between good life and the political common good? Although the profusion of arguments is not abundant, I do believe that I am willing to propose two considerations. The first one is that the political common good does not completely coincide with the good life, nor is it totally heterogeneous with respect to it. The second one is that the political institutions that make up the State are in service of social collaboration (the society), and the latter one exists in order that people can freely achieve their good. To make us miserable and have a bad living, we would not seek the help of others.

From these two considerations there are important consequences to be mentioned:

- First, they allow us to understand that some requirements of the personal good are absolutely binding for political ethics. For example, it would never be politically permissible for a law to declare, positively in accordance with the law, an action considered by the greater part of society as ethically negative (quite different is "de facto tolerance" or "legal silence", which in certain circumstances may be convenient). It would be even less permissible for a law to explicitly prohibit personal behavior which is commonly considered to be ethically compulsory, or to declare as obligatory a conduct that the general public holds that cannot be carried out without committing a moral guilt.
- In second place, the non-coincidence between the good life and the common good implies that when it is desired to argue that a particular act should be prohibited and sanctioned by law, it is useless to prove that it constitutes a moral fault. In fact, it is admitted that not everything that is morally wrong for a person must be prohibited by the State. Only those behaviors that have a negative effect on the common good should be prohibited by the State. This is what must be demonstrated, if it is to be argued that this or that mode of action must be prohibited.
- Thirdly, good organization and proper functioning of the public apparatus are necessary, but not sufficient. Good policy establishes instances and instruments of control, divides power among various organisms with the purpose that the exercise of power is always limited. However, these measures - which we could call structural - need the complement of personal virtue. It is not difficult to understand why: although they establish many systems of control and division of power, if corruption is introduced massively at all levels of a political structure, corruption ends up prevailing, and in such a case, as St. Augustine said, it would be impossible to distinguish the State from a band of thieves.

The importance of the political point of view

Experience shows that sometimes political problems are raised and tried to be solved without having been able to adequately frame them in what is the specific point of view of political ethics. One or another solution is often proposed on the basis of reasoning that might be appropriate for personal ethics but does not affect the political substance of the problem studied. More often, it is still necessary to obtain some purposes, which are presented as the flag of an ideological position, without noticing that there is no problem about them. And there really is no such problem. Quite simply, because on most of the issues that come up in the public debates we all agree: we all want unemployment to stop, we all want no citizen to lack quality healthcare, we all want economic growth, we all want to improve the standard of living of economically weak classes, we also want to improve the average level of education;

Not to mention the general desire for peace in the most contentious regions of the world and the desire to find a solution to the problem of emigrants and refugees from warring countries. What we do not agree with so much is how to achieve those ends.

In other words, the real problem that politics must solve is not the objective to be achieved, but the concrete means to solve these sensitive issues such as available resources, as well as moral and political responsibility for their management, and of course taking into account at all times the actual conditions in which we find ourselves. The following section deals with this last topic.

The moral and political responsibility: from what to who and from what to how

I believe that - at this point - it is very pertinent to outline which subjects should take moral responsibility and, if appropriate, political responsibility, and by what concepts should they do so. Moreover, the avoidance of moral and political responsibility is one of the phenomena of our time, which generates all kinds of controversies and explains some disaffection that are projected on political actors and political institutions under its leadership. Separate mention deserves differentiation - as far as attribution of responsibility is concerned - between natural persons and legal persons; a distinction that loses strength in the specialized literature regarding attribution of moral responsibility is concerned. The reason is as follows: “in modern, liberal democratic societies, there is an underlying political need to attribute greater levels of moral responsibility to corporations”². In fact, “corporate moral responsibility is essential to the maintenance of social coordination that advances social welfare and protects citizens’ moral entitlements. Corporations can be said to be “administrators of duty” in that they can voluntarily incorporate moral principles into their decision-making processes about how to conduct business”³.

At the same time, Stefanie Collins argues that “we tend to think States have moral duties: duties to alleviate global warming, protect citizens’ moral rights, admit asylum seekers, or wage only just wars. This common-sense view accords with a growing philosophical consensus that States are corporate moral agents able to bear duties as entities conceptually distinct from –though supervenient upon and constituted by – their members. States have clear membership rules and decision-making procedures that are distinct from the decision-making procedures of members. States are able to act on their decisions, through the actions that their decision-making procedures authorize members to take. States may therefore bear prospective and retrospective responsibility for their decisions and actions”⁴.

In another approach, James Dempsey promotes a new way of arguing that there can exist a responsibility bearing, corporate entity distinct from the individuals that can make it up. According to his view, “it is appropriate to ascribe responsibility to corporations, and (which is closely connected) to direct certain attitudes –such as praise, blame or anger- towards those corporations. Moreover, the intuition is that when we ascribe such responsibility and hold such attitudes we can understand this behavior at face value”⁵. Dempsey also suggests an alternative condition that may be more easily achievable by corporations: “that the entity in question is a morally significant system”⁶, which is different from: “1) one particular person who is a member of that collective entity; 2) a subset of individuals who are members of that collective; and 3) all individuals who are members of the collective. The question is that a separate entity –‘the collective’ –is distinct from any of the individuals that make it up”⁷ and there is no legitimacy that this type of collective may direct the social processes for the reasons I try to argue in the following section.

² Dubbink, W. & Smith, J. (2011): “A political account of Corporate Moral Responsibility”, *Ethic Theory and Moral Practice*, 14, 223-246, p. 223.

³ Dubbink, W. & Smith, J. (2011): “A political account of Corporate Moral Responsibility”, *Ethic Theory and Moral Practice*, 14, 223-246, p. 223.

⁴ Collins, S. (2016): “Distributing States’ Duties”, *The Journal of Political Philosophy*, Vol. 24, num. 3, 344-366, p. 344.

⁵ Dempsey, J. (2013): “Corporations and Non-Agential Moral Responsibility”, *Journal of Applied Philosophy*, vol. 30, num. 4, 334-350, p. 334.

⁶ Dempsey, J. (2013): “Corporations and Non-Agential Moral Responsibility”, *Journal of Applied Philosophy*, vol. 30, num. 4, 334-350, p. 334.

⁷ Dempsey, J. (2013): “Corporations and Non-Agential Moral Responsibility”, *Journal of Applied Philosophy*, vol. 30, num. 4, 334-350, p. 336.

Epilogue: political ethics and social processes

I have previously stated that political ethics deals with the activity of political institutions of different levels (state, regional, municipal). These institutions have the typical characteristics of organizations: they have a hierarchical structure and they are regulated by a set of precise rules according to the aims that they are looking for. However, it is necessary that the latter will be well defined, and it should not be forgotten that, ultimately, they consist of serving society and citizens. Otherwise, what was a medium (the organization) will become something important by itself. This is what happens when, instead of favoring social collaboration, political institutions fall into the temptation of self-referentiality: the tendency to feed them and increase in size, to turn what is useless into necessary things, and to bureaucratically impede processes social.

Political processes and social processes are very different. In the first ones there is a mind (it can also be a group of experts) that directs them according to the purpose sought: an order is conceived and coercion is available to make it respected. Social processes, however, are born of free collaboration between men and women and, moreover, generally they do not respond to an intentional plan. Faced with coercion and millimetric foresight, typical of political processes, social processes are characterized by their spontaneity. Both the areas and the instruments of these processes-such as the market, money, and language- have arisen without responding to the order imposed by a directive mind. Likewise, the knowledge that regulates them is formed in the minds of millions of men and women as they interact. That is why it is a scattered knowledge, and difficult to formalize. These processes involve people who do not know each other, with different interests but who, at a given moment, can benefit each other.

From the point of view of political ethics, it is very important not only to know, but above all to respect this difference between political processes and social processes. It is not desirable to control politically the latter ones. And it is not desirable, above all, because it is not possible. None expert or group of experts can possess the knowledge necessary to do so. Attempts at social engineering end in failure, damage freedom, inhibit creativity, and waste human capital and material resources. The idea of social order as spontaneous order, proposed by Hayek⁸, I consider that it retains much of its validity without prejudice to the fact that it requires certain adaptations.

Even in the strictly political area, which we have already considered as more closely related to an organization, the idea of a social engineering project raises doubts and fears. Wanting to change secular institutions without due reflection, without precedent of a calm, quiet and deep social debate, without taking into account the sensibility and convictions of a wide part of the citizens, as well as the spontaneous dynamics of freedom, only because it counts on the parliamentary majority to do so, is a sign of the presumption that often accompanies low intelligence and ideological blindness. Two phenomena that, unfortunately, almost always go together. Politics must respect and favor free social collaboration, without attempting to circumscribe it to the intuitions of the "expert" who holds power. Submitting collective and secular knowledge to the ideas of a political leader, a governor or group of rulers will always imply at least a great impoverishment of social life, and often also a disrespectful or unfair abuse, whatever the intention it responds to. Abusing and impoverishing is precisely what good politics never does.

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